

# women's asylum news

refugee women's resource project @ asylumaid

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the 29th February 2008.

## Representing Trafficked Women and Children: An Unreported Nigerian Trafficking Case - *FI (Nigeria)*

Louise Hooper, Immigration Lawyer from Garden Court Chambers, London, discusses how to approach cases of trafficked women and children under the Refugee Convention. Louise outlines below the main difficulties and issues many legal representative face in addressing trafficking under current UK asylum law. Louise makes specific reference to her recent successful unreported case *FI (Nigeria)*.

This article will discuss the principle legal arguments used in *FI (Nigeria)*. The information below is particularly useful for legal practitioners representing women and children who have been trafficked and law students. The article will cover what key legal points were used and how they were interpreted for this case.

In 2007 the Tribunal considered issue of trafficked women in Nigeria to give "country guidance" on the issue and to determine whether women can form a particular social group under the Refugee or Person in Need of International Protection (Qualification) Regulations 2006 (SI 2006 No 2525) ("the Regulations").<sup>1</sup>

After a great deal of preparation, submission of country evidence and the case being listed to enable a Country Expert from Nigeria to give evidence in person, the Home Office conceded the case on the morning of the hearing. The result is there is no updated

<sup>1</sup> Implementing Council Directive 2004/83/EC of 29 April on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted ("the Directive")

country guidance<sup>2</sup> and the accepted facts of that case remain inaccessible to practitioners and cannot be relied on.

This case perhaps highlights one of the problems with the existing country guidance system: if a case is properly prepared and the evidence demonstrates a risk the Home Office will concede. This generally results in a lack of country guidance decision where the Home Office have accepted risk. This acceptance does not translate into a change of policy or practice by the Home Office who continue to rely on older negative decisions.

The case of *FI (Nigeria)* relied upon the following arguments:

### Case details

The appellant was a minor child who had been held in domestic servitude since the death of her parents when she was 10. She was then sold to a trafficker and brought to the UK and raped.

### Relevance of status as a minor child

As a minor child, the appellant was granted discretionary leave to remain in the UK on the grounds of a "lack of reception arrangements in your own country." On that basis, it was argued that protection was not adequate and neither was a real internal relocation alternative appropriate. Both of these arguments were accepted and would have wider applicability in cases involving minor children if, this case was not conceded<sup>3</sup>.

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<sup>2</sup> The only report case on this subject is *JO (internal relocation – no risk of re-trafficking) Nigeria [2004] UKIAT 002* in which the Immigration and Asylum Appeal Tribunal considered a case of a person trafficked from Nigeria to the UK and concluded that there was no evidential basis *in that case* for finding a future risk from traffickers. They further held that although women suffer discrimination it is insufficient to demonstrate a real risk of serious harm, "trafficked women" do not form a particular social because they are defined by the fact of persecution. The combination of legal and social measures of discrimination evidence in Nigeria, it was argued that women in Nigeria formed a PSG however this issue was not conclusive. This case was not "country guidance" and turned very much on its own particular facts, however, it has been misunderstood and applied by Immigration Judges as demonstrating that victims of trafficking from Nigeria will be unable to substantiate a claim to asylum.

<sup>3</sup> As a result neither of these issues has been dealt with in depth in this article please see full skeleton for further information

### Gender as a basis of particular social group (PSG)

The issue that "women" form a particular social group in society was conceded due to the clear findings reached in *K and Fornah*.<sup>4</sup> However, at first instance the Immigration Judge determined that gender could no longer be a ground on which a particular social group could be founded because of the wording of the Regulations. These are drafted slightly differently to the EU Qualification Directive<sup>5</sup> and have led to some confusion. Article 10(1)(d) of the Directive sets out some examples where a PSG will be established and states "Gender related aspects might be considered, without by themselves alone creating a presumption for the applicability of this article." The Regulations are silent as to gender.

It is important to remember that the Directive refers to "minimum standards" i.e. it represents the lowest possible interpretation of the Refugee Convention. More importantly, the sections of both the Directive and the Regulations dealing with social group are non-exhaustive and cannot be read to exclude potential PSGs. To do so in circumstances where the PSG otherwise exists is unlawful.

