

# women's asylum news

refugee women's resource project @ asylumaid

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the 4<sup>th</sup> March 2009.

## RWRP case: Trafficking of a minor

This article documents a recent RWRP case.

The case involves a young girl who had been forced to work in the sex industry from the age of 11. The case has been ongoing for a number of years and several complications and errors have occurred. RWRP have now secured humanitarian protection for the girl and this article will discuss the details and process below.

For this article the girl involved will be referred to as 'M.'

## Case details

M is a minor born in Ghana who was orphaned from birth. At age 11 M was taken to Uganda by a man who promised money and new clothes. Shortly after arrival in Uganda, M was raped and forced to work as a domestic help where she continued to be physically and sexually abused until she ran away. M befriended prostitutes and ended up working in the sex industry in Uganda for over a year. During this time, M's pimp promised her that she could go to school abroad and made arrangements for her to have a passport and visa. The age on the passport was 24, therefore M's pimp organised her to dress up and look older. When M arrived in the UK she was immediately given to a group of men who detained and repeatedly sexually assaulted her for weeks. M managed to

escape and for over a year and half lived with different people she met on the streets. M stated with one couple as a babysitter; however, the husband began to sexually abuse her so she left.

### **Arrest and First Application for Asylum**

M was arrested in November 2006 by police in South East London. Directions were set for her removal to Ghana, however as she applied for a visa from Uganda and had a Ugandan passport the removal to Ghana was suspended. M claimed asylum under Ugandan nationality and her asylum application was fast tracked. An asylum organization represented her at her asylum interview however they refused to represent her further and consequently she represented herself at the appeal in Yarl's Wood Detention Centre.

### **Civil Claim and Judicial Review**

On 21<sup>st</sup> December 2006, M was advised that removal would take place on 4<sup>th</sup> January 2007; however removal did not proceed due to an incident between her and the security guards on transit to the airport. A civil claim was pursued against the security guards by her civil liberties lawyers. A judicial review application was lodged on grounds that her removal was unlawful. These lawyers also referred her to The Poppy Project as they believed she had been trafficked into the UK. M was assessed by the Poppy Project in March 2007 and in their view she was a victim of trafficking, an issue not considered by the Immigration Judge in her claim. The Poppy Project referred the case to RWRP.

### **Fresh application for asylum**

RWRP took instructions from M in which she gave details of her background; sexual abuse as a child; working as a child prostitute; sexual abuse in the UK; fear of her pimp in Uganda and her lack of

understanding of the asylum process in the UK. RWRP referred M to a paediatrician for an age assessment who concluded that M was a minor. M was also examined by numerous mental health experts who concluded that she was suffering from a 'complex posttraumatic stress disorder' and they too concluded she was a minor. RWRP submitted the evidence in line with paragraph 353 of the Immigration Rules which states that:

*"when a human rights or asylum claim has been refused or withdrawn or treated as withdrawn under paragraph 333C of these Rules and any appeal relating to that claim is no longer pending, the decision maker will consider any further submissions and, if rejected, will then determine whether they amount to a fresh claim. The submissions will amount to a fresh claim if they are significantly different from the material that has previously been considered."*

Expert reports including psychiatric and psychological reports were gathered and served with the representations for asylum. A fresh claim was submitted in July 2007 and RWRP argued if M was returned to Uganda, she would be at risk of re-trafficking. The human rights arguments centred on her mental health and the risk of attempted suicide; risk of further child prostitution on arrival and her physical and moral integrity. In respect of Ghana, it was also argued that she would be at risk of trafficking. For both countries, RWRP argued that internal relocation was not an option due to her profile as an orphaned, poor, vulnerable, female minor with a mental disorder and no familial support.

Procedurally, RWRP argued that there were a number of [recognised] barriers deterring M from being willing to reveal and report officially the details of her exploitation at the first instance. Although no reports were available at that stage of

her case (notably, she was unrepresented) RWRP argued there was a duty to reasonably assess whether M was a minor. Notably all parties who had interviewed M after her first application stated that her appearance and demeanour provided a strong indication that she was a minor. Furthermore, M had said that she was a child prostitute and the initial decision makers were neither mindful nor sensitive to this issue and failed to give the anxious scrutiny required in such cases. In RWRP's submission, if scrutiny of age and trafficking had been sufficiently assessed a different decision would have been reached about the Fast Track and detention process which could have influenced her asylum application. RWRP concluded that the process was unfair and the findings of the Secretary of State and the Immigration Judge cannot be relied on.

