

# Women's Asylum News

## Refugee Women's Resource Project

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## New research by Refugee Support highlights the plight of lesbian asylum seekers in the UK

The Research and Consultancy Unit at Refugee Support, the refugee services arm of Metropolitan Support Trust, has launched its most recent research report **Over Not Out: The housing and homelessness issues specific to lesbian, gay, bisexual and transgender asylum seekers**. This groundbreaking research was launched at an event hosted by Baroness Gould at the House of Lords in Westminster on the 12 May 2009.

The research, commissioned to Michael Bell Associates, focused upon accommodation and homelessness issues facing lesbian, gay, bisexual and transgender (LGBT) asylum seekers living in and returning to London. A project steering group consisting of representatives from Refugee Support, the United Kingdom Lesbian and Gay Immigration Group, Amnesty International and Stonewall Housing provided direction throughout the duration of this project.

The research was conducted in three separate phases: phase one involved a desk based literature review; phase two focused on undertaking fieldwork, including: recruiting and training community researchers drawn from LGBT communities and principal refugee ethnic groups; undertaking 40 face-to-face interviews with LGBT asylum seekers, which included nine lesbians. The final phase of the project focused on refining the findings and developing policy

recommendations. Discussions with the steering group and further interviews with 19 stakeholders were undertaken to test and refine the findings.

A sample frame was developed for interviewees which included a larger number of gay and bisexual men than lesbians/bisexual women in order to reflect the greater number of men in the overall refugee and asylum seeking population.

### Key findings from the report:

LGBT asylum seekers in the UK are encountering high levels of homelessness, discrimination and exploitation due to their sexuality or gender identity. Whilst asylum seekers generally face difficulties with poor accommodation and discrimination, the report finds that LGBT asylum seekers not only experience these problems, but their sexuality or gender identity can add significantly to the problems they face adding layers of multiple disadvantage, arguably more acute than for other asylum seekers.

The report found that many lesbians living in shared housing, (either in United Kingdom Border Agency (UKBA) accommodation or in the private sector) feared harassment and abuse from those they live with and relied on their landlords to be sensitive to their needs. This is rarely the case and they are forced to leave their accommodation rendering themselves homeless, placing themselves in vulnerable situations, relying upon friends or 'casual acquaintances' to provide them with a place to sleep. Discrimination was a particular issue as described by a research participant.

***“Whilst living in the NASS/UKBA accommodation I have been called a bloody lesbian by one of the French girls; I just had to live with it. I was harassed all the time because of my sexuality, which is sad really, it was not because of my race because we are all black and the only thing they could pick on was my sexuality.”***

Gambian lesbian 30-44 years old

Respondents described how homophobia could sometimes translate into violence:

***“I was assaulted by one of my flatmates, a Nigerian guy, who found out about my sexuality because he saw me in Soho. When I returned home he tried to rape me along with his friends. I reported it to the police.”***

Nigerian lesbian, 35 years old

***“I was placed in Leeds [in UKBA accommodation] but felt isolated and two guys tried to rape me so I ran away and came back to London. Because I did not report it I was not offered any more accommodation again by NASS.”***

Pakistani lesbian, 30-44 years old

Thus, levels of transience in housing were high with 60 per cent of LGBT asylum seekers surveyed experiencing 'hidden homelessness' and either being forced to 'sofa surf' at friends, partners or casual acquaintances or living in multiple occupation housing. Further, interviewees were often forced to perform unpaid labour and sometimes sexual favours in return for accommodation. The precarious nature of informal living arrangements and the necessity of relying on the whims of others put many respondents in vulnerable positions where refusing labour demands would mean homelessness or destitution.