Establishing a social group within a given society remains 'an imprecise and fact-sensitive term which, depending on the circumstances, can also involve difficult questions of judgement'<sup>6</sup>. The starting point is the society of which the group forms a part (Lord Steyn in *Shah*<sup>7</sup>). In this case the Appellant was "Nigerian, young, poor, orphaned and female". These are not simply disparate features but the perceived identification and characteristics of her group. The following characteristics are

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<sup>4</sup> House of Lords in *Secretary of State for the Home Department v. K and Fornah* UKHL 46 [2006]

<sup>5</sup> Council Directive 2004/83/EC of 29 April 2004 see:

[Hhttp://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:EN:HTML)

<sup>6</sup> *Skenderaj* noted

<sup>7</sup> *Islam v Secretary of State; R v Immigration Appeal Tribunal ex p Shah* [1999] 2 AC 629

derived from the extensive case law<sup>8</sup> relating to social group:

- Common, innate or unchangeable characteristic

The Appellant shared the above characteristics with other young orphaned girls from poor backgrounds in Nigeria. She is unable to change any of the characteristics. Although in time she will grow older, at present such characteristics are immutable.

- Shared characteristic, particularity/cohesiveness to the group.

A social perception exists for the group 'Poor young women' who may be readily identified by their external features, localities and demeanour. The country data shows that many children targeted by traffickers are orphaned.

- Discrimination

The country data shows that there is 'deeply ingrained social discrimination' and limited legal protection for women and girls against violence. There is also systemic economic exploitation of children and low social status accorded to girls.

- Lack of State protection

The group is further established by the lack of State protection accorded to it. Whilst it is acknowledged that Nigeria has taken steps in recent years to combat trafficking those measures have yet to have any practical effect. The expert recognized that there is some political will and an embryonic framework to deal with trafficking. Despite such efforts there has been an escalation in trafficking and in particular of child trafficking. In respect of children in particular there is a clear lack of protection in law and a failure to enforce the inadequate laws that do exist.

In considering trafficking victims from any country under the above framework the most important consideration is the country material. Without evidence properly supporting the assertions a claim will fail<sup>9</sup>.

It is important to remember the social group will exist independently of the persecution. Therefore not all women and/or orphaned girls in Nigeria are or will be persecuted and not all women and/or orphaned girls who suffer harm do so *because of* their membership of the particular social group (women or orphaned girls). It is at this stage of the analysis (the "causation" argument) that the discriminatory provision of protection and/or discriminatory reasons for the persecution of a person within a given social group becomes relevant.

In the context of Nigeria the following were argued to demonstrate causation:

- there is endemic discrimination against women in Nigeria;
- there is discrimination in law against women in Nigeria;
- there is discrimination in the operation of services in Nigeria;
- there is cultural and social discrimination in Nigeria;
- traffickers are more likely to target women for sexual exploitation as there is more demand for female prostitutes than male;
- because of the discrimination prevalent in society a trafficker is likely to believe that there will be no repercussions;
- there is evidence of collusion between the police and immigration authorities with traffickers.

### Risk of persecution on return

A specific difficulty with trafficking cases has been establishing the risk if returned. As the BIA speeds up decision making processes this should become easier in future because the long delays in determination of claims will no longer provide an excuse to state that the circumstances have changed or that the

<sup>8</sup> see eg. *In re B; R (Hoxha) v Special Adjudicator* [2005] 1WLR 1063; *Secretary of State for the Home Department v. K and Fornah* [2006] UKHL 46 (18 October 2006); *Liu v Secretary of State for the Home Department* [2005] 1WLR 2858; *RG (Ethiopia) v Secretary of State for the Home Department* [2006] EWCA Civ 339 *HM Somalia* [2005] UKIAT 00040;

<sup>9</sup> see ATLeP pages on <http://www.ein.org.uk/H> where prepared country information bundles are available

victim is no longer recognisable. Legally, the starting point should be that in the absence of a change of circumstances, the fact that trafficking takes place initially is a strong indicator of future risk<sup>10</sup>. In addition, there is expert consensus that trafficking and re-trafficking is strongly associated with poverty. The UN Committee on Economic, Social and Cultural Rights definition of poverty focuses attention on the outcomes of poverty – that it denies the victim the luxury of choice. It is therefore necessary when representing a client to consider the background of the victim including: any likely change on return, risk of reprisals from traffickers, identification and retribution, sanctions imposed by society and other forms of related harm feared by the victim.

### Conclusion

The successful unreported case of *FI (Nigeria)* demonstrates that Nigerian trafficking cases can be won and the Home Office will concede if sufficient evidence is provided and specific legal points are argued. In addition, this case also reveals the shortcomings of the current Tribunal system and "country guidance".

Many thanks to Louise Hooper for writing this article.