### Delay

After submitting her fresh application to the Home Office in July 2007, the Home Office misplaced her file and did not acknowledge nor respond to any of the representations lodged for over a year until ECPAT UK intervened. M was invited for an interview in August 2008 but the interview was deferred after it was identified that M's file had been misplaced and there was no information on M's case. The interview was re-scheduled for September 2008 and M was informed that a decision would be made as soon as possible. The decision to grant M Humanitarian Protection was finally served in January 2009.

### Grant

According to the decision letter, the Home Office accepted that the representations amounted to a fresh application for asylum and although they refused the refugee protection aspect of the case, they accepted that M had given a credible account and that she would be at risk of

treatment contrary to Article 3 of the European Convention on Human Rights. M was granted humanitarian protection for 5 years leave to remain.

### RWRP Update

#### Asylum Rights Watch

As part of our work on the *Charter of rights of women seeking asylum*, we are collecting evidence of how **women** asylum seekers are treated in relation to:

1. the asylum determination system
2. accommodation, support and healthcare
3. detention and removal

Below are examples of cases we have collected so far.

*"My husband claimed asylum in 2004 and I was a dependant. This claim was refused and an appeal was lodged. Meanwhile, I was suffering domestic violence from my husband. He removed my name from the application without my knowledge. The Home Office did not write to me concerning this. I only knew about this through the probation victims support officer where I was attending some counselling sessions. Anyway I have since made an application in my own right sighting the domestic violence I have suffered for a very long time."*

*"During 11 days in Yarl's Wood detention centre Bedfordshire I didn't eat anything because I was terrified; I have never been in jail in my whole life. Some nurses behave as if I am pretending to be sick. I am shocked by the way I was treated."*

If you have had recent examples of good or bad practice by the UK Border Agency (including regional asylum teams, NASS,

Immigration Removal Centres, enforcement) please go to <http://www.asylumaid.org.uk/pages/asylumrights.html> and complete the survey. Or if you know of someone who has had recent interaction with the UK Border Agency please encourage them to complete the survey.

### Significant Legal Cases

#### **Article 8 of the ECHR– The Right to Family Life**

##### **Two Recent Cases: VW Uganda and AB Somalia<sup>1</sup>**

This decision of the Court of Appeal considers the application of Article 8 of the European Convention on Human Rights. Article 8 requires that, amongst other things, states must respect the family life of all people within their jurisdiction. The two cases that the Court considered were based on different circumstances in which Article 8 was engaged. The crucial finding of the Court was that applicants who rely on Article 8 to prevent their removal from family members or to compel the authorities to allow them to join family members in the UK do not have to show that there are 'insurmountable obstacles' to their family life continuing outside of the UK if their case is to succeed.

The first case related to the proposed removal of a mother to Uganda (VW Uganda). She had come to the UK as an asylum seeker in 2001 aged 17, having been persecuted in her home country as a result of her father's political activity. She had been granted exceptional leave to remain until her 18th birthday but the application to extend her leave, faced extreme delay and then refusal. She

argued that her removal and its affect on her British citizen husband (who was originally from Nigeria) and their 6 year-old daughter (registered as a British citizen by the time of the hearing), would breach their rights under Article 8 ECHR.

The second case related to a Somali woman (AB Somalia) who has six dependent children aged between 7 and 19. Owing to the conflict in Mogadishu they were based illegally in Ethiopia. Previously, the family had lived unlawfully in Kenya. In 2000 whilst the family was in Kenya, the applicant's husband came to the UK and claimed asylum. The claim failed but he was given leave to remain on compassionate grounds until 2005 and eventually granted indefinite leave to remain. Her subsequent application for entry clearance to bring her children with her to the UK to join her husband was refused. She alleged that this decision breached their rights under Article 8 ECHR.

Both cases had been dismissed by the Asylum and Immigration Tribunal. The Tribunal had justified its decisions by holding, amongst other things, that there were no "insurmountable obstacles" that prevented family life from being enjoyed outside the UK and consequently, any interference with family life caused by the decisions was proportionate. In the first case (VW Uganda), the Tribunal considered that there were no such obstacles to prevent the applicant's daughter and husband returning to Uganda to live there. In the second case (AB Somalia), the Tribunal held that there were no insurmountable obstacles for the applicant's husband joining her and her family in Kenya. In so doing, the Tribunal continued its longstanding practice of applying its interpretation of the Court of Appeal's decision in *Mahmood v Secretary of State for the Home Department*.<sup>2</sup> The result was that the applicants were unable

<sup>1</sup> *VW (Uganda) v. Secretary of State for the Home Department*; *AB (Somalia) v. Secretary of State for the Home Department*. [2009] EWCA Civ 5.

