



# THE RESEARCHER

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## Welcome to the October 2013 issue of The Researcher

In this issue we publish an article by Jacki Kelly of the Irish Refugee Council's Independent Law Centre on access to early legal advice for asylum seekers. Writing on Sudan, David Goggins of the Refugee Documentation Centre raises awareness of a hidden war.

Reinhold Jawhari of the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) previews the 2013 edition of the Researching Country of Origin Information Training Manual before its official launch.

Reporting on minorities in Pakistan, Patrick Dowling writes on Hindu experiences. We republish with updates an article by Claire Bennett, Doctoral researcher at the University of Sussex on claiming asylum on the basis of your sexuality.

Zoe Melling of the Refugee Documentation Centre provides us with an understanding of developments in COI Online and the electronic systems in use by the RDC.

Reflecting the impact on the surrounding countries who host more than 97% of Syrian refugees, we publish a selection of UNHCR's photos depicting scenes in Kurdistan, Iraq as Syrians stream across the border.

Many thanks to all our contributors, if you are interested in contributing to future issues of The Researcher please contact us at the email address below.

*Elisabeth Ahmed*

*Refugee Documentation Centre (Ireland)*

### Disclaimer

*Articles and summaries contained in the Researcher do not necessarily reflect the views of the RDC or of the Irish Legal Aid Board. Some articles contain information relating to the human rights situation and the political, social, cultural and economic background of countries of origin. These are provided for information purposes only and do not purport to be RDC COI query responses.*

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## Early Recognition of People in Need of International Protection: The Irish Refugee Council Independent Law Centre's Early Legal Advice & Representation Project.



Jacki Kelly, Irish Refugee Council

### Summary/Abstract

The existing structures for refugee status determination and legal aid provision for refugees in Ireland were established at a time of unprecedented numbers of people seeking protection. Current numbers seeking protection in Ireland have reduced by more than 90% since 2002<sup>1</sup>. This reduction, combined with the need for careful deployment of resources in an age of austerity and an awareness of the effects of delay on the health and wellbeing of applicants and on the system itself, provides momentum for reconsidering how we run the asylum system. A well-resourced legal aid system for asylum applicants that is focused on ensuring all relevant facts are before a decision maker *prior to a first instance decision* being made may reduce delays in the process, increase sustainable decision making and contribute towards a more robust and effective asylum system upon which the State could rely to uphold its legal obligations in relation to international protection.

Since it was established in late 2011, the Irish Refugee Council's Independent Law Centre has developed and

piloted an innovative model of free early legal advice and representation for those in need of international protection in Ireland<sup>2</sup>. It was designed to provide for unmet legal need in the early stages of an application for protection by providing a two hour legal advice appointment with a solicitor, tailored to the facts of the case, either before or very shortly after a claim is made. In appropriate cases, and where the Law Centre has capacity, applicants are also represented before the Refugee Applications Commissioner (ORAC)<sup>3</sup> in order to facilitate them in putting forward the full extent of their case at the earliest possible stage and to ensure that the decision maker is possessed of the full facts with a view to making the correct decision at first instance. Since the end of 2011, more than 150 applicants have been offered legal advice appointments with a solicitor and 50 have been fully represented before ORAC.

The project has been particularly important for vulnerable adults who may have difficulty articulating their fear, particularly in a new environment (such as at interview). It has also been particularly valuable for those who have not yet claimed asylum and who wish to make an informed decision about making an application for protection. In providing our services at the earliest possible stage, we believe that the Law Centre protects the integrity of the process by preventing unnecessary applications for asylum and offers comprehensive advice and representation to those in the process.

### Context

Underpinning the Law Centre's work is a belief that early legal advice and representation is at least as useful in this field as in any other. Getting the decision right first time, at ORAC stage, can avoid a protracted asylum application process that is both highly detrimental to individual applicants and hugely expensive to the State. The early identification of people in need of international protection allows Ireland to meet its obligations under international law in a timely manner.