***“Because I don't have my own place, I am treated like a slave at some of the places I stay. I have to sleep on the kitchen floor and do the washing and cleaning.”***

Pakistani lesbian, 30-44 years old

One of the most salient findings of the research is the multiple vulnerability of lesbian asylum seekers. Unlike other asylum seekers, lesbians are often unable to rely on family and ethnic support networks and must rely on personal relationships and social networks. Many who had disclosed their sexuality to family members had become estranged because of it:

***“My father don’t know. My father used to say before I was out that he don’t want any lesbian in his family. And he has passed away. My two brothers in Jamaica don’t know and my two brothers in the UK know and don’t talk to me because of it.”***

Jamaican lesbian, 30-44 years old

Furthermore the traditional mechanisms of support for refugee and asylum seeking communities are not necessarily receptive to the needs of lesbian, gay, bisexual and transgender asylum seekers. Refugee Community Organisations that traditionally provide the backbone of support for refugee and asylum seeking communities can perpetuate negative attitudes from their home countries to LGBT asylum seekers. Additionally, many of these organisations are often led by men which means that lesbian and transgender asylum seekers would never contemplate accessing this support. Faith based organisations, both Christian and Muslim, may also perpetrate similar attitudes and prejudices regarding sexual orientation and gender identity.

***“I don’t socialise with them because although I am Muslim I don’t embrace them and the Pakistani culture. They look at me scornful.”***

Pakistani lesbian, 30-44 years old

Experiences of detention highlighted additional concerns with respondents experiencing bullying, abuse and harassment by the detainees and detention centre staff due to their sexuality and/ or gender orientation.

***“Yes – Detention Centre Yarlswood and also in Scotland ... When they find out you’re a lesbian people discriminate you and try to take advantage of you and even try to rape you.”***

Nigerian lesbian, 30-44 years old

Sadly, as the report highlights, lesbian asylum seekers are seeking asylum in the UK on the grounds of their sexuality, but many are not able to disclose their sexuality or gender identity and are unable to be fully ‘out’, facing difficulties finding a place of safety away from hostility and homophobic discrimination.

## Recommendations

In seeking to address the problems faced by LGBT asylum seekers, the report made over 30 recommendations that included:

- LGBT voluntary and community organisations need training and funding so they can meet the needs of asylum seekers. Public and charitable funders should provide more support and challenge Refugee Community Organisations (RCO’s) about the accessibility of their organisations to LGBT people.
- UKBA should review and refine the guidance and contractual requirements it imposes on landlords providing accommodation to ensure that LGBT asylum seekers are safe and can live lives free from homophobic or transphobic harassment.
- Third party reporting centres for hate-crime should be encouraged to develop awareness and support programmes for LGBT asylum seekers to ensure that they are aware of their rights to safety and the recourse they have.

The full report and executive summary are available to download from the Refugee Support website: <http://www.refugeesupport.org.uk/researchandconsultancy.html>

For further information or for a hard copy of the report, please contact the Research and Consultancy Manager, Dr Charlotte Keeble:

Email: [charlotte.keeble@mst-online.org.uk](mailto:charlotte.keeble@mst-online.org.uk)

Tel: 020 7501 2214

Many Thanks to Sarah Walker and Dr Charlotte Keeble from the Research and Consultancy Unit at Refugee Support, Metropolitan Support Trust for writing this article.

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## Significant Legal Issues:

### UNHCR Eligibility Guidelines for assessing the international protection needs of asylum-seekers

UNHCR produces these guidelines with regard to areas of particular concern. In April, it updated its reports on Iraq, Eritrea and Sri Lanka. While these reports comment on the factual country situation in a general manner, all three reports comment upon the risk to women and recommend that certain categories be considered for refugee status.

**In Eritrea**, women are at risk of gender persecution due to cultural constraints exacerbated by the treatment of female conscripts. Violence against women, including sexual violence is widespread. The entrenched stigma against unmarried mothers may lead to women being forced into marriage or persecuted. Repeated sexual abuse of female conscripts has resulted in suicide. Those who become pregnant are discharged from the forces and face societal persecution. Abortion is unlawful while marital rape is not. FGM was made unlawful in 2007; it is not yet possible to assess any impact. UNHCR regards women deserters or draft evaders as eligible for international protection as are all women who transgress social and cultural norms as Internal Relocation (also referred to as internal flight alternative (IFA) is not an option.

For full report see: <http://www.unhcr.org/refworld/pdfid/49de06122.pdf>

**Sri Lanka** is seen as creating categories of people at risk that include women. These include Tamils and Sinhalese from the North and East as well as Muslims and those seen as in opposition to either rebels or government. Women are viewed as at particular risk of violence and the risk is greatest in the North and East. Internal Relocation is not possible for North and Eastern Tamils due to linguistic and cultural differences. Muslims have more opportunity in this respect. There is no Internal Relocation for those fleeing persecution from the rebels.