The full skeleton of *FI (Nigeria)* will shortly be available on ATLeP pages of [www.ein.org.uk](http://www.ein.org.uk)

<sup>10</sup> Article 4(4) of the Refugee Qualification Directive, Immigration Rules HC 395 (as amended) at 339J(iii) and 339K

### RWRP news

RWRP are pleased to announce that women asylum seekers in the Detained Fast Track (DFT) asylum process at Yarl's Wood Immigration and Removal Centre now have access to RWRP's '*Are you a woman seeking asylum in the UK?*' leaflets. The leaflets explain the Home Office policy for women (gender guidelines) and outline the asylum process. They are available in 12 languages: English, Amharic, Arabic, Chinese, Farsi, French, Pashto, Somali, Tigrinya, Turkish, Urdu and Vietnamese.

The leaflets and accompanying posters and CD are available in Yarl's Wood induction unit and central library. Induction Officers are also to draw resident's attention to them.

For electronic copies of the '*are you a woman seeking asylum in the UK?*' leaflets see:

[http://www.asylumaid.org.uk/pages/useful\\_resources.html](http://www.asylumaid.org.uk/pages/useful_resources.html)

For further information contact:

Debora Singer: [Deboras@asylumaid.org.uk](mailto:Deboras@asylumaid.org.uk)

### Sector Update

#### **Trafficking: EU Request**

The European Commission has set up the Group of Experts on Trafficking in Human Beings.

The task of the group of experts is to:

- establish cooperation between Member States
- help the Commission, by issuing opinions related to the trafficking in human beings, and ensuring a coherent approach to the subject;
- help the Commission assess the evolution of policy at national, European and international levels;

- assist the Commission in identifying and defining possible relevant measures and actions at European and national level across the range of the anti-trafficking policy.

The Group of Experts shall issue opinions or reports to the Commission at the latter's request or on its own initiative. The Commission is calling for applications with a view to listing candidates to make up the group of experts. The group of experts shall consist of 21 members appointed in a personal capacity who hold or have held a position within a relevant stakeholder listed in the Commission Decision in question.

They are expected to have:

- skills and knowledge appropriate to the areas of activities in preventing and fighting trafficking in human beings in which they might be asked to assist;
- a high level of professional achievement in the anti-trafficking field and must have at least 5 years of relevant work experience;
- an appropriate language skill, including a demonstrable ability to work in English.

For an application form visit:

<http://crin.org/resources/infoDetail.asp?ID=16226&flag=news>

Applications must be sent To:

[JLS-NTITRAFFICKING@ec.europa.eu](mailto:JLS-NTITRAFFICKING@ec.europa.eu)

or post:

European Commission, Directorate-General Justice, Freedom and Security, Unit D2 Secretariat, LX 46 3/131, 1049 BRUSSELS, Belgium.

Final date for submission: **15th February 2008**

For further information contact:

Ms. Enikő FELFÖLDI, telephone +-32-2-29-54933, fax +-32-2-29-67633

E-Mail: [Eniko.FELFOLDI@ec.europa.eu](mailto:Eniko.FELFOLDI@ec.europa.eu)

### **European Convention on Action against Trafficking in Human Being comes into force**

On 1 February 2008, the Council of Europe Convention on Action against Trafficking in Human Beings, the first European treaty in this field, entered into force. This is considered a significant achievement as countries now have a comprehensive treaty. This treaty sets out measures not only to prevent trafficking in human beings but also to prosecute the traffickers and to offer real protection to victims of trafficking and safeguard their human rights.

Council of Europe leaders made statements to welcome the entry into force. Four more member states will enter into force on 1 May 2008. The Convention has also been signed, but not yet ratified by 23 other Council of Europe member states, of which, several are expected to ratify in the coming months.

The Convention is not restricted to Council of European member states; non-member states and the European Community also have the possibility of becoming party to the Convention.

For the Statements by Council of Europe leaders, see:

[https://wcd.coe.int/ViewDoc.jsp?Ref=PR065\(2008\)&Language=lanEnglish&Ver=original&Site=DC&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE](https://wcd.coe.int/ViewDoc.jsp?Ref=PR065(2008)&Language=lanEnglish&Ver=original&Site=DC&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE)

### **Home Office plans: EU Trafficking Conventions and UN Convention of the Rights of the Child**

The Home Secretary Jacqui Smith announced the Home Office's intention to ratify the Council of European Convention against Trafficking by the end of 2008. Jacqui Smith stated that: *"I am announcing my intention to accelerate plans to ratify the Council of Europe Convention against trafficking. We will make the necessary legislative and procedural changes before the end of this year as part of our wider*



*strategy to combat trafficking. Ratification is not and should not be an end in itself. Efforts to rescue victims of trafficking and bring to justice those that exploit them will go on until we ratify and we will continue to try to improve our ability to combat this horrendous crime after we ratify."*

### **UN Convention of the Rights of the Child**

The Home Office also announced an agreement to review the reservation the UK Government placed upon the UN Convention of the Right of the Child (UNCRC). Currently, the UNCRC does not apply to children who are subject to immigration controls in the UK this includes all asylum-seeking children.