Certain features of the Irish asylum system over the last decade have made it less likely for the applicant in need of international protection to be confident that the correct decision would be made first time and within a reasonable period of time. The absence of a single procedure in Ireland has meant that only failed asylum

<sup>1</sup> Numbers of people claiming asylum in Ireland reached their height in 2002, with 11,634 applications being made. Numbers reduced in subsequent years and since 2009 have been falling at a rate of more than 25% per year. A total of just 969 applications for asylum were made in 2012. See 2012 ORAC report available online for statistics: [http://www.orac.ie/website/orac/oracwebsite.nsf/page/AJNR-994HLR14175828-en/\\$File/Office%20of%20the%20Refugee%20Applications%20Commissioner%20-%20Annual%20Report%202012.pdf](http://www.orac.ie/website/orac/oracwebsite.nsf/page/AJNR-994HLR14175828-en/$File/Office%20of%20the%20Refugee%20Applications%20Commissioner%20-%20Annual%20Report%202012.pdf)

<sup>2</sup> Free in the sense that the service is provided without charge to the client in accordance with The Solicitors Acts 1954 to 2002 (Independent Law Centre) Regulations S.1. 103/2006

<sup>3</sup> The Refugee Applications Commissioner has responsibility for determining applications for refugee status at first instance in Ireland under the Refugee Act, 1996 (as amended).

seekers are eligible to apply for subsidiary protection after the asylum process is completed.<sup>4</sup> Success rates within the substantive protection refugee and subsidiary protection processes, which have increased at first instance in 2012 and 2013, have been significantly below the EU average.<sup>5</sup> Unlike the model piloted by the Irish Refugee Council Law Centre, the existing system of legal aid provision for asylum seekers, primarily for reasons of resource, has focused on providing advice and representation from a solicitor/barrister at appeal stage thus generating unmet legal need in the early stages<sup>6</sup>. The majority of applicants do not meet a solicitor/barrister in advance of preparing for their first instance Questionnaire and interview and do not have a legal representative present at interview. Interviews themselves are not recorded and the applicants typically do not receive a copy of the interview notes until a decision issues<sup>7</sup>. To date there has been no consistent publication of Refugee Appeals Tribunal decisions, save for a single collection of twenty decisions published in March 2006<sup>8</sup>. A high rate of judicial review has emerged but is an incomplete remedy for applicants in that it can only deal with the lawfulness of the challenged decision and the delay in accessing the High Court also arguably undermines the principle of good administration.<sup>9</sup> Applicants that are not identified as

people in need of international protection until they have been in the process for several years, may also raise serious questions about the length of time that it has taken to access the rights which accompany a declaration of status (such as family unification and the rights of access to employment).

### Role of the Legal Representative

The function of the legal representative in our early legal advice project is to assist the individual in need of international protection to be identified and recognized at the earliest opportunity. In order to do this, work is twofold: enabling the applicant to voice the full extent of their claim (including overcoming fear of disclosure and concerns regarding confidentiality) and assisting the applicant to consider what proofs it might be safe and possible to obtain in support of the case. A key feature of enabling the applicant to voice the extent of their claim is finalising a detailed Personal Statement with them in advance of the interview. We also work with the applicant to explain their rights and duties within the process and ask each applicant to be active in their own case in terms of obtaining proofs. Applicants are also advised in relation to their procedural rights with regard to the interview process, working with interpreters and the right to request a gender appropriate interviewer.

### Nature of the Service

The nature of the service is very intensive in the first five weeks of the asylum process. A two hour advice appointment with a solicitor, which provides tailored advice on the facts of the case, is scheduled at the earliest opportunity. In several cases this has been delivered before an application for asylum is actually lodged. If we have capacity to take on a new client and are of the view that the person will benefit from full representation, we will then come on record and, depending on how early the case has been referred, provide the following services:

- Accompaniment to ORAC at initial application (ASY1 and Section 8) stage
- Assistance in completion of Questionnaire
- Preparation of Personal Statement
- Accompaniment to ORAC interview

that Ireland is not subject to the procedural rules mentioned in Article 23(2) of Directive 2005/85 “the fact remains that the competent national authority is obliged to ensure, when it adopts a decision falling within the scope of EU law, observance of the right of the person concerned to good administration, which constitutes a general principle of EU law.”

<sup>4</sup>In *Okunade v Minister for Justice*, Supreme Court, 16<sup>th</sup> October 2012, Mr. Justice Clarke referred to the current “statutory jigsaw” indicating that “the desirability of there being a single and coherent structure within which all relevant decisions are made as a result of a single process. If that is not done then experience has shown that there is a real risk that there will be multiple challenges at different stages of the same process [...] significantly lengthening the overall process.”