For full report see: <http://www.unhcr.org/refworld/pdfid/49de0b6b2.pdf>

**In Iraq** categories of women are identified as forming particular social groups due to gender persecution on religious and political grounds. Violence against women is a problem, and female-headed households are particularly vulnerable. There is no Internal Relocation available in the classes of women identified by UNHCR due to the on-going violence.

For full report see: <http://www.unhcr.org/refworld/pdfid/49f569cf2.pdf>

## UK Events and Conferences

### ***Finding refuge? Claiming asylum in the UK and financial support throughout the process*** **Rights of Women training in partnership with the Asylum Support Appeals Project (ASAP)**

**24<sup>th</sup> June 9.30-4.30**  
**Kings Cross, London**

This one day course will enable participants to learn about the practical support available to women seeking asylum. This course will enable you to advise women through the asylum process and will provide an essential grounding in asylum law and the way that cases are decided. The course also covers asylum support law including financial support for failed asylum seekers.

### ***Asylum and immigration law: protecting women from violence and securing their position in the UK***

**Rights of Women**

**4th June 10am – 4.30pm, Cardiff**  
**2nd July 10am – 4.30pm, Manchester**

This one day course will illustrate how you can support asylum-seeking women, European Economic Area (EEA) nationals and women with no recourse to public funds to access services. This course will provide an understanding of the law that determines who is entitled to remain in the UK and access financial support, in particular women affected by violence.

Both courses are aimed at first tier organisations and advice givers  
In addition to full training notes and materials all participants for both courses receive a copy of the publication '*Pathways to Justice: BMER women, violence and the law.*'

For further information on both the above Rights of Women courses contact the Training Officer:  
Tel: 020 7251 6575 or email: [training@row.org.uk](mailto:training@row.org.uk)  
[www.rightsofwomen.org.uk](http://www.rightsofwomen.org.uk)

Course Fees: RCO's - Free; Small voluntary sector - £100; Large voluntary sector - £130

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### ***Breaking the Wall of Silence***

### ***Practitioner's Response to the Trafficking of Children and Young People***

**Making Research Count Conference – Universities of Bedfordshire and Kings College  
London in association with NSPCC**

**17<sup>th</sup> June, 10-4pm, The Resource Centre, London, N7**

This one day conference will launch findings from research into practitioner's responses to trafficked children and young people. The two year research project, funded by the NSPCC, reveals the complexities involved in identifying and responding to the needs of children and young people who have been trafficked into and within the UK. The research gives insight into the different ways that practitioners have worked with, and sometimes overcome, these problems whilst maintaining the child's best interest in mind.

Speakers include:

**Alan Campbell**, Parliamentary Under Secretary of State for Crime Reduction

**Jenny Pearce**, Professor of Young People and Public Policy, University of Bedfordshire

**Patricia Hynes**, Senior Research Officer, NSPCC

**Silvie Bovarnick**, Senior Research Officer, NSPCC

**Sarah Field**, Researcher, University of Bedfordshire

**David McDonald**, Home Office Safeguarding Vulnerable Persons Coordinator

**Aarti Kapoor**, Chief Policy Advisor, Child Exploitation and Online Protection Centre

A certain number of places for this seminar are free to staff in organisations that are members of Making Research Count at the University of Bedfordshire or King's College London. For those who are not members, the cost is £150.

For further information contact Cara Senouni, University of Bedfordshire tel: 01582 743085 or email: [cara.senouni@beds.ac.uk](mailto:cara.senouni@beds.ac.uk)

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## Sector Update:

### Counselling available for women asylum seekers/refugees

The Maya Centre has been providing counselling to women on low income, without the opportunity to study at degree level and who have been unable to access counselling before for 25 years in Islington. Since the early 1990's the Maya Centre have offered counselling to asylum seeking and refugee women in their own language including: Arabic, Turkish and Somali. This unique project proved to be very successful and in 2007 the Maya Centre expanded its services with a Comic Relief grant and recruited counsellors with a further three languages: Farsi, Portuguese and Spanish. In 2009 matched funding was secured from the City Parochial Foundation to continue the services. The Maya Centre provides much needed help to women who have come to this country carrying with them the burden of war, unfair dislocation, emotional and physical traumas and very often, an immense sense of displacement as well as loss of identity.

