

women's asylum news

refugee women's resource project @ asylumaid

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Afghan mother granted refugee status as country still unsafe for '*women in Afghanistan*' (as social group)

An Afghan mother of three who claimed asylum in May 2002 was granted refugee by the Immigration Appeal Tribunal (UK) in December 2004 on the basis of membership of a particular social group which was found to be '*women in Afghanistan*' and the fact that women in Afghanistan, especially lone women, are still at risk of abuse without adequate judicial redress and protection.¹

The 36 year-old woman, NS, had appealed an initial Home Office negative decision claiming she had been and would be persecuted in Afghanistan by reason of imputed political opinion because her family was viewed as communist. Militiamen from the group Jamiat-e-Islami killed some members of her family and her husband disappeared after they arrested him. She was also raped by a warlord who kept threatening her family after she refused his request to marry her.

In her appeal to the Adjudicator, the appellant also submitted that she was a member of a particular social group of lone Afghan women who have suffered sexual assault, have female children and

¹ Case reference: NS (Afghanistan CG) [2004] UKIAT 00328.

are without social or family protection. Whilst the Adjudicator found that her account was credible, he also found that the ill treatment she received was not for one of the five reasons enumerated in the 1951 Refugee Convention. In addition, it found that whilst there was a real risk that her right to freedom from torture, cruel and inhumane and degrading treatment be breached should she return to live in her home area Takhar (where the abuse took place), she could return to live in Kabul without such a breach.

The appeal to the tribunal was lodged on the basis that requesting a lone woman with two young daughters (her son had not been located at the time of the hearing) to return to Kabul would be unduly harsh; it referred to the test applied by the Court of Appeal in the case of *Robinson - v - SSHD* [1997] Imm AR 554 which, it said, was not correctly applied in this case. The appeal was also lodged on the basis that he Adjudicator had erred in law in finding that the lone Afghan mother was not a member of a particular social group.

The Tribunal found that the Adjudicator had erred in finding that the only reason for the rape of the Appellant was because her rapist found her attractive. The Tribunal said that, also on the basis of this conclusion, the Adjudicator had not applied correctly the principles set out by the House of Lords in *Islam and Shah* [1999] INLR 144. The Tribunal referred to the more recent case of *ZH (Women as a particular social group) Iran CG* [2003] UKIAT 00207 in which the law was reviewed in relation to MPSG. It rejected the submission by the appellant that '*women in Afghanistan*

who are without male family or tribal support' constituted a particular social group because, it said, the fact that the appellant if without male family or tribal support '*are wholly contingent factors*'.

However, based on background evidence in relation to the situation of women in Afghanistan, it considered and indeed found that '*women in Afghanistan*' constituted a particular social group. It then concluded that the Afghan authorities in Takhar, who were the same warlords and militias who attacked her, would not protect her for the reason that she was an unprotected woman, and a woman from a family that they targeted because of its political links which they opposed:

'It cannot be said to be reasonably likely that the rape would have occurred had it not been for the harassment and persecution for the family by reason of its connections to the former communist regime, including the detention of the Appellant's husband, thereby exposing her to further persecutory harm as a woman without effective male or tribal protection' (par. 69).

The Tribunal also found that whilst the appellant had not shown that her fear of persecution was still founded at the date of the hearing, it would be '*unduly harsh*' to require her to go to Kabul city which '*is not to be regarded as an alternative place of safety for her*'. It based its decision on expert country evidence according to which '*the fact that the Appellant is a single woman, without male protection, would expose her to considerable risks including a real risk of serious physical harm from which she would be unable to seek or obtain*

protection' (par. 91). The evidence submitted by the expert stated that *'there is little doubt that the state is unable to protect women'*. The expert also supported the opinion that given the absence of her husband, it was quite plausible that Appellant would be regarded as available for marriage as it is unusual in Afghanistan for an adult woman to live without her husband.

In addition, the Tribunal took into consideration the fact that the Appellant would need not only to protect herself, but also her two young daughters, as well as provide for them in terms of accommodation, food, etc. It found that the mother would not have any recourse to legal protection should she or her daughters be targeted for abuse:

'We find that it is reasonably likely that she would be exposed to further risk to herself in efforts to protect them from sexual and other assaults and harassment, and her efforts to provide for their needs generally. The difficulties that she would face (...) to protect them and herself from serious harm such as sexual assault, and forced marriage, must not be underestimated. (...) We remind ourselves that neither serious sexual assault nor forced marriage have been placed on the statute book as criminal offences and that the Appellant would not even have a mechanism by which to seek redress for herself or her daughters in the event that they or any of them should experience such harm' (par. 96).

Lastly the Tribunal also took into consideration the mental health of the Appellant, which it said, *'increases the difficulties faced by her, on return to*

Kabul, and which renders her less able than a woman who is not recovering from PTSD [Post Traumatic Stress Disorder], to withstand the demands of daily life in Kabul city, in seeking to protect herself and her children.' (par. 97).

related news

UK tribunal gives guidance on claims based on *'sexuality'*

Following on from its recent useful guidance on the application of the Refugee Convention ground *'Particular Social Group'*, the Tribunal has now issued welcome guidance on one of the most difficult of the *'PSG'* categories, - that of *'sexuality'*.

In UKIAT00021 M (Findings on Sexuality) Kenya [2005], the Tribunal adopts as its starting point that *'Particular Social Group'* claims based on sexuality should be treated in the same way as claims based on any of the other Convention Grounds. Importantly, it stresses that *'sexuality'* should not be understood by decision makers as referring only to *'sexual acts'*, but rather must address how applicants choose to express their sexuality in their everyday lives; in essence, how sexuality may actually play an important role in the formation and expression of social relationships and social identity.