<sup>2</sup> [2001] 1 WLR 840

to meet the required high threshold to succeed in their cases.

The Court of Appeal however held that the Tribunal had applied the wrong legal test in assessing whether the removal of the applicant or the refusal to grant entry clearance was proportionate following the House of Lords decision in **EB (Kosovo)**.<sup>3</sup> Lord Justice Sedley held:

*"While it is of course possible that the facts of any one case may disclose an insurmountable obstacle to removal, the inquiry into proportionality is not a search for such an obstacle and does not end with its elimination. It is a balanced judgment of what can reasonably be expected in the light of all the material facts."*

In cases where it is proposed to remove the applicant from the UK, if that removal is disproportionate *"what must be shown is more than a mere hardship or a mere difficulty or mere obstacle. There is a seriousness test which requires the obstacles or difficulties to go beyond matters of choice or inconvenience"*.

When applying this test in the case of VW Uganda, especially regarding the impact the removal of the applicant would have on her child the Court allowed the appeal on the basis that *"in the end there is only one right answer"*. For the case of AB Somalia, the fact that the applicant's husband had voluntarily left his family combined with finding that he could live unlawfully with them in Ethiopia, persuaded the Court to dismiss the appeal.

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<sup>3</sup> Issue 77

### **Chechen Muslim Women - Risk on Return**

#### **OY (Chechen Muslim women) Russia CG [2009] UKAIT 00005**

In this case, the Asylum and Immigration Tribunal provided guidance on how the asylum claims of women from Chechnya who fear return to Russia should be treated. The appellant, referred to as OY to protect her identity, is from Chechnya. She is married to an ethnic Russian. In 1999 she left Chechnya to live with her husband in a Russian town – Kazan – and had the correct and necessary registration to permit her to live there. She subsequently returned to Grozny, in Chechnya, to complete her studies. However, during this time, the Russian army mounted a major offensive against Chechen rebels and Grozny was heavily bombed.

By early 2002, OY managed to leave the area and be reunited with her husband in Kazan. However, the local authorities told her that her registration was no longer valid as she had been away for more than six months. They took a renewed application from OY but did not process it and required that she report monthly to the police. OY was harassed and insulted at each reporting session.

Matters worsened for OY after the Moscow theatre hostage crisis in October 2002. She was detained at the police station for over a fortnight and from there sent to Ingushetia. There she was told to make her own way to Chechnya. Her husband had no idea that this had been done. OY managed to contact her mother and grandmother and stayed with them. Her mother informed her husband that OY was in Chechnya.

OY's husband sold his flat in Kazan and came to fetch OY. He then rented a flat in the town and OY lived there with him –

unlawfully – as she had no papers. As such, OY was unable to leave the flat often. In 2006, they decided to regularise OY's status and employed a lawyer to assist them.

This had the effect of bringing OY to the attention of the authorities. She was taken to a police station where she was threatened and beaten. She was also forced to sign documents without having read them. The police told her that she had confessed to being in possession of and selling drugs outside a school. She was denied access to a lawyer or to her husband. However, her husband paid a large bribe and managed to eventually obtain her release. He sold his business and they left Russia through an agent.

Expert evidence was given in this case by Robert Chenciner, a senior Associate Member of St Anthony's College, Oxford. The Tribunal accepted his evidence that Russia was a racist country and that people from the Caucasus were regarded as "chorny" – a derogatory term meaning "black". Additionally, the attitude to Chechens was one of immense hostility. Kazan was, by Russian standards, an ethnically mixed town with a high rate of inter-marriage. The fact that OY had experienced problems there indicated that she would be highly unlikely to be able to live elsewhere. As the state of relations between the UK and Russia was not at its best, with Russia angry that Chechens (regarded as terrorists by Russia) had been granted refugee status in the UK, there was also a distinct possibility that OY would be subjected to hostility, suspicion and ill-treatment on returning or being returned to that country.

The Tribunal made findings on the risks that would exist for a Chechen woman failed asylum seeker returning to Russia from the UK, either voluntarily or compulsorily on a one-way travel document. It did not make a finding on what the risk would be for a woman

returning on a valid external Russian passport. The Tribunal held that women issued with a one way travel document would be likely to come to the adverse attention of the authorities – either via enquiries made through the Russian Embassy as a result of the re-documentation process or at the point of return. If the individual was considered to be of North Caucasian ethnicity, particularly Chechen, she would be stopped and questioned. Factors that would identify a woman as such would be her name, mode of dress, if she was identified as being Muslim and her accent. The fact that she might be returning with a husband of Russian ethnicity did not reduce the risk. A Chechen woman returning in these circumstances was likely to be stopped and questioned. This would result in a real risk of serious ill-treatment that would constitute persecution on the grounds of race, religion and perceived political opinion or be likely to be a breach of Article 3 rights (prohibition of torture, inhuman or degrading treatment or punishment).