By offering up to a year of free counselling in mother tongue, the Maya Centre is able to work with women in a substantial and meaningful way. The Maya Centre understands women asylum seekers and refugees and the vicissitudes of being a refugee or seeking asylum in a strange country. The advantage for a woman to be seen by someone that can speak her own language gives her a sense of being understood, cared for and the possibility of some closure and settlement.

The Maya Centre specialises in helping women to deal with their emotional problems. It is a weekly space to talk about experiences, past and present and an opportunity to think about how those experiences might be affecting current feelings and anxieties. Asylum seeking and refugee women might also have a series of other welfare difficulties, but with the Maya Centre's continuous work, women have a chance to deal with their emotional distress and they are better equipped to deal with their practical issues too.

The Maya Centre is a pioneer in this much needed work. Counselling in the client's mother tongue opens a channel for communication and growth. It promotes a woman's prospects for integration and a fairer future for her and her descendants in this new phase in their lives. It can change one's life from surviving to living.

For more information about counselling for women refugees at the Maya Centre please call Orit Beck, Counsellor for the Refugee Project: 020 7281 2728 or see: [www.mayacentre.org.uk](http://www.mayacentre.org.uk)

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## UK News:

### Call to protect children trafficked into and around the UK

The UK government needs to urgently address the issues around child trafficking and children disappearing from local authority care homes. Keith Vaz, head of the Home Affairs Select Committee has stated *"Because we are failing to track down the victims of trafficking we are encouraging more to be sent."* Vaz has called upon the government to hold an urgent review on the number of foreign born children missing from local authority care. This announcement comes after recent revelations that 77 Chinese children have gone missing since 2006 from a single care home near Heathrow, only 4 have been found. Vaz stated: *"There is a duty of care to make sure young people are tracked down and safe, and to tackle the problem with the origin countries which we are not doing successfully."*

The Home Affairs Select Committee's report is expected to increase pressure to help tackle child trafficking in and around the UK. Home Secretary Jaqui Smith and Children's Secretary Ed Balls have been asked to report back on the incidents at the Heathrow care home however Keith Vaz stresses: *"It's not just the home near Heathrow airport, although that is the most obvious case... The worry is that it is much more widespread"*.

As the Home Affairs Select Committee was collating evidence it emerged that the Metropolitan police specialist anti trafficking operation was having its budget halved due to recent budget cuts. Also, the Home Office's Child Exploitation and Online Protection Unit revealed no traffickers have been prosecuted for the trafficking of Chinese children. Vaz states: *"More effort is needed to reduce the attractiveness of the UK as a destination country, and more work is needed to - safeguard those children who do make it to the UK and are exploited... We need a consistent approach across all local authority areas and police areas. There is a lack of co-ordination between all the agencies. It is something we heard in open evidence."*

Immigration Minister Phil Woolas said: *"We work with local authorities to ensure the best care for vulnerable children identified by UK Border Agency officers at ports. We have a welfare code of practice [for the agency] on keeping children safe from harm, and our latest bill will make the code law."*

For full article see:

<http://www.guardian.co.uk/world/2009/may/10/child-trafficking-protection-laws>

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### UNHCR Quality Initiative Project (QIP) – Fifth Report to the Minister

UNHCR has a remit of supervision of the Refugee Convention in order to assist the Home Office in the Refugee Status Determination process and the 5<sup>th</sup> Report has now been made public. The QIP represents monitoring of the United Kingdom Border Agency's (UKBA) performance and covers the period February 2007 to March 2008. This article concentrates on the main aspect of the report, Detained Fast track (DFT), as it concerns gender issues.

UNHCR suggested that assessment for initial suitability for DFT was not always correctly achieved due to a lack of clear guidelines as to suitability for being “decided quickly”. This led to the inclusion in DFT of a case raising FGM and sex trafficking.

With regard to the decision-making process, one of several problems identified was that some decision-makers lacked necessary skills and knowledge required in order to identify gender-related aspects of a claim. This was exacerbated by other, more general failings which had a differential impact on women. These included: a failure to appreciate that the role of the initial decision-maker was a neutral one; a failure to apply Convention law; a lack of understanding of how to approach credibility issues and the lack of correct annotation of files to indicate what reasoning may have lain behind the exercise of flexibility criteria (extension of time) or refusal/agreement as regards the removal of an applicant from DFT.