Indeed, the Tribunal commented at paragraph 23: *"We are persuaded that a person who can avoid persecution for his homosexuality only by living a lie, that is persistently, and against his will, so organising his affairs that he lives*

furtively and at constant worry of discovery, is being oppressed. Further, depending on the nature of oppression and his response to it, such oppressions could well be so severe that it is persecutory".

This comment is welcome and should help to avoid decision-making in which it is considered legitimate to expect those claiming on the basis of sexuality to impose restrictions on their activities, i.e. to be *'discreet'*, while such restrictions would rarely be considered acceptable to impose on those claiming asylum on other grounds, such as *'political opinion'*.

Hence, the starting point for the assessment of risk on return must be what role the applicant wishes his sexuality to play in his everyday life. Indeed the Tribunal stated at paragraph 26, "*...it is essential in cases of this kind to make very clear findings about what a person will want to do to express his sexuality if returned to the country of which he is a national*". Whilst acknowledging that detailed disclosure of such a private matter may prove difficult for some applicants, both in terms of furnishing their representatives with detailed statements and being subjected to cross-examination at appeal, the Tribunal stressed that, as in all Refugee Claims, it is for the applicant to make out his case. Claims based on sexuality are no exception.

Similarly, the Tribunal was careful to reiterate that, as in all refugee claims, the issue at stake is risk of 'persecution' on return, not merely of 'oppression', and moreover, that oppression must be severe to amount to persecution. Indeed, at paragraph 29, the Tribunal

stated, "*we do not accept that the mere fact that a homosexual will face a degree of social oppression, means that he will be persecuted. Not all oppression amounts to persecution.*"

Hence, Representatives will need to take heed of the guidance issues concerning what information is needed for the applicant to make out their case. Full and detailed witness statements will be required on the very private matter of not just sexual preference but how the applicant chooses to express their sexuality in their daily lives. Uncomfortable as an applicant may find this, far better that they know what is required of them and provide full disclosure in detailed witness statements, than to find themselves unexpectedly subjected to detailed cross-examination in the Court.

Other UK News

Women fear deportation from UK after fleeing gender-related persecution

For nearly five years the Refugee Women's Resource Project at Asylum Aid has endeavoured to raise awareness amongst practitioners and Home Office decision-makers alike on gender-related persecution. But despite the introduction of gender guidance in the Asylum Policy Instructions at the end of March 2004, after years of lobbying, a number of women fleeing such persecution are still denied the protection they sought and should be granted in the UK. In the last few weeks alone, three cases came to our attention through the media.

The first one is that of 33 year-old Oskana Toropova, persecuted by the Turkmen authorities because of her brother's political opposition against the brutal dictatorial regime of Saparmurat Niyazov which has recently attracted press coverage.² Oskana was held for three days in a cell where she was repeatedly beaten, gang-raped and given injections. Like thousands of cases across the world, the authorities targeted her because they could not get to her brother in exile who is writing poetry against the regime. Oskana fled for her life with her son Yura and arrived in Easterhouse, Glasgow before being sent to Dungavel in Lanarkshire. They have now been offered bail on payment of £3,000 whilst their case is pending an appeal (whilst friends and neighbours are trying to raise the funds).

On 2nd February, the Oldham Advertiser reported on the story of a mother from Pakistan who fled her country after her family pledged to kill her because she brought dishonour to the family by marrying a man from a different Islamic sect. A Sunni Muslim, she had married a member of the Shi'ite community after rejecting an arranged marriage to a friend of her father's twice her age. The couple went on the run for two years in Pakistan before fleeing to England. Kiran Azam said her family hired hitmen to kill them and her husband was beaten on

two occasions while gunmen threatened her mother-in-law.

The couple was forced to leave their five-year-old daughter in Pakistan which brought depression in her husband whose whereabouts are currently unknown. The mother, who had been hiding in the UK for three years, was at the time of the publication of the article facing deportation after her asylum claim was rejected, and potentially facing death if returned to her country. Her three year-old son who was born in the UK, had also his life threatened and was also facing deportation. Her legal team at Oldham Law Centre asked the Home Secretary to intervene and let her stay on humanitarian grounds.³

Another example of a woman who was subjected to gender-related persecution, for reasons of imputed political opinion, is that of Edneth Gatora who faces deportation from the UK after the Home Office rejected her story. Edneth fled Zimbabwe after being beaten and held in a camp where she was raped by the camp leader.

Her husband had been a prominent figure in the opposition party MDC youth organisation, and was openly campaigning against Mugabe's ruling party in Zimbabwe. By the time she was abducted to a '*rehabilitation camp*', her family home had been attacked, her husband killed and her 4 year old

² Article circulated by www.asylumpolicy.info, original source: Charles Lavery, 'Asylum: bond £3000 is price of our freedom, Friends help appeal mum and her son' in Sunday Mail, 6 February 2005 at www.sundaymail.co.uk/news. Coverage of Niyazov's regime was provided in *The Observer*, 'The man who would be king', 10 October 2004, at [www. http://observer.guardian.co.uk/magazine/story/0,,1323246,00.html](http://observer.guardian.co.uk/magazine/story/0,,1323246,00.html).