For full Home Office press release, see: <http://www.gnn.gov.uk/Content/Detail.asp?ReleaseID=344732&NewsAreaID=2>

### **Home Affairs Committee e-Consultation into Domestic Violence and Forced Marriage**

The Home Affairs Select Committee is holding an e-Consultation as part of its current inquiry into domestic violence. The e-Consultation is particularly targeted to hear the experiences of survivors of domestic violence, including forced marriage and honour-based violence.

Information gathered from the e-Consultation will be used alongside expert evidence to make recommendations to the Government about its policy, services and legislation on domestic violence and forced marriage. Quotes from the e-Consultation will be used to support the Committee's final report and recommendations.

The e-Consultation will run for 6 weeks and will consist of a message board arranged around a small number of discussion topics. Discussion topics will include the prevention and identification of abuse; victims' experiences of support services, including for specific needs (such as LGBT, BME or male

victims); and experience of the criminal justice system (police, courts, prisons and probation).

Participants who access the site will be asked to select an anonymous username and password. To reassure users, they will not be asked for any further registration details to promote absolute anonymity. Participants will then be able to read posts on the site, and reply to or add their own comments.

The e-Consultation will open on **21 January 2008** and run until **29 February 2008** at <http://forums.parliament.uk/dvec>

For further information about the e-Consultation please contact:

Gemma Buckland  
Email: [bucklandg@parliament.uk](mailto:bucklandg@parliament.uk)  
or Lis Bates  
Email: [batese@parliament.uk](mailto:batese@parliament.uk)

The terms of reference for the e-Consultation can be found at: [http://www.parliament.uk/parliamentary\\_committees/home\\_affairs\\_committee/hacpn070726no38.cfm](http://www.parliament.uk/parliamentary_committees/home_affairs_committee/hacpn070726no38.cfm)

## UK News

### **Doctors intend to oppose Government health care plans for failed asylum seekers**

The Independent newspaper reports doctors are threatening a rebellion if expected proposals that will deny failed asylum seekers access to free health care are introduced. In an unprecedented move, 276 GP's have signed a petition opposing the Department of Health and the Home Office policy and have stated they will defy the law if necessary. Medical experts are asking the Government not to go ahead with the "foolish plans." GP's believe that if the policy is implemented it would create huge health risks for asylum seekers, including victims of torture and pregnant women.

Currently, Government policy states that 'failed asylum seekers' have no right to secondary NHS care but can see a GP if agreed by the doctor. The new policy, expected to be introduced shortly, will tighten these restrictions further by removing this discretion. Under the proposed changes, all 'failed asylum seeker's will only have access to free NHS treatment in an 'emergency.'

Dr Frank Arnold, of the Medical Health Network said: "The Hippocratic oath makes no mention of discriminating against groups of people who are the target of public hate campaigns or whom governments find politically inconvenient.

The full doctors' note submitted to the Government is quoted below:

### **The doctors' note**

*The UK Government is imminently considering means to abolish the right of "failed" asylum seekers to primary health care through the National Health Service in Britain. 276 doctors registered to practise in the UK have (so far) signed a petition opposing the policy. The substance of the petition appears below*

*"This would impose serious health risks on [undocumented migrants] and on the general public. It would also interfere with our ability to carry out our duties as doctors. It is not in keeping with the ethics of our profession to refuse to see any person who may be ill, particularly pregnant women with complications, sick children or men crippled by torture. No one would want such a doctor for their GP.*

*We call on the Government to retreat from this foolish proposal, which would prevent doctors from investigating, prescribing for, or referring such patients on the NHS.*

*We pledge that, in the event this regulation comes into effect, we*

*will: (a) continue to see and examine asylum-seekers and to advise them about their health needs, whatever their immigration status; (b) document their diagnoses and required clinical care; (c) with suitable anonymisation and consent, copy this documentation to the responsible ministers, [Members of Parliament] and the press; (d) inform the public of the human costs, to harness popular disgust at what is being ordered by the Government in their name; (e) campaign to speedily reverse these ill-advised policies."*

For full article see:

<http://www.independent.co.uk/news/uk/crime/doctors-rebel-over-plan-to-prevent-treatment-for-failed-asylumseekers-770528.html>

For further information about proposed changes and associated campaign see:

[http://www.medact.org/ref\\_entitlement\\_page.php](http://www.medact.org/ref_entitlement_page.php) or contact: Rosalind Bragg at Medact  
Email: [rosbragg@medact.org](mailto:rosbragg@medact.org)  
or telephone: 020 7324 4727

### **The story of a Somali asylum seeker**

The Guardian weekly reports on the circumstances of a Somali woman who was raped and fled violence in Somalia and arrived in the UK over six years ago. The woman is currently awaiting a decision as to whether she has been granted refugee status. This article tells her story including how she was forced to leave her children, the circumstances in which she arrived in Glasgow and how she discovered she was HIV positive. When her asylum application was rejected she was left destitute with no access to accommodation, work or security. After applying to receive Section 4 support she was re-housed. However, as the only refugee in the block of flats she was targeted for racial harassment and her flat was firebombed twice. Despite living in constant fear and reporting the issues to the police, it was a year until she was re-housed. Now,

after living in Glasgow for six years she has established a close support network and feels more stable in her surroundings. She also volunteers regularly to help support newly arrived refugees settle in Glasgow. The UK government do recognised that it is too dangerous to return people from the UK to Somalia, however it is still unclear when this case will be resolved and whether she will receive refugee status and be allowed to work.

For full article see:

<http://www.guardianweekly.co.uk/?page=editorial&id=478&catID=6>

### **Nigerian mother on hunger strike in Yarl's Wood**

A mother of six children is on hunger strike in Yarl's Wood detention centre in protest over her and her children's impending removal. She states: "It's my own personal protest. I am so tired. I do not understand why they are keeping us here". The family fear if returned to Nigeria they would be subjected to further "abuse, cruel treatments and death threats". The family claimed asylum in the UK in 2003 and have been living in Plymouth. The mother is also concerned about the health of one of her children who suffers from sickle cell anaemia. If returned, she believes they will not be able to afford medical treatment and his health will deteriorate. Students of the local college where her son attended have petitioned the local MPs and the Home Office.

The Home Office released a statement saying: "We only remove people whose asylum claims have been dismissed by an independent judge. We always ask illegal immigrants to leave the UK voluntarily, however if they do not it becomes necessary to enforce their departure and this can include a stay in detention. Families with children are detained only where this is absolutely necessary for as short a period as possible."

For full article see:

<http://news.bbc.co.uk/1/hi/england/devon/7205268.stm>

## UK conferences & courses

### **Barnardo's conference**

#### **Hidden Children, Blatant Crime: Identifying trafficked children**

20<sup>th</sup> February 2008

Pall Mall, London

This conference is aimed at children's services professionals, law enforcement agencies and policymakers to help provide essential strategies for identifying trafficked children.

Key speakers include representatives from: Ecpat UK; NSPCC (National Child Trafficking Advice and Information Line); The Unaccompanied Minors Team (London Borough of Haringey); The Home Office; UK Human Trafficking Centre and the Metropolitan Police

The conference costs:

£195+VAT (voluntary sector)

£295+ VAT (local authorities and public sector agencies)

For further information see:

[http://www.barnardos.org.uk/conferences?utm\\_source=society&utm\\_medium=email&utm\\_campaign=childtrafficking](http://www.barnardos.org.uk/conferences?utm_source=society&utm_medium=email&utm_campaign=childtrafficking)

or telephone: 020 7839 1233

### **Advanced Domestic Violence Awareness Course**

11<sup>th</sup> or 26<sup>th</sup> February 2008, London

This one-day training course is aimed at professionals working in the field of domestic violence especially front line staff in voluntary and statutory agencies.

The course covers:

- an advanced understanding of domestic violence including possible indicators and good practice when working with perpetrators
- an appreciation of some wider issues including forced marriage and honour killing



- how Islington's Independent Domestic Violence Advocacy Service and the Multi-Agency Risk Assessment Conference work
- how to encourage disclosure, assess risk and work with clients to draw up an action plan.

The course costs £30 per person

For further information and booking please contact Kim Robb

Telephone: 0207 527 3431 Fax: 0207 527

3098 or email: [dvpt@islington.gov.uk](mailto:dvpt@islington.gov.uk)

or visit:

[http://www.islington.gov.uk/Community/SafetyAndThePolice/Domestic\\_Violence/PeopleWorking/training.asp](http://www.islington.gov.uk/Community/SafetyAndThePolice/Domestic_Violence/PeopleWorking/training.asp)

### International News

#### **Kenya: Sexual violence amid conflict**

IRIN report sexual violence in Kenya has increased since the disputed Presidential elections in December 2007. The surge in sexual violence has led the government and health organisations to explore ways to treat women, as well as looking at prevention and protection strategies. Lucy Liama, Chief nurse at Nairobi Women's Hospital stated that "in the first two days of violence, 56 people were treated for rape, there are so many other victims back in the slums who have not received any medical attention."