Such failings contributed to errors being made when assessing sufficiency of State protection and the possibility of Internal Relocation in a gender-sensitive manner, reflecting a lack of understanding of the UKBA Asylum Instruction on Gender. For example, where a country of origin information report produced specifically for UKBA indicated that “Pakistani authorities are unable to provide sufficient protection to victims of domestic violence”, decision-makers reached contrary conclusions. In the case of a Kenyan woman who had previously survived through prostitution, there was a failure to consider whether it would be a breach of her human rights to have to revert to such action when accessing Internal Relocation. Decision makers made errors when assessing medical evidence, including: the frequent use of standard wording dismissing its evidential value; a tendency to make medical judgements outside their competence and a tendency to apply too high a test of proof of ill-treatment. UNHCR expressed concern that this placed an “excessively high burden” on applicants. In addition, there was a failure to annotate files as to whether requests that discretion to remove a case or provide more time had been considered. This applied to complex cases and to applications from vulnerable persons. Due to this, UNHCR was unable to assess whether such action had been taken correctly.

Additional guidance on suitability was being drafted by UKBA at the time of the report. To date there has been no detailed comment in response from the Minister as there was to the four previous reports.

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## International News:

### **Afghanistan: Girls’ schools targeted in attack**

A girls’ school in Afghanistan has been targeted in what is believed to be a deliberate gas attack by the Taliban in protest of girls being educated. The Independent newspaper reports that 90 girls were taken to hospital, most aged between 8 and 12 years old. Many were unconscious and vomiting and five students briefly slipped into comas. The attack happened in Kapisa, north east of Kabul and is the third attack at a girls’ school in as many weeks. Similarly, last November men on motorbikes used water pistols to spray acid in girls’ faces as they were walking to school near Kandahar. Over 12 girls and several teachers were affected and one person was so badly disfigured she needed treatment from overseas. For several weeks, families kept their girls at home out of fear, however now most girls have since returned to school.

Education for women and girls was banned under the Taliban and schools were frequently closed or torched. More recently, posters had started to appear in districts close to Kandahar warning local people not to send their daughters to school.

The provincial police chief, Matiullah Safi, states no one saw anything suspicious and *"It looks like something was sprayed in the school but so far no one has been arrested... There's no proof, at the moment, that this was an attack."* The Taliban have denied any involvement.

For full article see:

<http://www.independent.co.uk/news/world/asia/girls-targeted-in-taliban-gas-attack-1684028.html>

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## Angola: Domestic violence

This article discusses the levels and impact of domestic violence in Angola. Although there are no official statistics, a recent survey by the Angolan Women's Organisation (OMA), the women's wing of the country's ruling party, suggest that there are approximately ten attacks a day. It is largely believed that in some areas, including the slums of Angola's capital Luanda, domestic violence is so common it is considered part of a marriage. A preliminary study referred to the US State Department's Human Rights report on Angola, quoted 62% of women living in poor suburbs of Luanda have experienced some form of violence within their home.

Ana Paula Sacramento, vice Minister for Family and the Promotion of Women states: *"For us, the question of domestic violence is a priority, because violence is an evil, which affects all of society. Children who are raised in violent environments turn into adults with traumas and continue to practise violence because for them it is normal."*

On the rare occasions domestic violence reaches a court in Angola, it is prosecuted under rape, assault and battery laws. A bill has been lodged in Parliament for a new law, but it might not be passed until 2012. Katila Pinto de Andrade, a gender expert at a civil society organisation 'Open Society', welcomes the law but says: *"It's not enough just to have a law to punish people. It needs to make sure victims have access to protection. We need shelters, and we need to ensure the perpetrators get psychological assessment."*

Adele Kirsten, executive director of the Centre for the Study of Violence and Reconciliation (CSV), South Africa, believes Angola's high incidence of domestic violence is linked to the legacy of its three decades of civil war, which ended in 2002. She states: *"nearly everyone we spoke to talked about high levels of household violence, and there is also a growing sense of other violence."* The CSV, in conjunction with Luanda-based Canadian NGO Development Workshop, recently produced a draft of the first comprehensive assessment of Angola's post-war reconciliation process for the International Centre for Transitional Justice. This study states *"little has been done with regard to the 'reconstruction of minds' as a result of violence, particularly at the socio-psychological level."* The report refers to an *"amnesia approach"* linked to the decision not to engage in a truth and reconciliation process, leaving unresolved traumas.