³ In the meantime 1,500 people have signed a petition supporting Kiran's application to stay. If you would like to add your name to the petition visit Oldham Law Centre, First Floor, Archway House, Bridge Street, Oldham. Source: Article circulated by www.asylumpolicy.info, 'Kiran Azam still lives in fear of her life' 2 February 2005 www.oldhamadvertiser.co.uk/news/index/articles/article_id=12617.html.

daughter died later from injuries sustained during the attack. She had reported the incident to the police but the perpetrators were released on bail before a trial was held and she was subsequently persecuted. Whilst held in the camp, her health deteriorated so much that she was taken to hospital from where she escaped. She arrived in the UK in October 2002.⁴

The above-mentioned cases of gender-related persecution are all too familiar for those working with and for women seeking asylum all over the world. In these instances, these women got the support of their friends and attracted media support, and it is hoped the Home Office will eventually provide them with the protection they are entitled to. We are however also concerned for hundreds other cases with non-too dissimilar stories of persecution to tell, only to be denied protection in this country. These are the women in detention, the ones living in isolation in dispersed areas in the UK, the ones without quality legal representation, the ones who even have not come to terms with their ordeal, let alone tell their stories at the first opportunity to the Home Office or their legal representatives.

It is not just women asylum seekers who are denied protection despite having experienced horrific abuse for reasons enumerated in the Refugee Convention. At the end of last year, the Immigration Advisory Service (IAS) presented a

dossier of '*bizarre*' refusal letters to the Home Office. In one of them, the author accuses an asylum seeker of being '*foolhardy*' in opposing Mugabe's Zanu-PF Party that officials acknowledge '*indiscriminately rape, torture & murder people*'. The letter says '*Serious reservations are expressed in relation to the truthfulness of your account. Although their violent actions are not condoned, their motives are understandable in as much as you would have been seen to ridicule them [Zanu-PF], which as the ruling party would not be acceptable.*'⁵

The dossier includes another refusal letter to a Somalian woman which says it was '*incredible*' of the woman not to mention a traumatic gang rape and her resulting injuries. The credibility of her account was questioned and her case refused on this basis, despite Home Office own gender guidance which acknowledges that '*feelings of guilt, shame, and family dishonour*' make discussing rape difficult. Commenting on the dossier, IAS said it noted a decline in the standards of refusal letters. And at least one in five decisions made by the Home Office at initial level is wrong.

It is time the Home Office take a fair view on these cases, follow its own instructions and fulfil its international obligations rather than opting for a blank policy of denying one asylum even in the face of the most blatant violations of one's human rights, for the sake of keeping down the number of asylum seekers.

⁴ Like for Oskana and Kiran, friends are rallying to support her case and prevent her to be returned to a regime that has been blatantly violating human rights abuses with impunity. See online petition at www.unc.org.uk/petition/petition.pdf.

⁵ Source: 'Home Office tells 'foolhardy' asylum seekers: "It's your own fault you've been persecuted"', in *The Sunday Herald*, 26 December 2004 at www.sundayherald.com/46834.

Albanian sex trafficker jailed for 11 years

The 27 year-old gang master, Vullnet Ismailaj from Crouch Hill, North London, made nearly £300,000 by forcing women to be subjected to what amounts to gang rape on a daily basis.⁶ He had trafficked 40 teenagers and women from Lithuania and treated them '*little more than chattels, to be bought and sold for up to £4,000 a time*'. The court heard that within hours of their arrival in Britain, they had to hand over the passports and were driven to brothels and saunas in Soho, London and Birmingham run by fear and exploitation. Ismailaj's criminal activities were uncovered thanks to the courage of one victim who escaped and dialled 999. She had never worked in the sex trade but on her first day in Britain, she was raped by 34 men in Soho for £805 which she had to hand over to the gang master. Another victim, Ismailaj's girlfriend revealed how he controlled the trafficked women with a mixture of threats and affection. He was recommended for deportation, along with two other accomplices sentenced to four years and 18 months respectively.

⁶ Source: Sandra Laville, 'Sex trade gangmaster jailed for 11 years', in *The Guardian*, 23 February 2005, online at: www.guardian.co.uk/crime/article/0,2763,1423171,00.html

related news

HO guidance on trafficking victims held at Oakington whilst Poppy scheme gets further funding

The Home Office has issued new guidance including information and instructions on the processing of victims of trafficking through the Oakington Fast-Track Process. The guidance clearly states that '*it is essential that claimants are dealt with sensitively and in accordance with general Home Office procedures for tackling people trafficking*'. The toolkit is available at: www.crimereduction.co.uk/toolkits.7

In parallel, renewed funding for the now renamed 'Poppy Scheme' (previously Poppy project) has been approved by Ministers up to March 2005. Funded by the Home Office, it is currently the UK's only shelter for women who have been brought to the UK and forced into prostitution. Eaves Housing for Women continues to service the scheme.

UK events & projects

Refugee and asylum-seeking women: challenges, changes, choices

This one-day conference aims to highlight some of the issues specific to female refugees and asylum seekers, to develop delegates' understanding of the challenges facing female refugees and asylum seekers and suggest ways in

⁷ Source: www.ind.homeoffice.gov.uk/ind/en/home/laws_policy/policy_instructions/apis/victims_of_trafficking.html

which mainstream and specialist organisations and agencies can address these issues. The conference includes presentations, seminars and panel discussions. Speakers include: Harriet Harman, QC MP Solicitor General; Heaven Crawley, Director, AMRE Consulting; Helena Kennedy QC and Maeve Sherlock, Chief Executive, Refugee Council.

Date and venue: Wednesday 23 March 2005, 9.30am - 16.30pm at Regent's College, Regent's Park, Inner Circle, London, NW1 4NS. For further information please contact by email marketing@refugeecouncil.org.uk or telephone 020 7820 3049. Or download a brochure and booking form for the conference at:

www.refugeecouncil.org.uk/refugeecouncil/training/conferences.htm.