<sup>5</sup> In 2011 out of 884 decisions made on subsidiary protection, 13 were positive (1.4%). In the same year, 76 of 1330 decisions (6%) of appeals were allowed. In the same year, 4.2% of applications were successful at first instance. The first instance recognition rate has significantly improved in 2012 and 2013 and stands now at approximately 14% in 2013 to date. Sources: 2011 statistics on Tribunal and Subsidiary Protection rates, Minister Shatter Response to Parliamentary Questions, 24<sup>th</sup> April 2012. ORAC statistics, ORAC website, statistics section, figures for 2013 to date.

<sup>6</sup> The Irish Refugee Council Independent Law Centre provides free legal advice and representation. It does not currently receive State funding. Civil legal aid for asylum seekers is provided by the Refugee Legal Service, part of the Legal Aid Board which provides civil legal aid in Ireland under the Civil Legal Aid Act, 1995.

<sup>7</sup> Interview in this context refers to the substantive interview at first instance conducted under Section 11 of the Refugee Act 1996 (as amended).

<sup>8</sup> See Minister MacDowell’s press release on the publication of the decisions at <http://www.inis.gov.ie/en/INIS/Pages/PR07000141>. See also *P.A.A. v Refugee Appeals Tribunal & Ors* [2007] 4 IR 94 in which the applicants had challenged the lack of publication of decisions and guidelines by the Tribunal.

<sup>9</sup> In the Opinion of Advocate General Case C-277/11 *M v MJELR, Ireland, Attorney General*, at para 114, an international protection process in Ireland that had taken two years and three months was a “manifestly unreasonable” length of time. Notwithstanding the fact

- Post Interview submissions

## Case Planning

After the initial advice appointment, if full legal representation can be offered, the solicitor will appoint a legal officer to work on the case and engage in individual case planning. Integral aspects of the service are the early identification of particular vulnerabilities (eg mental health, age, victim of trafficking or torture) and of the supports that can assist the client from the earliest possible stage (eg referral to BelongTo in the case of young LGBT applicants) and the compilation of a list of proofs that it might be possible to obtain. This will range from proof of identity and nationality, arrest warrants, threat letters or other relevant documentation from the country of origin to general country of origin research and expert evidence (medical or psychological evidence of torture/PTSD or trafficking). The case planning will also involve setting out a series of appointments to fit within the two key dates for every first instance case (date for submission of Questionnaire and date of Interview). If there is no interview date scheduled, usually because the case falls within the Dublin II procedure, the law centre will assist the client – if appropriate – in making submissions to ORAC or the Minister in advance of the recommendation to transfer or to prepare for transfer and, if possible, put in place some supports in the country of transfer or compile information that will assist the new representative in the receiving country.

## The Personal Statement

The central element of our service at first instance is the Personal Statement, which comprises a detailed document, often more than ten pages long, and which sets out the full circumstances of the applicant's case in his/her own voice. It is prepared over the course of three to four separate appointments with the client and read back, where interpretation services are required, with a professional interpreter. It is then submitted to the interviewer in advance of the interview, with three days notice where possible. A Personal Statement in the applicant's own words is not a requirement of the process, but rather a mechanism to assist the applicant to put forward the full extent of their claim in advance of the interview. It draws significantly on the UK practice of witness statements.

The completion of a Personal Statement has been of particular importance in cases of vulnerable adults who have difficulty enunciating their fear, or who have never previously expressed it (eg LGBT cases, victims of gender based violence) and would not have had the confidence or ability to do so for the first time before a

State official on their first meeting in the context of the ORAC interview.

## Attending the Interview

A staff member from the Law Centre (usually a legal officer) accompanies the applicant to substantive interview and the Law Centre will usually make submissions after the interview in advance of the decision being issued. The purpose of attending the interview is to support the applicant in this pivotal moment in the asylum process. Although the applicant will already have been advised on what to expect at interview, the staff member's presence at the interview ensures that the applicant feels supported and also that there exists a record of the interview in the form of the note taken by the legal officer. The legal officer does not make submissions at interview, but requests time within which to do so. Where necessary, the legal officer may draw attention to issues such as communication with the interpreter or the inquisitorial nature of the process if necessary.