Day to day support for victims of domestic violence is largely left to OMA, which runs the country's only 'safe house' which has room for four families at a time. Eulalia Rocha Silva, OMA secretary general in Luanda states: *"We do what we can, but we would like more money from government to be able to help more women."*

For full article see:

<http://www.ipsnews.net/africa/nota.asp?idnews=46672>

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## Cote d'Ivoire: Rape regular occurrence for rural women

For women in northern rural Cote d'Ivoire, the fear of rape is so real it means many do not walk alone. One woman recalls that *"women are attacked even with their babies on their back... the attacker just goes for what he is after and that is that."* Women discuss how attackers often hide in the fields and trees waiting for women to pass. One elderly woman was recently found dead after she had been raped.

In rural communities a woman should report the rape to villagers, who decide on the punishment. Most women however have little confidence that perpetrators are caught or punished accordingly. One woman states: *"nothing happens to the men who do this... That's why they continue to carry out such acts."*

The lack of legal infrastructure in the north also contributes the women's frustration at the lack of justice and escalating sexual violence. Although an official ceremony has been held to mark the redeployment of justice officials to the north of the country, the process is still incomplete. Until legal systems are in place women will continue to be limited and fearful in their work.

For full article see:

<http://www.irinnews.org/Report.aspx?ReportId=83707>

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## Iraq: Women trapped by violence

Amnesty International reports how women in Iraq face systematic discrimination and violence specifically because of their gender. The article highlights two examples where women were killed in Basra in 2008 and no prosecutions have been made. Amnesty states: *women are 'being attacked in the street by men with different political agendas, but who all want to impose veiling, gender segregation and discrimination'*. Islamist armed groups have strict interpretations of how women should behave and use this as a way of justifying attacks on women. Alongside this, women are also at risk of being subjected to violence from family members.

Amnesty criticises current legislation in Iraq and note that six years since the overthrow of Saddam Hussain, violence against women has still not been addressed. For example, the Penal Code states that if a person is convicted of murder but pleads in mitigation the murder was done with *'honourable motives'* they will receive a reduced sentence of six months. The Penal Code also states the *"exercise of a legal right to exemption from criminal liability is permitted for disciplining a wife by her husband..."* In reality this means men are frequently not punished for violence against women and on the rare occasions such violence or even the murder of a woman by a male relative goes to court, the man is likely to receive a lenient sentence. Amnesty calls upon the Iraqi government to amend all legislation that discriminates against women.

For full article see:

<http://www.amnesty.org/en/news-and-updates/feature-stories/trapped-violence-women-iraq-20090420>

The Amnesty International 'Trapped by Violence' information sheet is available at:

<http://www.amnesty.org/en/library/asset/MDE14/005/2009/en/e6cda898-fa16-4944-af74-f3efc0cf6a4d/mde140052009en.pdf>

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## Papua New Guinea: Women tortured and murdered after suspected of being a witch

The government in Papua New Guinea has launched a parliamentary commission inquiry to look at the increase in witch-craft related deaths. Joe Mek Teine, the chairman of the nation's law reform commission has publically declared that witch-craft/sorcery related killing are *"getting out of hand."* Most of the killings are traditionally in the mountainous interiors of the country but this has recently spread to urban centres. No official statistics exist as people are too frightened to report crimes and police rarely have the resources to mount an investigation. Detective Inspector Blacky Koglame believes there are approximately 20 killings a month in the Simbu province alone. Women are predominantly accused of witch-craft and older women, women on their own or women with no extended family to protect them are consequently more likely to be murdered or attacked.

Pastor Jack Urame, one of the country's leading experts on sorcery related killings at the Melanesian Institute believes with-hunts nearly always occur after a death or illness of a community member as *"natural causes for death or illnesses are just not accepted."* After women have been accused they sometimes appear before a 'local kangaroo court' with local tribesmen and village people handing out death sentences. Women are usually tortured before they are killed to make them 'confess' their crimes and force them to name other 'witches'. One leader stated: *"It is part of my culture, my tradition, it's my belief. I see myself as a guardian angel. We feel that we kill on good grounds and we're working for the good of the people in the village."* Mr Urame believes these types of accusations and witch-hunts are also used as a pretext to settle scores or land disputes.