If a Chechen woman was able to pass through immigration control safely, she would have to reside in Chechnya and travelling there would be fraught with similar hazards. Chechen women could not be expected to live in internally displaced persons camps in Ingushetia. While Chechens were expected only to live in Chechnya, OY's husband, being an ethnic Russian who had completed military service, was at risk of serious harm or death in that region, thus the couple could not safely re-locate there. As OY had no internal registration papers, and could not hope to obtain papers to reside lawfully in any other part of Russia, she could not internally relocate.

The Tribunal concluded that OY merited international protection as a refugee and, in addition, her removal would breach her rights under Article 3 European Convention of Human Rights.

### Sector Update

#### Childcare during asylum interviews

Two reports published recently cover childcare during asylum interviews which is a particular concern to women asylum seekers.

The UK Border Agency's *Code of Practice for keeping children safe from harm* came into force on 6<sup>th</sup> January 2009 having been issued under s.21 of the UK Borders Act 2007. During UKBA's consultation on the Code in April 2008 RWRP emphasised that children can be traumatised if they have to attend their parent's asylum interview, and therefore UKBA should provide childcare during asylum interviews. Many other NGOs supported this.

The newly published Code says that the UKBA must act according to a number of principles including that every child does matter, as much if they are subject to immigration control as if they are British citizens. In paragraph 4.2 the Code states:

*"The UK Border Agency will take such actions as are necessary to keep children safe but without unwarranted intrusion or intervention in families' lives. The UK Border Agency will also seek to avoid the undermining or weakening of family relationships that can occur, for instance, by undue or inappropriate questioning of parents in front of their children. UK Border Agency staff must ensure that arrangements are in place so that parents are not required to give an account of personal victimisation or humiliation (in an asylum claim, for instance) if their children are present. Such arrangements might be provision of child-care and supervision through the use of volunteers who have been CRB [Criminal Records Bureau] checked*

*for that purpose, the occasional use of paid or qualified personnel for such purposes, or making arrangements to conduct interviews near to applicants' homes so that they can make their own arrangements."*

This is the first time that UKBA has formally recognised the need for childcare provision during asylum interviews.

The Wales Strategic Migration Partnership has just published its *"Review of Child Care Pilot, UK Border Agency Regional Office, Wales and South West"*. This report details the childcare which has been provided by the Cardiff UKBA office since September 2007. The benefits include shorter interview times, better quality disclosure from asylum applicants, better meeting of asylum casework directorate targets and compliance with the gender duty and with the EU Procedures Directive. The report also provides a summary of perspectives from a range of other organisations.

Both these reports signify important steps towards realising the recommendations in the *Charter of rights of women seeking asylum*. The Charter recommends the UKBA have procedures to enable women to disclose their experiences at asylum interviews more easily including by providing childcare. The campaign for childcare is continuing actively throughout the UK with liaison taking place through the Women's Asylum Charter Google Group.

UKBA Code of Practice is available at: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/consultations/keepingchildrensafe/>

A Review of Child Care Pilot is available on the Women's Asylum Charter Google Group: [http://groups.google.co.uk/group/womens\\_asylum\\_charter?hl=en-GB](http://groups.google.co.uk/group/womens_asylum_charter?hl=en-GB)

### UK Events and Conferences

#### **Stopping Traffick – Implementing the UK's Commitment to Stopping Human Trafficking**

**4<sup>th</sup> March 2009**  
**Central London**

This one day conference aims to bring together key agencies and individuals working to implement the UK government's strategy to eradicate trafficking. The conference will foster multi-agency working, sharing experiences and discussing what more needs to be done to eradicate this form of slavery.

The conference will include presentations, panel discussions and question and answer sessions. Key speakers include: Alan Campbell MP, Crime Reduction Minister; Vera Baird QC MP; Nick Kinsella, The UK Human Trafficking Centre and a representative from The Poppy Project. Panel discussions will also include the following agencies: NSPCC, Anti-Slavery International, London Metropolitan University, Unite and the Children's Legal Centre.

Conference costs: Charities, trade unions and academics - £124 + VAT.