Free counselling for black and ethnic minority women affected by domestic violence

This counselling organised by the Ashiana project will aim to support with depression, anxiety and post traumatic stress; and with regaining self awareness and confidence and living independently. The sessions will be held at: The Lilith Project, Eaves Housing for Women, 2nd Floor Lincoln House, Kennington Park, 1-3 Brixton Road, London SW9 6DE. For referral contact: Laili Sadr on 020 8539 0427.

Workshop on refugee and asylum seeker issues in Yorkshire and Humber

This conference takes place on February 28th to look at some current issues for refugees and asylum seekers in Yorkshire and Humber region, and at our recent report on the quality of life of asylum seekers in the region - but interested parties from outside the region are welcome. The event takes place in central Sheffield, from 1.00 - 4.30pm. For booking form and details, contact Gary Craig by email at G.Craig@hull.ac.uk or tel. 01482 465780.

Volunteering and Asylum Training days for volunteer managers

This one day training aims to share and encourage good practice in relation to volunteering and asylum; and explore the handbook 'the a-z of volunteering and asylum' published by Volunteering England. The training takes place on the following dates: Wednesday 2 March, Canterbury; Thursday 3 March, Brighton; Wednesday 9 March, Southampton. £45 for low income organisations, £70 for all other agencies Includes refreshments, lunch and a copy of the handbook (normal price £12). Booking forms and information at: www.tandem-uk.com. Phone 0113 268 6222, email volunteering@tandem-uk.com.

Stop the beatings: Suffering in Silence

The aims of this conference is to raise awareness and revisit Domestic Violence within Asian communities and focus on specific implications for Asian women vis-à-vis immigration laws, honour killings, forced marriages and so on. It also aims to engage professionals/lay people from the community, voluntary and statutory sectors working in the field to share information and exchange views on Domestic Violence and look at effective interventions and support strategies. Date: 10 March at Hammersmith Town Hall King Street. For more, contact: Mukesh Solanki/Raj Braich 020 8538 7703, Kamaljit Kaur 020 8400 8509 or Sonja Kapalay 0794 7716561. Fees vary from £20 to £80. Limited free spaces for Asian women's Groups, women activists and volunteers.

Introductory course on counselling refugees October 2005 – July 2006

Are you a refugee or asylum seeker? Would you like to help others? Are you interested in learning about counselling? Would you like to work in the community? Yes? Then this course is for you. The Refugee Therapy Centre is running an introductory course on counselling for people who would like to learn about working with refugees and asylum seekers in the community. This course is free for refugees and asylum seekers. People already volunteering or working in the community will also be welcomed.

The course runs on Friday afternoons from 1.30 -6.00 p.m. between October 2005 – July 2006 and includes a lecture,

a seminar with student presentations, and an experiential discussion group. For more, please contact the course administrator at: The Refugee Therapy Centre, 40 St Johns Way, London N19 3RR. Tel: 0207 272 2565, fax: 0207 281 8647 or email: natalie@refugeetherapy.org.uk.

Asylum Law Clinic - NASS appeal clinic opens weekly from 23rd February

This service is run by The College of Law in conjunction with the United Nations High Commission for Refugees (UNHCR) and is independent of the Home Office or any other state body. It offers free information and guidance for asylum seekers who have been notified that their NASS funding is to be withdrawn. The service is free and confidential and can be accessed on Wednesday, every week from 2pm - 5pm at the Refugee Council, Hurley House, 1 Dewsbury Road, Leeds LS11 5DQ (10 minutes' walk from the train station). Telephone 01904 682 062 to make an appointment.

www.refugeeaccess.info/events.asp?step=2&eventid=337&lang_event=English_events.

UK Release of film recounting courage of man defying Rwandan genocide

'Hotel Rwanda' tells the inspiring story of a real life hero, Paul Rusesabagina who saved more than 1200 people threatened with death on a daily basis by the perpetrators of 1994 genocide and at great personal risk to himself and his family. According to UN figures, an

estimated 250,000 to 500,000 women were raped in the genocide. At least 25,000 women survivors are estimated to have been infected with HIV as a result.⁸

related information

Human Rights Watch 2005 International Film Festival 15-26 March.

For details on programme and venues see: <http://hrw.org/iff/2005/london/>

Also: 'Asylum Undercover - The Real Story?' is a BBC1 programme shown on Wednesday 2 March, at 9pm. Two BBC journalists worked undercover over a three-month period in a detention centre and for a company that escorts asylum seekers and immigrants around the country. The programme reveals *'evidence of racism and a culture of violence towards detainees within the UK's asylum system'*.

A Press Conference organised by the Campaign to Stop Arbitrary Detentions at Yarl's Wood (SADY), the National Coalition of Anti-Deportation Campaigns (NCADC), and the Campaign Against Racism & Fascism (CARF) will be held at the Home Office, Peel Building, 2

⁸ The organisation Survivors Fund launched a campaign in December to raise funds to help HIV positive survivors to get anti-retroviral treatment. In February the organisation was awarded a grant from DfID, the Department for International Development, which will provide such a treatment to 2,500 women. See www.survivors-fund.org.uk/. Amnesty International is campaigning for justice for the victims of the genocide as well as better healthcare for women who survived. See www.amnesty.org.uk/.