## Capacity Building: Demonstrating the Service – Pro Bono Collaboration with A&L Goodbody

The Law Centre runs a simple but effective service at first instance which we believe in the short time since its inception has demonstrated its usefulness for both applicants and decision makers. Thus far, of the 50 cases that have been taken on, twenty seven have received positive decisions at first instance, a further five have been subject to Dublin Regulation Procedures, nine have been refused and a number remain outstanding. The Law Centre, however, has limited capacity and would like to demonstrate this model of service to other practitioners willing to invest the time and resources to assist asylum applicants at first instance in this way.

In April 2013, in a collaboration facilitated by the Public Interest Law Alliance (PILA), the Law Centre began training a group of 28 lawyers from A&L Goodbody Solicitors in refugee law with a view to them representing applicants on a pro bono basis. The training comprised a two day intensive programme at A&L Goodbody's at the end of April, followed by a day long detailed training session on practice and procedure at the Law Centre the following month. The Law Centre has continued to provide shadowing and mentoring to the group of lawyers who have sat in on Law Centre cases with clients' permission. They have now begun to take referrals. We believe this is an important first partnership and hope it can lead the way for others.



## Asylum Seekers' Right to Legal Assistance and Aid in EU Law

While it may be thought that the Asylum Procedures Directive provides a right to free legal aid only at appeal stage<sup>10</sup>, jurisprudence in light of the EU Charter<sup>11</sup> and the European Convention of Human Rights<sup>12</sup> indicates that the scope of the right to legal aid arguably extends beyond appeal stage in many cases.<sup>13</sup>

<sup>10</sup> Article 15 of Council Directive 2005/85/EC (The Procedures Directive) sets out the general extent of legal assistance and representation. Article 15(1) provides that applicants at any stage of the process have the opportunity to effectively consult with a legal adviser on matters relating to their asylum application at their own cost. Article 15(2) mandates Member States to ensure that free legal assistance and/or representation be granted only in the event of a negative decision and this obligation itself is subject to a number of exceptions. Given the now binding nature of the Charter of Fundamental Rights of the European Union (CFEU), however, Article 15 of the directive must be read in conformity with the rights extended by the Charter

<sup>11</sup> Article 18 of the Charter provides that "the right to asylum shall be guaranteed with due respect for the rules of the [1951 Convention Relating to the Status of Refugees and the 1967 Protocol]. Rights enunciated in EU law must be protected by procedural rights to ensure they can be realized. For example, in order to protect the right to asylum under the Charter, one must have access to an effective remedy in accordance with Article 47. Article 47 provides: "Everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article. Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law. Everyone shall have the possibility of being advised, defended and represented. Legal aid shall be made available to those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice." See Guild, Elspeth "The Asylum Seeker's Right to Free Legal Assistance and/or Representation in EU Law, 9<sup>th</sup> IARLJ World Conference: Bled 7<sup>th</sup>-9<sup>th</sup> September 2011. Full text available online at

[http://www.iarjl.org/general/images/stories/BLED\\_conference/papers/09\\_Guild\\_Bled\\_2011.pdf](http://www.iarjl.org/general/images/stories/BLED_conference/papers/09_Guild_Bled_2011.pdf) (last accessed, September 24<sup>th</sup> 2013).

<sup>12</sup> See Guild, Elspeth Ibid, p.7. In the Explanations to Article 47 CFEU, it is set out that Member States agreed unanimously that the jurisprudence of the European Court of Human Rights is applicable to Article 47. Therefore, while it has been assumed that the Asylum Procedures Directive provides a right to free legal aid only at appeal stage, the directive must be considered through the lens of the Charter and the rights and caselaw of the European Court of Human Rights. It is arguable that free legal assistance/representation at all stages of the process may in fact be necessary to give full effect to the Charter rights.