The article highlights the recent murder of two women accused of witch-craft. The women were accused of 'using their powers to bewitch a man' who died in a car accident. The women were attacked and tortured for several hours in front of villagers. 30 members of the women's families have also been chased out of the village.

For full article see:

<http://www.independent.co.uk/news/world/australasia/witch-hunts-murder-and-evil-in-papua-new-guinea-1681072.html>

## Pakistan: Girl flogged by Taliban

The UN Secretary General, Ban Ki-Moon has condemned the flogging of a teenage girl in Pakistan by Taliban militants as *"unacceptable"*. Video footage has been released of a girl who was beaten for supposedly 'having an affair' in the Swat valley in Pakistan. The provincial government agreed to implement Shari'a law and punish the girl in exchange for peace.

Ban Ki-Moon stated: *"while I appreciate all these different systems and traditions in many different countries, the respecting and upholding [of] basic human rights .. is most important"*.

Pakistan's newly reinstated chief justice is currently investigating this case further.

For full article see:

<http://www.unhcr.org/refworld/topic,4565c22547,4565c25f569,49e44337c,0.html>

## New International Publications:

### ***'Hope and Fear – Human Rights in the Kurdistan Region of Iraq'***

**Amnesty International**

**MDE 1/006/2009**

This report examines the levels and patterns of abuse committed by the Kurdistan security forces, especially the *Asayish* in this region of Iraq. Although some positive steps have been made, including the growth of NGOs and civil society organisations, this research illustrates a growing concern regarding human rights abuses and violence against women. The report illustrates how the vast majority of 'honour' crimes and violence against women remain unreported and few perpetrators are brought to justice as police are *"unwilling or unable to respond effectively"*.

Chapter 8 of the report identifies how *"women and girls with restricted life choices are particularly vulnerable to violence....Many are subjected to forced or early marriage. Many women and girls have received little or no school education; they have limited employment opportunities and are not economically independent."* The report also highlights how many women's rights activists receive threats and are targeted for violence from within their community and family. Amnesty International makes specific recommendations to address 'honour' crimes and violence against women including amendments to the law; empowering women; improving protection measures; increasing prosecutions; providing officials with gender training and improving prevention mechanisms.

For full research report see:

<http://www.amnesty.org/en/library/asset/MDE14/006/2009/en/c2e5ae23-b204-4b46-b7f5-06dc1501f62f/mde140062009en.pdf>

### ***Hope for the future? – Asylum claims for women fleeing sexual violence in Guatemala***

**Allison W. Reimann,**

**University of Pennsylvania Law Review, Volume 157, Number 4**

This paper highlights the increasing murder and sexual violence of women in Guatemala, with the murder rates of women nearly twice as much compared to violence against men. Since 2001 over 3800 women have been murdered often following rape or sexual mutilation. The attacks have been named 'femicides' due to the "misogynistic brutality" in which they are carried out. Alongside this, there is an apparent rise in domestic violence and rape of women which has created a *"widespread perception of insecurity"* amongst women. This paper outlines cultural and legal context behind rising levels of violence against women and how this leads to many women seeking asylum in countries such as the United States.

This paper discusses how women's claims are dealt with in the United States including difficulties of the 'particular social group' arguments. Part I of the paper explores the many facets of violence women are subjected to in Guatemala and the shared root causes. Part II of the paper looks at the treatment of gender based asylum claims under United States and international refugee law and notes the contradictions that emerge. Part III argues that concerns that expanding the availability of gender based claims would open the 'asylum floodgates' are unwarranted and unfounded. Finally, the paper concludes that asylum should be granted to women fearing and fleeing sexual violence in Guatemala as they are persecuted on the grounds of their 'particular social group' composed of Guatemalan women.

For full paper see:

<http://www.penumbra.com/issues/pdfs/157-4/Reimann.pdf>

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### ***Refugees Themselves: The asylum claims for children at risk of FGM***

**Melanie A. Conroy**

**Harvard Human Rights Journal, Volume 22 Issue 1**

This paper discusses the legal difficulties parents of children who fear FGM may face accessing refugee protection in America. The paper outlines when a girl is granted international protection for fear of FGM, her parent's asylum claim is "*far less settled*" and decisions are not "*consistently applied*".