The UN have estimated approximately 250,000 people have been displaced as a result of the violence. Health workers have expressed concern that women and children are at high risk of being sexually abused and assaulted as camps are poorly protected. Jeanne Ward, a gender-based violence consultant argues for more protective measures such as better lighting and separate latrines for men and women in camps. She states "these sexual attacks may be crimes of opportunism, where people take advantage of the breakdown of normal protection mechanisms to rape, or in the cases where the war pits one group against another, such as ethnic violence, the rapes may be targeted at one particular group of

women and girls." Jane Onvango, executive director of the Federation of Women Lawyers in Kenya calls for a greater understanding of gender issues within the current crisis. She states "the legal process is hard as it is often difficult for most women to identify their abusers. There is a need for greater collaboration among institutions dealing with women's issues".

For full article see:

<http://www.irinnews.org/Report.aspx?ReportId=76247>

#### **DRC: Rape and sexual violence continue**

Aid workers report that rape and sexual violence against women in north-eastern DRC continue, despite recent disarmament of military activities. Worryingly, many male perpetrators of rape are HIV positive and believe that raping a young girl will cure their illness. Local custom also allows perpetrators to re-compensate the victim's family by paying for a goat as opposed to facing prosecution. Alongside the high statistics of recorded rape, Marie-Louise Uronya, head of the Office for Gender, Family and Children in Ituri, said "Many have been raped but fear reporting it due to shame, fear of reprisals or rejection by society, among other reasons."

Francine Mangaza, an Officer with the UN Children's Fund (UNICEF) in the district of Ituri, said "It does not stop; we think that the same rapists of yesterday who were released from the armed groups into the community are still carrying on with the habit." The perpetrators are believed to be the military, the police, civilians, ex combatants and children. Local judges report that there is an intensity of violence in the new crimes. For example, one recent case involved 30 women and children being systematically raped and buried in a mass grave.

The article outlines what happened to a 18-year-old woman, who was raped by soldiers in March 2007. She states that:

*"At about two o'clock in the morning my husband heard someone pushing the door.*

*We thought they were bandits. They continued to push the door and we also started to push the door from the inside. My husband opened the door holding a knife, but the attacker had a gun. He told my husband that was going to be the last day of his life and shot him in the neck. My husband fell and died on the spot. We called out for help from our neighbours but they did not come. When my husband fell, I opened the door and saw a FARDC [DRC army] soldier with a rifle and wearing army uniform. He told me he was going to kill me if I refused to sleep with him. He raped me, then asked me for food. My lower abdomen is painful; I am worried because my husband had money but this was looted. I was left a widow."*

For full article see:

<http://www.irinnews.org/Report.aspx?ReportId=76338>

### **Somalia: Women without clan protection are vulnerable to rape**

The town of Galkayo in Somalia has become a place of refuge for many families fleeing violence. This article outlines how in Somali society, the power and protection of a clan is important and for many, is the only guarantee of safety. Women's enews report that women and girls who become separated from their clans are vulnerable to rape, physical abuse, violence and robbery. One woman states "I don't think they would have raped me if I were Majertan," referring to one of the most powerful sub-clans in Galkayo.

In 2007, the United Nations together with local organisations conducted a survey to assess the extent of the problem. Hawa Aden, chair of the Galkayo Education Center for Peace and Development, concludes: "Rape is rampant. We have been saying this for quite some time...the more people come, the more it happens. And not only the rape; it is the camps themselves that are dangerous."

Women's enews covers the story of a woman whose eight-year-old daughter was raped. Although the rape together with robbery was

reported to the police, the man had influential relatives and under pressure, the case was dropped. The man who raped the young girl is a neighbour to the family and the mother states "when I see him, I cry". Similarly a husband recalls how a gang of men raped his wife: "I saw and I could not say anything because I would have been killed. You can't try to fight with them with sticks. Unfortunately they have guns. Our wives are being used by them."