<sup>13</sup> See also, DEB *Deutsche Energiehandels und Beratungsgesellschaft mbH v Bundesrepublik Deutschland*, ECJ decision of 22<sup>nd</sup> December 2010. A German court referred the question on right of a legal person to legal aid in the absence of a public interest for a preliminary ruling. The judgement usefully summarises the right to legal aid to vindicate the rights under the Charter of Fundamental Rights. The Court held that the question of whether the provision of legal aid is necessary for a fair hearing must be determined on the basis of the particular facts and circumstances of each case and will depend inter alia upon the importance of what is at stake for the applicant in the proceedings, the complexity of the relevant law and procedure and the applicant's capacity to represent him or herself effectively. It is our

Although Ireland is not opting in to the Recast Asylum Procedures directive<sup>14</sup>, the provisions of the directive are instructive in indicating the future direction of EU law in this area, and it is notable that frontloading is referred to expressly for the first time at para 3.1.3 of the Explanatory Memorandum to the 2011 Recast directive while The Preamble to the recast directive focuses on the importance of effective access to procedures at all stages of the process to ensure "the correct recognition of those persons in need of protection"

## Conclusion

The absence of lawyers' engagement in the first instance asylum process may have contributed to a more adversarial asylum system between legal representatives in Ireland where meetings occur only in Courts or Tribunals. This is costly and detrimental to applicants and the process as a whole. Meaningful legal advice and representation at first instance would increase equality of arms for the applicant and promote a genuinely inquisitorial process. With a reconceived focus on early advice and representation, it is very possible that applicant and State representatives could expect to meet much less frequently in the rigorously adversarial forum of the High Court.

*Jacqueline Kelly is Managing Solicitor of the IRC's Independent Law Centre which was established in late 2011. The Law Centre's primary aims are to provide for unmet legal needs of those seeking international protection; to demonstrate a different model for the delivery of legal services to asylum seekers, particularly in the early stages of an application for protection, and to undertake strategic casework.*



experience that several of the cases in which the Law Centre has offered representation at first instance involve complex issues of law and vulnerable applicants who could not have represented themselves effectively without the assistance of a legal representative and thus would meet this test.

<sup>14</sup> Para 58 Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) <http://easo.europa.eu/wp-content/uploads/Dve-2013-32-Asylum-Procedures.pdf>

## Sudan's Hidden War: Conflict in Southern Kordofan and Blue Nile States



*RDC Researcher David Goggins investigates*

### Background

For over twenty years a civil war raged between the Islamic Arab regime which dominated northern Sudan and the mainly Christian African peoples of the south who sought to establish their independence from Khartoum. A ceasefire in 2005 was followed by a comprehensive peace agreement, which eventually led to a referendum in January 2011. This referendum produced a 99% vote in favour of secession from the North<sup>15</sup> and on 9 July 2011 the Republic of South Sudan became the World's newest nation.

An unfortunate consequence of the division of Sudan into two separate entities was that South Kordofan and Blue Nile states remained within the North despite having populations which closely identified with the South. Regarding this anomaly International Crisis Group states:

"The question whether Blue Nile and the Nuba Mountains were part of North or South Sudan was disputed in the negotiations leading to the 2005 Comprehensive Peace Agreement (CPA). Finally they were considered part of the North, and not granted the same right to self-determination as the South."<sup>16</sup>

In a report on Southern Kordofan the Center for Strategic & International Studies states:

"Southern Kordofan occupies an awkward position in the geopolitics of Sudan, with one foot in the North, one in the South, but strongly independent of either. Geographically, it is part of Sudan, but many of its people identify with the South. This is particularly so

for the Nuba, a set of African ethnic groups long marginalized by the Arab government in Khartoum."<sup>17</sup>

In a briefing paper on the outbreak of fighting in Southern Kordofan in June 2011 IRIN News states:

"Southern Kordofan was a key battleground during Sudan's 1983-2005 civil war. Many in the Nuba Mountains sided with the then rebel SPLA, which has now become the official army of the south. Now they find themselves on the wrong side of the border from former comrades as the South prepares to separate, and have resisted surrendering weapons to forces they see as hostile."<sup>18</sup>

### A New War Begins

The Comprehensive Peace Agreement (CPA) of 2005 failed to live up to expectations that it would bring permanent peace to Sudan's southern states. In an analysis of the reasons for the failure of this agreement International Crisis Group states:

"Conflict restarted in South Kordofan because key CPA provisions were not implemented. A chief reason was SPLM leader John Garang's death in July 2005, three weeks after he was appointed Sudan's vice president. Between 2002 and 2005, Nuba Mountains support for the SPLM was largely based on Garang's personality, stance for unity and promises he would not abandon the Nuba in exchange for South Sudan's independence. His death left Nuba fearful the new SPLM leadership would not honour his promises, that without a strong guarantor such as Garang the CPA was too weak an agreement for them to get self-determination, and that the protocol might not even be implemented. This is largely what happened."<sup>19</sup>

During the civil war thousands of Nuba had served in the rebel force known as the Sudan People's Liberation movement-North (SPLM-N), which was closely allied to the main rebel group in South Sudan. The CPA left the status of these fighters unresolved, with the Khartoum government refusing to integrate them into the Sudanese army, insisting instead that they withdraw south of the new border. Attempts by the Sudanese army to forcibly disarm the SPLM-N led to a new war breaking out on 5 June 2011.

<sup>15</sup> BBC News (30 January 2011) South Sudan referendum: 99% vote for independence

<sup>16</sup> International Crisis Group (18 June 2013) Sudan's Spreading Conflict (II): War in Blue Nile

<sup>17</sup> Center for Strategic & International Studies (10 August 2011) The Forgotten Conflict in Southern Kordofan

<sup>18</sup> IRIN News (23 June 2011) Sudan: Southern Kordofan

<sup>19</sup> International Crisis Group (14 February 2013) Sudan's Spreading Conflict (I): War in South Kordofan

## Southern Kordofan State

From the very outset of the new war the Sudanese armed forces were accused of using the same tactics that they had resorted to in Darfur and other conflicts, namely indiscriminate attacks on the civilian population in areas that were perceived as being sympathetic to the rebel cause. Following five separate fact-finding missions to Southern Kordofan and Blue Nile States Human Rights Watch alleges that government forces have behaved in the following manner:

“Since the conflict started, Sudanese forces have carried out indiscriminate aerial bombardment and shelling in populated areas, killing and injuring civilians and causing serious damage to civilian property including homes, schools, clinics, crops, and livestock. Government forces, including Sudan Armed Forces (SAF) and Popular Defense Forces (PDF), have also conducted ground attacks on villages during which they deliberately burned and looted civilian property, and arbitrarily detained people. Soldiers have also assaulted and raped women and girls.”<sup>20</sup>

Human Rights Watch condemns such actions as being deliberate government policy, stating:

“The evidence documented suggests that the Sudanese government has adopted a strategy to treat all populations in rebel held areas as enemies and legitimate targets, without distinguishing between civilian and combatant.”<sup>21</sup>

Reporting on attacks against civilians in the Nuba Mountains Human Rights Watch states:

“In the 18 months between June 2011 and December 2012, Sudan Armed Forces (SAF) have carried out hundreds of bombings, shelling, and rocket attacks on civilian areas across the Nuba Mountains where the rebels have control. The strikes varied in frequency and intensity, from several times per month to several times per day.”<sup>22</sup>

Describing the effects of these attacks Human Rights Watch states:

“The bombings have killed, maimed, and injured civilians in their homes, while farming, fetching water, or attending village markets, and have destroyed homes, crops, livelihoods, clinics, and schools, and

forced people to abandon their homes and livelihoods. The persistent bombing has terrorized the population; most families have dug foxholes near their homes or moved to sheltered areas, and even small children now refer to the ‘Antonovs,’ the common name for the cargo planes used by Sudan to drop bombs.”<sup>23</sup>

## Blue Nile State

In September 2011 the war spread to neighbouring Blue Nile State. Once again the Sudanese government followed its well-tried tactics of indiscriminate aerial bombing and ground attacks against the civilian population. In a report based on interviews and other research conducted both inside and outside Sudan since the start of the conflict Amnesty International states:

“The attacks on Ingessana villages documented by Amnesty International appear to follow a pattern. Sudanese forces would bomb and shell villages before invading and burning them down. The army and the air force used overwhelming and indiscriminate firepower, even in instances when witnesses said that no SPLA-N forces were present in the immediate vicinity of the village. Civilians fled when the attacks began, but some of those who were unable to flee because of disability or age were burned alive in their homes or shot by soldiers. In addition, soldiers looted civilian possessions before methodically setting fire to houses.”<sup>24</sup>