Marsham Street, London, SW1P 4DF, on Thursday 3rd March 12.00 noon.⁹

International news

USA: Long standing domestic violent case remains unresolved

At the end of January, Attorney General Ashcroft decided neither to grant nor to deny asylum to Guatemalan woman Roni Alvarado who escaped repeated violence from her husband ten years ago and subsequently sought asylum in the USA (see WAN issues no. 29 and 45). The decision was taken as Ashcroft was stepping down as Attorney General, even though he had said two years before that he would make a final decision on her case. Instead the Homeland Security Department allowed her to remain in the USA but the case will have to be decided by Ashcroft's successor.

The Homeland Security Department declared that even if Rodi were denied asylum, she would not be forcibly removed from the USA. It had been supporting her case and is currently drafting new rules for asylum claims from women who have experienced domestic violence. Whilst the news is welcome, Rodi's lawyer, Karen Musalo, who is also director of the Centre for Gender and Refugee Studies at Hastings College of Law, pointed that her client still cannot be reunited with her children, unlike people recognised as refugees.¹⁰

⁹ Source SADY, NCADC and CARF.

¹⁰ Article circulated by dVasylum_updates@yahoo.com. Original: Mark Sherman, 'Battered Guatemalan Wife Can Stay in U.S.', *Associated Press*, 21 January 2005.

She called the decision to leave her client in limbo '*disgraceful and egregious*'.¹¹

Afghanistan: Women in Nuristan face destitution and mistreatment

'In a situation where there is no aid agency or government properly functioning here, one can imagine that the first victim in a lawless area is a woman'. These are the words of Zulaikha, the only literate woman and health worker in Kamdish and Bargmatal districts, Nuristan, with a population of over 100,000. Women have to travel sometimes up to two days to be able to get medical treatment, in a region that claims one of the highest rates of maternal and child mortality in the country due to a lack of healthcare facilities. According to the health worker who has to walk regularly for hours to visit patients, there is no doctor in the province. She also has to deal with women mistreated by their husbands in a region where ultra conservatism and cultural complexities have proven the tools of violence against women.¹²

Children are also reported to be extensively abused. An article by the Institute for War & Peace Reporting (IWPR) reports the increase in incidents of young boys being kidnapped and

abused by army commanders¹³ whilst another account also by IWPR narrates how poppy growers are forced to surrender their daughters to drug dealers for marriage in the context of the new anti-drug government programme, in order to pay off their debts.¹⁴

UN officials in the Congo accused of sexual exploitation and rape

The accusations come four years after a Nebraska policewoman, working for UN security forces in Bosnia, uncovered prostitution rings and sex crimes involving her fellow employees. Since then UN forces have been marred by widespread evidence of sexual abuse committed by UN peacekeepers in East Timor, Cambodia, Kosovo and West Africa.

According to the Washington Post, '*hundreds of babies fathered by UN personnel have been born to Congolese girls and women*'.¹⁵ One of the accused in the Congo is a UN senior official from France charged with running an internet paedophile ring from his bedroom. The newspaper further reports that '*fifty UN peacekeepers and civilian officers face an estimated 150 charges of sexual exploitation and rape in the Congo alone*.'

¹¹ Bob Egelko, 'Ashcroft will pass asylum case to successor - Abused woman from Guatemala in limbo for years', *San Francisco Chronicle*, January 22, 2005. Also circulated by dVasylum_updates@yahoo.com.

¹² For more details see: Integrated Regional Information Network, 'Afghanistan: Women face misery in Nuristan', at www.irinnews.org/. See also: United Nations Development Programme's first National Human Development report on Afghanistan (21 February 2005), 'Security With a Human Face' at www.undp.org.af/nhdr_download.htm.

¹³ See IWPR's Afghan recovery report, No. 156, January 07, 2005, '*Lives shattered by sexual abuse*'.

¹⁴ IWPR'S Afghan recovery report, No. 155, December 30, 2004, '*Daughters sold to settle debts*'.

¹⁵ Source: Link to article circulated by www.asylumpolicy.info. Original: Michelle Malkin, 'U.N. scandal in the Congo' (commentary) in *The Washington Times* at <http://washingtontimes.com/commentary/20050217-08415202757r.htm>.

The allegations of sexual abuse and rape of women and girls are currently being investigated by the UN's internal watchdog, the UN Office of Internal Oversight. IRIN News service reported the arrest of six Moroccans in the region this month. Following the investigations, the UN has introduced a no-fraternisation policy, banning its peacekeepers (a total of 14,000 men in 48 countries) from having sex with local people.¹⁶

related information

Soldiers sentenced to death for raping and looting in East Congo

A Congolese military court has sentenced twenty soldiers to death for looting in North Kivu, Eastern Congo, during clashes last December. Another soldier was sentenced to 20 years in prison for raping minors while six others received prison sentences of 10 to 20 years for indiscipline. The death sentences, which were said to have symbolic value in showing how seriously commanders viewed such crimes, are likely to be commuted to long prison terms.

Despite the end of the country's five-year war in 2003, the region remains regularly shaken by violence and local people continuously complain of frequent harassment by soldiers.¹⁷

¹⁶ Source: United Nations Integrated Regional Information Network (IRIN), 'DRC: Moroccan UN peacekeepers arrested over sex abuse claims', IRIN-CEA Weekly Round-up 266 for 12-18 February 2005.

¹⁷ Source: IRIN, 'DRC: Prosecute ex-militia leaders, Kinshasa urged', 18 February 2005 at: www.irinnews.org/print.asp?ReportID=45599. See also Reuters, 'Congo soldiers convicted of rape, looting in east', 15 February 2005 at www.alertnet.org/thenews/newsdesk/GRA542216.htm

Algerian women attacked for being labelled '*prostitutes*' get justice

At the beginning of January 2005, about 39 women were given justice after having been attacked, raped, lynched, stabbed with knives and in some cases buried alive by a mob of 300 men of their neighbours in the Saharan city of Hassi Messaoud, Algeria. The attack took place in July 2001 apparently following a sermon given in the local mosque by Islamist imam Amar Taleb.