For further information and registration see:

<http://www.connectpa.co.uk/conferences/humantrafficking/>

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#### **Forced Marriage: The New Law Training Course**

#### **Rights of Women**

Manchester **4 March 2009** 2–4.45pm  
Birmingham **11 March 2009** 2–4.45pm

Leeds **18 March 2009** 2–4.45pm  
Cardiff **25 March 2009** 2–4.45pm

This practical course will provide an essential understanding of the new forced marriage civil protection orders and how women and organisations can apply for them.

The course is CPD Accredited by the Law Society and Bar Council

All participants will receive a copy of the Rights of Women report: *'Pathways to Justice: BMER women, violence and the law.'*

For further information and registration details see:  
[http://www.rightsofwomen.org.uk/pdfs/forced\\_marriage\\_new.pdf](http://www.rightsofwomen.org.uk/pdfs/forced_marriage_new.pdf)

Or Tel: 020 7251 6575

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#### **Million Women Rise – March against violence against women**

**7<sup>th</sup> March 2009**

**Meet 12pm Portman Square, London**  
**March route – Oxford Street, Regent Street and Piccadilly**

**Rally and Celebration 2.30-5pm**  
**Waterloo Place**

The Million Women Rise is a coalition of individual women and representatives from the voluntary and community sector who have organised a national demonstration against violence against women. The Million Women Rise believe that every woman and child has a right to live free from violence and that ongoing violence devastates not only the lives of the individuals directly affected but also the communities of which they are apart.



The Coalition has no formal or informal links to any particular or specific feminist or political networks. The Coalition is not partisan and brings together women who want to highlight the continuation of all forms of violence against women and demand that steps are taken to put an end to this.

For further details about the Million Women Rise Coalition and the March in London see:

<http://www.millionwomenrise.com/index.html>

### UK News

#### **Refugee Council launches two reports containing new evidence of rape and sexual violence among refugee women in the UK**

At a conference in London on Thursday 5 February, the Refugee Council published the interim findings of its Vulnerable Women's Project, a project working with vulnerable women who have claimed asylum in the UK. The Project has uncovered some disturbing evidence about what it is to be a refugee woman in the UK, and why women flee and claim asylum here.

The Refugee Council's Vulnerable Women's Project is a three year scheme funded by Comic Relief. The Project works with women who have been the victims of rape and sexual violence in their countries of origin and here in the UK.

In the 21 month period between 1 December 2006, and 31 August 2008, the project supported 153 women. Of these women:

- 76% had been raped, either in their country of origin or the UK

- 76% were experiencing trauma-related psychological distress
- 35% had suffered some form of violence
- 27% had physical injuries
- 22% had been sexually abused
- 20% had gynaecological problems as a result of their experiences.
- 15% had become pregnant as a result of being raped
- 9% had been threatened with rape or sexual abuse while in detention in their country of origin
- 5 % had had a child as a result of being raped

The average age of the women in the project is 34, although some are under 18. The main countries of origin are Sri Lanka, Eritrea, Democratic Republic of Congo, Ivory Coast and Somalia.

The project has accumulated evidence that those women who do manage to flee persecution and seek asylum in the UK are often faced with further hardships, such as destitution, and a system that far too often doesn't recognise their needs. Many women that the Refugee Council has worked with who have experienced severe forms of sexual violence have had their asylum claims refused.

As a result of being refused asylum and living in destitution, the project found that women have become even more vulnerable, resulting in some experiencing further sexual violence in the UK, whether through prostitution or simply lacking a place of safety.

Evidence from the project is documented in a literature review and in a Good Practice Guide that has been written to help people working with refugee women (see UK Research section p.14).

Launching the reports at the conference,

Donna Covey, Chief Executive of the Refugee Council said:

*"We are all aware that rape and sexual violence are commonplace in conflict situations, and our project confirms this. However, what is truly shocking is that women continue to suffer when they come to the UK. They struggle to tell their stories, many have their claims for asylum rejected, and many end up sleeping rough or forced to rely on others. As a result, some women end up experiencing sexual violence here, the place they thought they would be safe, either by entering into sexually abusive relationships to get food and shelter or by ending up in such precarious situations that they are acutely vulnerable to rape and sexual assault.*

*"This is to our shame. We should be doing all we can to protect these women, offer them help and support, and above all a place of safety where they can rebuild their lives. We hope that through our project we will be able to address some of these issues and help others working with vulnerable women to do the same."*

The Refugee Council will be using the evidence contained in the report to influence advocacy with partners over the coming year.