The paper highlights some cases of parents of girls granted asylum on the grounds of FGM in America, most notably '*Farah*', '*Konate*' and '*Matter of Dibba*.' It is argued that these cases would now be unsuccessful in America as the "*statute granting derivative asylum only benefits spouses and children of refugees.*" This paper states: "*by blurring the theoretical underpinning of asylum law, judges and commentators are suggesting that no relief is available for individuals who, in reality are refugees within the meaning of the Convention and [Immigration and Nationality Act] INA*". Further arguments regarding how 'parents can satisfy the elements of the refugee definition and can qualify under a Convention ground are discussed in detail.

For full paper see:

<http://www.law.harvard.edu/students/orgs/hrj/iss22-1/109-132.pdf>

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### ***Combating Trafficking in Persons – A Handbook for Parliamentarians***

**UN. GIFT – UN Global Initiative to Fight Human Trafficking**

This report outlines the international legal frameworks to combat the trafficking of persons including regional treaties, international conventions and the role of parliamentarians. The report defines trafficking in persons in national legislation and addresses issues relating to criminalising and penalising all forms of trafficking. The report then discusses recognising trafficked persons as victims entitled to internationally recognised human rights and especially how parliamentarians can do this. Issues around prevention and measures to combat human trafficking are discussed along with monitoring the role of anti-trafficking activities and the role of civil society.

For full reports see:

[http://www.ungift.org/docs/ungift/pdf/humantrafficking/UN\\_Handbook\\_engl\\_core\\_low.pdf](http://www.ungift.org/docs/ungift/pdf/humantrafficking/UN_Handbook_engl_core_low.pdf)

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## *Charter of rights of women seeking asylum*



**Total Endorsements: 139**

**Google Group Membership: 84**

### **Progress Report**

The Charter has been launched in Wales with great success by Oxfam Cymru, the Welsh Refugee Council and Displaced People in Action. Over 80 people attended the launch in March at the Wales Millennium Centre and all hailed it as a great success. Attendees consisted representatives from the refugee and voluntary sector, asylum seekers, members of the Welsh National Assembly and local government officials from various political parties. The evening was punctuated by poignant testimonials from asylum seekers from Iraq, Afghanistan and Zimbabwe. There were also speeches from the Chief Executive of the Welsh Refugee Council, Mike Lewis, the Poverty Programme Coordinator at Oxfam, Alan Bull, and many others highlighting the importance of addressing gender specific issues within the asylum process. This launch represents the direction the Charter will hopefully take as a unifying set of principles that all organisations can view and advocate as their own.

### **Feedback from UKBA**

At a meeting of the National Asylum Stakeholders' Forum, Maurice Wren, Director of Asylum Aid asked Immigration Minister, Phil Woolas, about gender issues in the asylum system. Mr Woolas replied that he recognised that gender was not in the DNA of UKBA. A clear opportunity for us to try to get gender into UKBA's DNA!

### **Other news**

Over the last several months a series of workshops have been held to discuss practical ways in which the ideas in the Charter could be promoted. The workshops aimed to identify what work was in progress relating to women and the asylum determination process such as: welfare issues, detention and removal and any new areas. A range of refugee organisations participated including the Refugee Council, the Refugee Legal Centre, UNHCR, Asylum Support Appeals Project and many others. Using the Charter as a framework, the workshops produced over 50 strategic and operational goals to improve the treatment of women asylum seekers. To see a copy of these goals please email: [charter@asylumaid.org.uk](mailto:charter@asylumaid.org.uk).

This Charter update will appear in Women's Asylum News regularly. If you have any information you wish to share such as progress on women's issues or concerns you have, please contact [Charter@asylumaid.org.uk](mailto:Charter@asylumaid.org.uk)

**If your organisation would like to endorse the Charter or you would like any further information about the Charter, please see [www.asylumaid.org.uk](http://www.asylumaid.org.uk)**

**Donations to Asylum Aid**

Asylum Aid provides free legal advice and representation to asylum-seekers and refugees, and campaigns for their rights. We rely on the generosity of individuals to help us continue our work. Your support would be greatly appreciated. A gift of just £5 each month could support our free legal advice line.

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



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