The women, most of them mothers, were cleaning personnel, secretaries and cooks employed by foreign oil companies. From the North West of Algeria, they had emigrated to the South of the country in order to support their families. According to independent reports by the Algerian press, witnesses said that the Imam accused these women of '*immoral*' behaviour and called on the men in the mosque to a '*jihad against the Evil*' and to '*chase the women fornicators out of the area*', on the ground that since they were living on their own by themselves, i.e. without a '*wali*' or male guardian of the Maliki tradition, they could be considered to be prostitutes.

Over several days in July 2001, their houses were robbed, looted and some were set on fire whilst they were sexually assaulted and/or murdered. Security forces were late to intervene whilst 95 women were attacked in total and others that '*could* [have been] *attacked*' were locked up by the authorities for their own protection. Similar attacks took place in at least four other cities, yet the crimes remain unpunished.

Women Living Under Muslim Laws (WLUML) reports that the first judgement given by the Court in the trial on the events in Hassi Messaoud was so appalling that the prosecutor himself appealed against it. The appeal trial, which started in December 2004, took place in another city in order to prevent local interference. Out of 39 victims, only three women were present in the court.

The appeal court sentenced 20 accused men to 20 years imprisonment in absentia and out of the six accused that were present, three were sentenced to eight years, six years and three years imprisonment respectively, while three others were acquitted.

According to WLUML, the women were given justice thanks to a large national and international mobilisation of women's organisations. See full story by clicking on the following link:
[www.wluml.org/english/actionsfulltxt.shtml?cmd\[156\]=i-156-91098](http://www.wluml.org/english/actionsfulltxt.shtml?cmd[156]=i-156-91098).

Bosnia: Plans to class domestic violence as 'misdemeanour' spark anger

According to the Institute of War and Peace Reporting (IWPR), the authorities in Bosnia are planning to make domestic violence a '*misdemeanour*' offence, alongside with other offences such as parking violations which are only punishable with a fine.¹⁸

Critics such as Fedra Idzakovic of Global Rights, an organisation campaigning for the rights of women who have experienced domestic violence, said that the move clearly indicates that domestic abuse is deemed '*acceptable*' in the country. Domestic violence is reported to be a growing problem in Bosnia, a country still recovering from atrocities committed during the war, as well as lack of social services and high unemployment. Services provided by local support groups are crucial to compensate for the lack of statutory services: there are only five shelters for women escaping domestic violence in the whole country.

Domestic violence is an increasing problem in Bosnia. Whilst police statistics only report 147 incidents in 2002, a recent national survey conducted by the Local Democracy Foundation reveals that 65% of 4,000 women surveyed claimed to have suffered family violence. However, three-quarters of them said they had not reported the incidents. According to Global Rights, an organisation campaigning for the rights of domestic

¹⁸ Source: All information drawn and edited from IWPR Balkan Crisis Report No. 541, '*Bosnia: Lenient treatment of wife-beaters deplored*', 11 February 2005.

violence survivors, *'behind Bosnia's civilised and modern façade, there is a deeply traditional and patriarchal society. Family violence forms an integral part of that reality but it is ignored and not discussed in public'.*

Campaigners said such an attitude is engrained in the police force and the judiciary who are often dismissive: another report by found that prison sentences were rare whilst offenders usually get away with minor fines.

More than a hundred non-governmental organisations rallied to urge the government not to classify domestic violence as *'misdemeanour'* but to no avail. Officials are adamant they will not change the law which, they say, allows Bosnian people to *'distinguish between minor offences, such as slapping someone in the face, and the more serious ones'*. They say other laws could be used for more serious offences. The Family Bill for instance provides for the eviction of abusers from the marital home and denial of access to the family. However campaigners point to the fact that punishments in domestic violence cases remain insignificant. They say that this law will not help change ingrained attitudes on domestic violence in Bosnia.

UNICEF calls again on governments to end FGM

On the eve of the International Day of Zero Tolerance of Female Genital Mutilation, the United Nations Children's Fund Executive Director, Carol Bellamy, said in a message that the practice was a *'violation of the basic rights of women*

and girls'.¹⁹ UNICEF estimates that FGM has affected more than 130 million women and girls in countries ranging from Senegal and Mali to Yemen and Oman, as well as some parts of South East Asia. It is also practiced by immigrant communities in countries in the West. The organization reiterated calls on governments to move swiftly to stop female genital mutilation and cutting (FGM/C) which will also help to achieve two of the Millennium Development Goals (MDGs): improving maternal health and promoting gender equality. The 2002 UN Special Session on Children, endorsed by 69 Heads of State and government and 190 high-level national delegations, set a goal to end female genital mutilation and cutting by 2010.

International events & projects

UN Commission on the Status of Women to review implementation of Beijing Platform for Action

Ten years after the Platform for Action was adopted at the Fourth United Nations (UN) World Conference on Women in September 1995 in Beijing, China, the Commission on the Status of Women will meet on 28 February to review and appraise governments' progress toward implementing it at national levels.

¹⁹ Source: 'UNICEF reiterates call to governments to end female genital mutilation. See: www.un.org/apps/news/story.asp?NewsID=13257&Cr=genital&Cr1=mutilat.