For full article see:

<http://www.womensenews.org/article.cfm/dyn/aid/3464/context/cover/>

### **Nepal: Child sexual abuse rising**

IRIN report that child sexual abuse and molestation of schoolgirls by their teachers appears to be increasing. This article highlights the circumstances for many girls at school who experience child abuse but feel unable to either report it or after reporting it, are unable to legally prove the attack. In 2006, research produced by UNICEF and local NGO, Child Workers in Nepal (CWIN) suggested that 18 per cent of 4000 children interviewed stated they had experienced severe sexual abuse including rape. Madhav Pradhan from CWIN states: "The situation of child sexual abuse is alarming and strong measures have to be taken to protect the children at risk of being sexually abused." Currently the penalty for rape in Nepal is a prison sentence of up to 11 years, however this is only if the crime is proven within 35 days. Many victims of child abuse, rape and molestation take a lengthier time to disclose due to fear and trauma. Child rights activists believe that if the government fail to address this issue then child abuse will continue to rise.

For full article see:

<http://www.irinnews.org/Report.aspx?ReportId=76342>

For *Violence against children in Nepal: No more suffering (2006)*

research report see:

[http://www.un.org.np/reports/UNICEF/2006/2006-4-5-ViolenceAgainstChildrenInNepal-ReportSeries\\_1-uptated.pdf](http://www.un.org.np/reports/UNICEF/2006/2006-4-5-ViolenceAgainstChildrenInNepal-ReportSeries_1-uptated.pdf)

### **Zimbabwe: Women's struggle for HIV treatment**

IRIN report that many women who are HIV positive in rural Zimbabwe are finding it increasingly difficult to access any antiretroviral drugs (ARVs). Research by the Zimbabwe Women's Resource Centre Network suggests that the majority of women who are HIV positive live in rural areas, where income is lower and do not have sufficient cash to access treatment. Alongside the rising costs of medication, rural women have additional transportation costs, often travelling long distances to access a health centre. This leaves many women choosing herbal remedies as their only viable treatment.

The World Health Organisation states there is a huge disparity in Zimbabwe between the number of people accessing ARV's and the number of people who need it. They state approximately only 91,000 people are accessing ARVs in comparison to 321,000 people who should be. In addition, they report only one in four pharmacies have any essential medication available.

Alongside issue of access to medication and finances, women face additional difficulties. Many rural communities view HIV positive women as 'shameful' and a burden to the family. Consequently, many HIV positive women are often abandoned and evicted by their husbands. Local NGOs also report that some women are too fearful of their husbands to reveal their HIV status and medication needs.

Betty Makoni, director of the Girl Child Network (GCN) and chairperson of Ray of Hope, states: "there is much need for social structures to impart information to poor rural women and girls, so that they know their rights as far as getting tested and counselled, how to get treatment and the best way to deal with husbands and partners who insist on unprotected sex,"

For full article see:

<http://www.irinnews.org/Report.aspx?ReportId=76250>

### **Tajikistan: Pressure for domestic violence law**

Women's Rights groups in Tajikistan are lobbying the Government to introduce legislation to protect women and families from domestic violence. Currently, in Tajikistan there is no legal concept that 'violence in the family' exists. Campaigners believe this creates a culture of impunity for perpetrators and leaves women with no support or recognition of their circumstances. Recently, Tajikistan has seen many notable cases of female suicides that have been attributed to domestic violence, placing further pressure on the Government to acknowledge the issue and implement a proposed Bill.

Munira Odinaeva, a doctor at a Crisis Centre and a hospital's burns unit states "there are women here who have been driven to despair by their husbands and by their husbands' relatives." Odinaeva, believes self-immolation is very common because this form of suicide is considered less sinful amongst Muslims and fuel is very accessible.

Local and international NGOs are campaigning for the urgent adoption of the Bill as it will help the country fulfil its obligations under the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the international Covenant on Civil and Political Rights (ICCPR), of which Tajikistan is a signatory to both.

For full article see:

[http://wluml.org/english/newsfulltxt.shtml?cmd\[157\]=x-157-559840](http://wluml.org/english/newsfulltxt.shtml?cmd[157]=x-157-559840)

### **Jordan: Abuse of domestic workers leads to ban**

Widespread claims of abuse and exploitation of domestic workers have led the Philippine government to ban its citizens from applying for work visas in Jordan. The restrictions apply to new visas and not existing work visas. According to the Philippine embassy in Amman, Jordan, 150 Filipino workers, mostly women, have taken refuge from abusive employers over crimes of rape, physical abuse and non-payment.

Discussions are underway between the Philippine embassy and Jordanian Government to resolve this issue.

For full article see:

[http://news.bbc.co.uk/1/hi/world/middle\\_east/7207094.stm](http://news.bbc.co.uk/1/hi/world/middle_east/7207094.stm)

### International Conferences

**The Vienna Forum to Fight Human Trafficking**  
**UN.GIFT**  
**13 - 15 February 2008**  
**Vienna, Austria**

The United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) aims to mobilise state and non-state players to eradicate human trafficking.