Organisations that are interested in working with the Refugee Council on these issues are invited to contact: Gemma Juma, Head of International and UK Policy at the Refugee Council: – [Gemma.Juma@refugeecouncil.org.uk](mailto:Gemma.Juma@refugeecouncil.org.uk)

For further information on the Vulnerable Women's Project see: [http://www.refugeecouncil.org.uk/policy/position/2009/vulnerable\\_women/](http://www.refugeecouncil.org.uk/policy/position/2009/vulnerable_women/)

For further information on the Refugee Council's two new research reports see New UK Publications p.14

### International News

#### **Papua New Guinea: Violence Against Women**

Human Rights Watch cites growing concerns regarding increasing incidents of violence against women in Papua New Guinea. Research suggests two-thirds of women have experienced domestic violence and 50 per cent of women have experienced forced sex. The Australian Development Agency (AUSAID) also reports violence against women as a key barrier to the country's development.

Several severe cases of violence against women have received international attention and are documented in detail in the article. These cases also illustrate how women are often accused and consequently murdered on suspicion of witchcraft. The article highlights how the accuser of one woman who was brutally killed for 'witchcraft' had previously tried to rape her.

In 2008 in two provinces alone, there were 50 sorcery and witchcraft related killings against women. Officials from the Law Reform Commission believe allegations of sorcery and witchcraft are being used to cover murder.

Human Rights Watch state: *"It is time to unmask the sensationalism from these horrific cases and to treat these cases for what they are: murders that demand thorough police investigation and prosecution."*

For full article see:

<http://www.hrw.org/en/news/2009/01/27/where-violence-against-women-rampant>

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### Pakistan: Acid attacks on women

This article highlights how women continue to experience acid attacks in Pakistan with little support. Shahnaz Bokhari from local NGO the 'Progressive Women's Association' has been working with acid burn victims since 1994 and describes the attacks as *"plain murder."* She believes in Pakistan *"we've just brushed the issue under the carpet."* Shahnaz states the attacks are not accidents: *"Why are only women burnt and why, in a majority of cases, are their genitalia affected?"*

Most cases remain unreported so there are no country-wide statistics illustrating the full extent of the problem and whether acid attacks are increasing. Shahnaz is critical of statistics based solely on reported cases as she has learnt that *"through an unwritten order, hospitals had been asked not to admit burn victims."*

The article describes the situation of two recent victims. One woman had acid thrown over her face and body after refusing to marry a man and another 16 year old girl had acid thrown on her face 'to teach her family a lesson.' Her father stated *"he asked us time and again to marry Saira off and we kept asking him to wait for two years so she could finish her studies. That's all. Just for that he punished her for life."*

For full article see:

<http://www.irinnews.org/Report.aspx?ReportId=82717>

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### Niger: Child marriage

Niger has the world's highest incidence of child marriage. This article discusses how according to the UN, child and forced marriage is now changing from a village tradition into a cross-border business transaction.

Local NGO 'Action Against the Use of Child Workers' (AFETEN) believe this practice, usually associated with the rural south has proliferated into the north and families are 'selling' their daughters to men from neighbouring countries. Moutari Mamane, AFETEN's regional coordinator states *"It's been going on since the 1990s, but recently its been getting a lot worse... Poverty is at the root of the problem, families are worse off now, with the food crisis... These marriages are like sales, trafficking. It's a form of prostitution."*

Agencies in the north have been established specifically to arrange 'child marriages'. Men in neighbouring Nigeria are sent photographs of young girls and if the men are interested in a 'marriage' a 'fixer' will contact the girl's family. Many families are agreeing for their daughters to be married to men who they have never met.

The article also highlights legislative problems relating to child marriage in Niger. The law currently states the legal age for marriage is 15 however local custom dictates that parents can agree to marry their children at any age. The UN believe that *"girls are frequently married off by age 12, with four out of five married before the age of 18."* AFETEN's Mamane states: *"parents don't realise what their daughters can go through in the country she is sent to....all too often, they fall prey to sexual exploitation, violence and all kinds of mistreatment."*

The article highlights the story of Aicha, a 17 year old girl who was married at 15. Aicha has a new born baby and describes her marriage as *"hell. My husband was sex-obsessed and chased after so many women. He hid the fact he already had two wives. Then when I was pregnant, he came back ...to take a fourth wife."*

Health professionals believe early marriage is linked to complications in pregnancy and can result in debilitating gynaecological conditions including fistula. Many young girls in Niger who have fistula are abandoned and socially ostracised.