Amnesty International is calling on all governments attending the session to uphold and protect women's human rights. In a report launched at the eve of this occasion, the human rights organisation draws attention to violations of women's human rights in a number of countries and urges governments to take immediate steps to end such abuse and bring the perpetrators to justice. Full report available online at: <http://web.amnesty.org/library/Index/ENGIOR410022005>.

Kenya: launch of project to prevent sexual exploitation and abuse of refugees

In 2003, a number of organisations working with refugees and displaced people developed and signed the '*Kenya Code of Conduct for Humanitarian Workers*' in the wake of reports of sexual abuse in West Africa in 2002 (further abuses have since been uncovered in the Congo too as reported by WAN above).²⁰ The code is a preventative tool which establishes a shared set of high ethical standards of employee conduct to prevent the sexual exploitation and abuse of refugees in Kenya.

In order to support the implementation of the Kenya Code of Conduct, a number of organisations including UN agencies, Jesuit for Refugee Service – Kenya and other NGOs, as well as the Kenyan government, launched a one year project '*Preventing Sexual Exploitation and Abuse (PSEA)*' in February this year. The project is being implemented by organisations working in the Dadaab and Kakuma refugee camps as well as

amongst the refugee population in Nairobi. In addition to prevention, one of the tasks undertaken by the project will be to respond to cases of sexual exploitation and abuse of refugees perpetrated by members of staff of the refugee agencies working in Kenya.

Conference on violence against women in Gulf Cooperation Council states

The conference, held in Manama, Bahrain, was the first to bring together human rights activists from all GCC countries and Yemen to discuss violence and discrimination against women. Organized by Amnesty International the event aims to provide activists, lawmakers and human rights defenders in the region with an opportunity to propose concrete measures to protect women from violence.

About 60 participants from Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, the United Arab Emirates and Yemen, agree that their governments needed to reform existing laws that discriminate against women and introduce and implement laws that offer them safeguards, in order to protect them against violence. They called on the GCC countries to ratify the International Convention to Eliminate all Forms of Discrimination Against Women (CEDAW) or to review their reservations to the treaty for those who already ratified it. They also requested that the GCC set up a regional research centre that would collect systematic statistics and conduct studies on violence and discrimination against women in the region.

²⁰ Source: JRS Dispatches English No. 165

For more see: Amnesty International Press Release, 'Bahrain: GCC governments must wait no longer to tackle violence against women', 10 January 2005, at www.amnesty.org/.

new publications

international

PAKISTAN: Violence against women still a huge problem – reports

Two independent reports on domestic violence against women in Pakistan have found that the country is suffering increasing levels of abuse in spite of legislation to provide women with protection. For more see:

www.alertnet.org/thenews/newsdesk/IRIN/6ccbc110a5cbea0af5e32b2381607abf.htm.

Iraqi women living in fear says new report

Women and girls in Iraq live in fear of violence. The current lack of security has forced many women out of public life and constitutes a major obstacle to the advancement of their rights. Since the 2003 war, armed groups have targeted and killed several female political leaders and women's rights activists. The report '*Iraq: Decades of suffering - Now women deserve better*' (full report available online at <http://amnesty-news.c.topica.com/maadc8caberxece3IxWb/>) documents how women and girls in Iraq have been targeted directly, because they were women, and how they suffered disproportionately through

decades of government repression and armed conflict.

CEDAW committee concerned about women rights in Laos

In their report the UN experts stated that '*the lack of development [in Laos] should not be an excuse for continuation of discrimination against women*'. The Committee denounced discrimination the low level of education, and high infant and mortality rates especially amongst rural women and women from ethnic minorities. It also expressed concerns at the generally low representation of women in the administration and in the judiciary and makes recommendations in that regard.²¹

new publications

UK

Handbook for adult survivors of sexual violence

Rights of Women produced this handbook entitled '*From Report to Court*' jointly with Cathy Halloran from the Child and Woman Abuse, Studies Unit, London Metropolitan University. It provides a guide to criminal proceedings and procedures in relation to sexual violence and deals with pre court, reporting and prosecuting stages. The book includes information on the reporting process, medical issues involved, police procedures, involvement at the court stage, post trial issues, an

²¹ Source: International Federation for Human Rights, '*A UN body expresses concern regarding women rights in Laos*', 15 February 2005, online at: www.fidh.org/article.php3?id_article=2223.

overview of sections 1-4 of the Sexual Offences Act 2003 and details of other support agencies.

The handbook is free of charge. To order a copy, please send an A4 stamped self addressed envelope (71p per copy) to Rights of Women, 52-54 Featherstone Street, London EC1Y 8RT. The book is also available to download at www.rightsofwomen.org.uk/publications.html. Rights of women also recently launched a new sexual violence legal advice line for individual women and women's groups (see WAN 48 for more details) available on Mondays 11am - 1 pm and Tuesdays 10 am and noon. The telephone number is 020 7251 8887 or 020 7490 2562 (text phone).

online resources

international

'Knowing Our Rights: Women, family, laws and customs in the Muslim world'

This publication is designed as a tool for activists engaged in lobbying and advocacy related to women's rights within the family at the policy level as well as in communities. It covers twenty-six topics relevant to marriage and divorce, including the status of children (paternity and adoption) and child custody and guardianship. A user-friendly, cross-comparative analysis of the diversities and commonalities of laws and customs across the Muslim world, it is also the first handbook to attempt to rank laws in Muslim communities in terms of whether they are more or less option-giving for women, analysed from

a rights perspective and the realities of women's lives.²²

Gendercide: From Forced Impregnation to Forced Prostitution, Repatriation in the Balkans

This is the first in a new series of working papers on Forced Migration published by the University of California, San Diego. In this paper (January 2005) Jamie L. Bone describes the impact of rape as a weapon of civil war during the Bosnian conflict and how this increased the vulnerability of many women to further abuse such as trafficking into forced prostitution.