The Vienna Forum aims to raise awareness and facilitate cooperation and partnerships among various stakeholders. The Forum will address the following key issues:

- Vulnerability: why does human trafficking happen;
- Impact: human and social consequences of human trafficking;
- Action: innovative approaches to solving complex problems.

Attendees will include representatives from Member States, UN agencies, academics, NGOs and other civil society representatives. The Forum will include plenary sessions, panel discussions and workshops.

For further information and applicability of UN.GIFT funding criteria contact:

United Nations Global Initiative to Fight Human Trafficking, c/o United Nations Office on Drugs and Crime,  
PO Box 500, 1400 Vienna, Austria  
Telephone: (+43-1) 26060-0

Or visit:

<http://www.crin.org/resources/infoDetail.asp?ID=15850>

### New Publications – International

**Sudan - Displaced in Darfur: A Generation of Anger**

**Amnesty International**  
**January 2008,**  
**AI Index: AFR54/001/2008**

This research covers the current insecurity for internally displaced people (IDP) in IDP camps. The report concludes that security in and around the camps is volatile as hope diminishes and anger and frustration intensifies.

One chapter of the report is *'the ever present danger of rape'* for women. The section outlines how women were raped on an 'unprecedented scale' during 2003 as the "Janjawid militias used rape as a weapon to humiliate and punish those they attacked, often carrying out these assaults in public and carrying off some women to militia camps to live for months in sexual slavery." The research reveals that since 2003, women in IDP camps are still at high risk of rape especially if they leave the camp to collect firewood or food. The research states most women do not report rape, as they know the perpetrators will not be arrested. In addition, many women are aware of cases where women have reported rape and have subsequently been arrested for adultery.

For full research report see:

[http://www.amnesty.org/en/alfresco\\_asset/f2b06a31-caa3-11dc-b181-d35374267ce9/afr540012008eng.pdf](http://www.amnesty.org/en/alfresco_asset/f2b06a31-caa3-11dc-b181-d35374267ce9/afr540012008eng.pdf)

### **The Safe Schools Program: Student and Teacher Baseline Report on School Related Gender Based Violence in Machinga District, Malawi**

### **DevTec Systems Inc. and Centre for Education Research and Training for US AID**

The research takes a comprehensive look at the situation of gender-based violence within schools in one district in Southern Malawi. The report presents the findings of a baseline survey conducted across 40 schools, interviewing 800 school children and 288 teachers in April 2006. The key findings indicate that: incidents of sexual, physical and psychological violence were found at every school; violence and abuse occurs at school and walking to and from school, girls experience a higher rate of violence and abuse than boys especially sexual violence, and children's awareness of and access to support is limited.

For full research report see:

<http://devtechsys.com/services/activities/documents/SafeSchoolsMalawiStudent-TeacherBaselineKAPReport-December2007.pdf>

## Events

### **Motherland with Juliet Stevenson 2<sup>nd</sup> March 2008, 6pm The Young Vic, London SE1**

*"We came here to find safety, but they locked us up. Do the British people know that this happens?"*

Meltem Avcil, 13 year old Turkish refugee

The heartbreaking and heroic journeys of women and children who have sought refuge in the UK, brought to life through personal testimony by refugees and performance by leading actors.

All tickets £10

Free to asylum seekers

For further information see:

[www.youngvic.org](http://www.youngvic.org)

Or call 020 7922 2922

*"Stories to make the heart burst"*

Yasmin Alibhai-Brown, The Independent, on Women for Refugee Women's previous performance evening

Proceeds go to Women for Refugee Women and the Yarl's Wood Befrienders

### **Million Women Rise Collective Demonstration 8<sup>th</sup> March, Hyde Park to Trafalgar Square, London**

The Million Women Rise coalition is organising a demonstration to mark International Women's Day. The demonstration is to promote women's right to live free from violence and/or fear of violence. The day will include a march and several speakers.

Million Women Rise believe violence against women is a global pandemic. Women and girls of all ages, from all classes, from all ethnic backgrounds, regardless of their immigration status, their sexuality or their disability, experience it. Violence devastates the lives of women, their families, and their communities. It also threatens to undermine efforts to bring about long lasting and peaceful development. This campaign and demonstration is to strive to end violence against women internationally and for female emancipation and liberty.

For further information see:

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

or contact: [millionwomenrise@gmail.com](mailto:millionwomenrise@gmail.com)

telephone: 07862 113308



## women's asylum news

Produced by RWRP (for more information on this issue, please contact: Claire Bennett)  
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