For full article see:

<http://www.irinnews.org/Report.aspx?ReportId=82419>

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### **Timor–Leste: Addressing Trafficking**

An increasing number of women have been trafficked within and from Timor-Leste however currently no traffickers have been convicted. This article highlights that since Timor-Leste gained independence in 2002, women have been targeted and encouraged to leave their homes for the promise of job opportunities abroad. Francisco Belo, coordinator for the counter-trafficking project of the Alola Foundation, an NGO states: *"We have heard of almost 100 such cases... Especially near the border [with West Timor], traffickers have recruited women to work in Indonesia, Malaysia and other countries in southeast Asia. The families in Timor haven't heard from those women [again]."*

Timor-Leste also experiences large numbers of people trafficked into and around the country, largely to work in the sex industry. Belo believes: *"Timor has become a destination for human traffickers. We have found people from Thailand, Indonesia, China and the Philippines - most of them working in the*

*sex industry and most of them victims of human trafficking."*

Legislation has been introduced in Timor-Leste to make the trafficking of persons a criminal offence. Article 81 of the Immigration and Asylum Act 2003 clarifies the trafficking of minors can result in a jail sentence of 5-12 years. However, the enforcement of this trafficking law has proved extremely difficult. In addition, The 'Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children', which supplements the UN Convention Against Transnational Crime has yet to be ratified.

Heather Komenda from the International Organisation for Migration said: *"The government also has an inter-agency trafficking working group. We support them to develop national action plans. We are happy the government is taking it seriously, but there is still a lot of work to be done."*

For full article see:

<http://www.irinnews.org/Report.aspx?ReportId=82744>

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### **Afghanistan: Women's access to health**

The attitudes of many women's husbands in Paktika Province, Afghanistan are restricting their access to health services and urgent medical attention. This article discusses how some men refuse to let their wives see a male doctor *"even if she dies"* as it goes against 'tradition'. As there are no women doctors in Paktika Province, this leaves most women forbidden from receiving any medical advice from doctors. In addition, strong conservative attitudes place further restrictions on women's access to health information as women have to be escorted by a male relative anywhere outside the home.

The deputy director of Paktika's health department believes the current situation for women *"is a very serious problem."* The restrictions women face is also heightened by having only a few female nurses and midwives across the whole province. The female population in Paktika is 180,000 and many women are dying from preventable illness or forced to endure pain. This also contributes to Afghanistan having the second highest maternal mortality rate in the world. UNICEF statistics state 1 in 8 women die from complications during childbirth. There is however no reliable figures for Paktika Province but local aid workers believe most deaths are the result of preventable and curable diseases.

For full article see:

<http://www.irinnews.org/Report.aspx?ReportId=82638>

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### **South Africa: Fears of child trafficking**

Fears are growing that child trafficking in South Africa is increasing particularly in provinces near the borders of Mozambique and Swaziland. Researchers believe that strangers and sometimes children's relatives are taking children from their homes to work in the sex industry in larger cities.

Vusi Ndukuya who works with trafficked children, believes it is easy and only takes a few days for criminal gangs to organise the trafficking of children across borders. Professor Carol Allias of the University of South Africa has recently published a report raising concerns that the demand for prostitution and child trafficking may increase with the World Cup in 2010.

Currently there is no legislation addressing issues of child trafficking in South Africa and NGOs believe perpetrators get very

light sentences. NGOs are calling for the government to address this issue as a matter of urgency.

For full article see:

<http://news.bbc.co.uk/1/hi/world/africa/7865719.stm>

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### **Iraq: Women's rights**

DR Nadjie Al-Ali, from the School of Oriental and African Studies (SOAS), London, discusses her new book: *'What kind of liberation? – Women and the Occupation of Iraq'* in the Guardian. The book analyses how the Occupation of Iraq since 2003 has affected women. The book is based on interviews with 120 women including NGO workers and women's rights activists who describe the situation as "hyper-patriarchy."

Al-Ali states: *"women [in Iraq] are being killed simply for being women... In Basra in 2008 a reported 133 women were killed for not 'being Islamic' enough. And these are only the ones that made it to be officially counted. I saw the police photos – they were horrific".*

Al-Ali believes women face huge risks in Iraq with increases in abductions, trafficking, sexual violence as well as an upsurge of female suicides and 'honour' killings. Al-Ali also documents the death threats women are receiving for working outside the home and how some women have been killed for pursuing careers. For Al-Ali, these extreme Islamic codes are *"forcing Taliban like conditions on women."*

*'What Kind of Liberation?: Women and the Occupation of Iraq'* by Nadjie Al-Ali and Nicola Pratt is published by University of California Press at £17.95.