'Rape was an efficient mechanism for executing the plan of ethnic cleansing because (...) in a society which viewed women as the passive recipients of male seed, it was easy to pervert this heritage. The rapists successfully turned both the woman's body and her cultural beliefs against her, creating a profound sense of alienation and loss that might have made the physical separation from her people and country through trafficking seem less undesirable than inevitable.'

The author makes a parallel between the *'shame of having been trafficked into prostitution and shame of women who were raped through random raping, brothers or rape camps. Both are rejected by or fear rejection from their families.'* Pointing out that trafficked

²² Source: WLUML 'news and views' website summary - January 2005. [www.wluml.org/english/pubsfulltxt.shtml?cmd\[87\]=i-87-16766](http://www.wluml.org/english/pubsfulltxt.shtml?cmd[87]=i-87-16766)

victims are rarely recognized as refugees, Jamie L Bone suggests that trafficked women for forced prostitution be recognised as a social group under the 1951 Convention especially as current guidelines on international protection have established that *'forcible or deceptive recruitment of women (...) for the purposes of forced prostitution (...) is a form of gender related violence (...) that can even lead to death.'*

Contrary to what the author suggests in this paper, the UK adopted in 2004 legislation that introduced a new offence of trafficking for exploitation of people: In the Asylum and Immigration (Treatment of Claimants, etc) Act, 2004 The maximum sentence for the offence is 14 years. The Sex Offences Act, 2004 also contains legislation on trafficking into, within and out of the UK for relevant sexual offences and came into force on 1st May 2004. This legislation replaced previous legislation of trafficking for prostitution contained in the Immigration and Asylum Act 2002.

India: Gujarat state fails to protect women from violence

A new report from Amnesty International *'India: Justice, the victim - Gujarat state fails to protect women from violence'* shows that Gujarat officials failed to take any actions to prevent the widespread attacks against the Muslim minority following a planned attack in which a train was set on fire by Muslim three years ago. Over 2,000 people died in the violence in which many state people took part, whilst *'several hundred girls and women were stripped naked, raped or gang-raped, had their wombs slashed*

and were thrown into fires, some while still alive'. AI denounces the lack of action by the central government during and after the violence in Gujarat and calls on steps to be taken to bring justice to the victims.

The full report is available online at <http://amnesty-news.c.topica.com/maac7qsabdGMoce3IxWb/>.

Follow-up report on trafficked children in Central and Eastern Europe

The Joint East West Research is a follow up of the report on receiving countries in Western Europe published in 2001. The focus in the report is on eight Central and Eastern European countries: Albania, Belarus, Czech Republic, Estonia, Moldova, Romania, Russia and Ukraine. Updates were provided on the situation in eight western European countries: Belgium, Finland, France, Germany, Italy, The Netherlands, Norway and United Kingdom.

For download, go to: www.ecpat.nl/ariadne/loader.php/nl/ecpat/Rapporten/Trafficking2.pdf.

Please send any information that you would like to see published in our next edition by 15 March 2005 (see email or postal address on back cover).

online resources

UK

New database of courses for refugee women

The African Refugee Women's Access to Education & Training Project has set up a computer database with details of courses and programmes in London which offer special incentives to women (e.g. help with childcare, travel costs, disabled access) to improve their job-related skills and employment prospects. See

www.refugeewomen.africaeducationaltrust.org for more details.

New online resource for Refugee and overseas qualified health professionals

The newly launched ROSE website, at www.rose.nhs.uk, has been designed to help to provide refugee and overseas doctors, nurses and other healthcare professionals with practical advice and guidance to working in the NHS. The site gives advice on finding a job, registration, local support groups and training opportunities to help healthcare professionals get back into their chosen professions faster.

Database on refugee issues

The Refugee Studies Centre in Oxford has issued a CD-ROM that constitutes a database with information and papers on various refugee issues. The CD-ROM includes the Centre's Working Paper Series, Research Reports, Annual Reports, Forced Migration Online Research Guides and the full back

catalogue of Forced Migration Review, including Spanish and Arabic Editions. To access the database:

www.forcedmigration.org.

Signpost series Films about refugees and asylum seekers

This edition by Jo Pettitt and Esme Peach was first issued July 2004, last updated January 2005. It includes all forms of .forced migration.

www.icar.org.uk/pdf/sign006.pdf.

notice board

Casework vacancies at Asylum Aid

Asylum Aid has vacancies for asylum caseworkers, both on a permanent and/or locum basis. We are seeking people who are able to provide advice and advocacy on asylum cases (up to OISC L2) and who are already accredited or who took their examinations in February.

The salary for a full time caseworker is currently £24,400 (£25,130 from 1 April 2005) and we are happy to consider flexible working arrangements.

For more information and an informal discussion about the role of Caseworkers at Asylum Aid, please contact Maurice Wren or Kahiye Alim on 020 7377 5123 or at mauricew@asylumaid.co.uk.

women's asylum news

Produced by RWRP (for more information on this issue, please contact Sophia Ceneda)
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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)

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- Right to vote at the AGM election
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- Access to member- only section of website
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I would like to become a **FRIEND** of Asylum Aid

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UNWAGED

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- Free subscription to our quarterly newsletter
- Invitations to Asylum Aid events, eg. open evenings

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

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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