To order a copy for £16.95 with free UK p&p go to [guardian.co.uk/bookshop](http://guardian.co.uk/bookshop) or call 0330 333 6846.

For full article see:

<http://www.guardian.co.uk/lifeandstyle/2009/jan/28/iraq-women-rights-us-news>

### New Publications – UK

Two new reports from the Refugee Council (also see UK news p.9)

#### ***Refugee and Asylum Seeking Women Affected by Rape or Sexual Violence: A Literature Review***

##### **The Refugee Council**

This literature review summarises the learning from the Refugee Council Vulnerable Women's Project and situates it within the wider context of what is known about rape and sexual violence. The research provides a summary of evidence relating to the prevalence of sexual violence against refugee women and access to justice in some of the countries from which the Project's clients have fled.

The report discusses the 'Vulnerable Women's Project' alongside women's further exposure to sexual violence and exploitation in the UK and women's access to justice and health care.

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#### ***The Vulnerable Women's Project Good Practice Guide: Assisting Refugee and Asylum Seeking Women affected by Rape or Sexual Violence***

##### **The Refugee Council**

This report discusses The Refugee Council's approach to best practice in caring for women who have been subject to sexual violence, including rape. The guide has been written to assist staff in

RCOs, Refugee Agencies and other welfare and advice organisations that provide services to refugee and asylum seeking women. The report is intended as a tool for staff in rape crisis centres and health service settings who encounter refugee and asylum seeking women who have been raped or exposed to sexual violence.

For copies of both Refugee Council's reports see:

[http://www.refugeecouncil.org.uk/policy/position/2009/vulnerable\\_women/](http://www.refugeecouncil.org.uk/policy/position/2009/vulnerable_women/)

### New Publications – International

#### ***Refugee Protection and Human Trafficking - Selected Legal Reference Materials First Edition***

##### **UNHCR**

Not all people who have been trafficked qualify for international refugee protection under the 1951 Convention Relating to the Status of Refugees and/or its 1967 Protocols. This document acknowledges the complexity of trafficking cases in relation to refugee law and compiles both international and regional protocols.

This report is divided into three parts. Part 1 charts universal instruments and policy relating to human trafficking. This section outlines: international criminal law, international human rights law, international refugee law, international labour law and recent resolutions of the UN General Assembly related to human trafficking. Part 2 explores regional law and policy (Part 2 only available electronically). Regions covered include: the Americas, Asia, Europe, Middle East and Africa. Part 3 lists key references and text relating to human trafficking including UNHCR documents, information for legal practitioners and key websites.

For full report see:

<http://www.unhcr.org/publ/PUBL/4986fd6b2.pdf>

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### ***UNFPA's Strategy and Framework for Action to Addressing Gender Based Violence – 2008-2011***

#### **United Nations Population Fund (UNFPA)**

The UNFPA advocate that violence against women and girls is a human rights violation and public health priority. This report identifies why gender based persecution is a key strategic priority for UNFPA until 2011. The report also explains the UNFPA's position and operational framework and calls for greater accountability and the strengthening of civil society.

The document outlines areas of 'intensified action' including: policy, legal and protection mechanisms, data collection and analysis, focus on sexual and reproductive health and prioritising the most vulnerable and marginalised. The report also clarifies UNFPA's commitment to *"advocate for and contribute technically to ensure that violence against women and girls receives adequate attention and resources throughout standard UN processes."*

For full report see:

[http://www.unfpa.org/webdav/site/global/shared/documents/publications/2009/2009\\_add\\_gen\\_vio.pdf](http://www.unfpa.org/webdav/site/global/shared/documents/publications/2009/2009_add_gen_vio.pdf)

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### ***Female Genital Mutilation of Women in West Africa***

#### **LandInfo – Country of Origin Information Centre**

This publication provides information on Female Genital Mutilation (FGM) including documenting different types of FGM practices, how it is performed and the prevalence across West Africa (referring to Benin, Burkina Faso, Cabo Verde, Cameroon, The Central African Republic, Chad, Côte d'Ivoire, Equatorial Guinea, Gabon, the Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauretania, Niger, Nigeria, São Tomé & Príncipe, Senegal, Sierra Leone and Togo).

The report analyses social attitudes regarding sexuality and reproduction and illustrates how the practice is usually performed on girls from a particular social group. The research charts religious, cultural traditions and social norms associated with FGM as well as highlighting conditions needed to ensure a social rejection of the practice. The report also discusses what protection should be offered to girls from a range of agencies to help protect them from FGM.

For full research report see:

<http://www.unhcr.org/refworld/docid/4980858a0.html>

# women's asylum news

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