This indiscriminate bombing campaign has had devastating consequences for the civilian population of Blue Nile State. A report published by the Washington DC-based Enough Project describes the impact on the farming communities as follows:

“Although the bombing has injured or killed relatively few people, the toll from the psychological terror it induces, and the deprivation caused when people flee their homes, have profound and widespread effects. In the aftermath of the campaign, hunger and disease threaten the lives of those affected most. February and March, an important harvest period for southern Blue Nile, saw farming virtually come to a halt as the threat of bomber attacks and targeted attacks by jet fighters and helicopter gunships prevented farmers from harvesting in safety. This has led to increased hunger and malnutrition.”<sup>25</sup>

<sup>23</sup> *ibid*

<sup>24</sup> Amnesty International (June 2013) ‘We had no time to bury them’: War crimes in Sudan’s Blue Nile State

<sup>25</sup> The Enough Project (12 July 2013) Sudan’s Bloody Periphery

<sup>20</sup> Human Rights Watch (11 December 2012) Under Siege: Indiscriminate Bombing and Abuses in Sudan’s Southern Kordofan and Blue Nile States

<sup>21</sup> *ibid*

<sup>22</sup> *ibid*

Aerial attacks are not the only danger faced by civilians in Blue Nile State. Commenting on the practice of indiscriminate shelling Amnesty International states:

“Indiscriminate shelling is another feature of the Sudanese government’s military in Blue Nile State. Because of the limited range of mortars, however, fewer civilians seem to have been subject to shelling – generally only people living within firing distance of the conflict’s front lines. As with aerial bombing attacks, survivors told Amnesty International that their homes were shelled despite the absence of SPLAN-N fighters in the vicinity.”<sup>26</sup>

### Plight of Civilians

Human Rights organisations have accused the Sudanese government of deliberately denying food, water and other necessary services to the civilian population in the conflict areas. Regarding these tactics Human Rights Watch states:

“Sudan’s abusive tactics have caused a large-scale humanitarian crisis. Hundreds of thousands of civilians, many of them forcibly displaced, urgently need shelter, food, access to potable water, healthcare, and education for their children. Yet the Sudanese government has blocked access to all goods and services from outside rebel-held areas, including desperately needed humanitarian aid.”<sup>27</sup>

In a report on the situation for civilians in Blue Nile State Amnesty International says:

“People remaining in SPLA-N areas of the state face onerous living conditions. They generally lack clean water and sufficient food, and have no access to basic medical care, let alone such services as education. Displaced people, often living in crude, ad hoc shelters that give little protection from the elements, face especial hardship. Many of them move frequently, constantly improvising new shelters and finding new sources of water and food. Some seek safety in the mountains or in caves”<sup>28</sup>

This report elaborates on the consequences of inadequate medical care as follows:

“The lack of medical care can be deadly. Many of the accounts of civilian deaths from bombings documented by Amnesty International involved people who had survived the initial strike, and might have lived had they received urgent medical treatment. Besides these emergency cases, civilians in Blue Nile face an array of potentially fatal conditions—including malaria, hepatitis, HIV/AIDS and dysentery—that simply go untreated. Pregnant women and lactating mothers receive no prenatal or postnatal care, severely aggravating the risk of complications, and births occur in extremely hazardous conditions.”<sup>29</sup>

### Arbitrary Arrests

Since the start of the current conflict there have been numerous reports of persons suspected of harbouring SPLM-N sympathies being arrested and detained without due cause. Referring to the targeting of civilians in Blue Nile State on the basis of their ethnicity International Crisis Group states:

“As in South Kordofan, the government is targeting SPLM-N’s civilian supporters, largely on the basis of ethnicity (groups like Ingessana or Uduk being systematically considered pro-rebels), but also pro-SPLM sympathisers. According to an NCP member, recent electoral results gave the government precise knowledge of who was pro-SPLM, so that in some villages “only the SPLM part was targeted”. In the first days of the conflict, civilians considered pro-rebels were arrested and some eventually killed.”<sup>30</sup>

Referring to such arrests Amnesty International states:

“Arrests and detention of suspected members and supporters of the political wing of the SPLA-N, known as the SPLM-N, continue in Southern Kordofan and other parts of Sudan, including the capital, Khartoum. In September 2011, the government of Sudan declared the SPLM-N a banned opposition group, and has used this as grounds to continue arresting individuals. As far as Amnesty International is aware many of those arrested on the basis of their alleged membership of or connection with SPLM-N have not committed any recognised criminal offence.”<sup>31</sup>

Similar allegations of arbitrary arrest come from Human Rights Watch, which states:

<sup>26</sup> Amnesty International (June 2013) ‘We had no time to bury them’: War crimes in Sudan’s Blue Nile State

<sup>27</sup> Human Rights Watch (11 December 2012) Under Siege: Indiscriminate Bombing and Abuses in Sudan’s Southern Kordofan and Blue Nile States

<sup>28</sup> Amnesty International (June 2013) ‘We had no time to bury them’: War crimes in Sudan’s Blue Nile State

<sup>29</sup> *ibid*

<sup>30</sup> International Crisis Group (18 June 2013) Sudan’s Spreading Conflict (II): War in Blue Nile

<sup>31</sup> Amnesty International (April 2013) Sudan: Civilians Caught in unending crisis in Southern Kordofan



“At the outbreak of conflict in June 2011 in Kadugli, government forces arrested and detained scores of people suspected of supporting SPLM or SPLA during house-to-house searches and at checkpoints. Witnesses from Kadugli told Human Rights Watch and UN human rights monitors that government forces had lists of names of Nuba people wanted for their real or perceived links to the SPLM, and were arrested on this basis.”<sup>32</sup>

## Refugees

The conflict in Southern Kordofan and Blue Nile States has resulted in much of the civilian population seeking refuge in South Sudan. Reporting on this influx Amnesty International states:

“Refugees from Sudan's Southern Kordofan and Blue Nile states continued to flee to South Sudan due to an ongoing conflict between the SAF and the armed opposition group Sudan People's Liberation Movement-North (SPLM-N). From April to June, the number of refugees increased by over 50,000 people in Upper Nile and Unity states due to increased fighting and food shortages in the conflict-affected areas. There was a further influx of refugees from November, with the onset of the dry season. By the end of the year, over 180,000 Sudanese people had sought refuge in South Sudan.”<sup>33</sup>

Reporting on conditions for these refugees IRIN News states:

“Fighting between the Sudanese Armed Forces - Sudan's national army - and the rebel Sudan People's Liberation Movement-North (SPLM-N) in Sudan's South Kordofan and Blue Nile states has forced more than 220,000 people into South Sudan's Upper Nile and Unity states. Overcrowding, outbreaks of disease, poor funding and flooding make caring for these refugees problematic for aid agencies. The ongoing rainy season - which blocks roads for months - will make aid delivery even harder.”<sup>34</sup>

A Middle East Online article gives a graphic description of the conditions in Yida camp as follows:

“Around 62,000 people are now crammed into Yida in Unity state, fleeing bombs and hunger in Sudan's former breadbasket state, where Khartoum has been

battling rebels for over a year, as well as in Blue Nile state, according to the United Nations. Over 170,000 Sudanese have fled across the dangerous and volatile border into South Sudan -- which won independence in July 2011, just a month after the conflict erupted -- as government troops try to crush ethnic insurgents fighting for greater autonomy. Rains cut off access to food trucks and runways, forcing the UN's World Food Programme (WFP) to use costly airdrops of food -- tonnes of grain launched from cargo planes -- before stocks run out in a string of camps along the border. From the air, the camp is a sprawling myriad of seemingly organised white and blue dots of plastic sheeting and straw huts. On the ground, the stench of human waste rising in the sweltering heat follows you wherever you go. MSF Emergency Coordinator Foura Sassou said the main problem in the camp was now diarrhoea and malaria which ‘make people malnourished, especially the children’.”<sup>35</sup>

A further complication for the inhabitants of the refugee camps in South Sudan is the presence of SPLA-N fighters. The difficulties arising from this presence is explained by Amnesty International as follows:

“The SPLA-N do not overtly dominate the camps. Nevertheless, the SPLA-N's presence in the camps is substantial, and is evidenced in several ways. First, a portion of humanitarian aid is diverted from refugees to the SPLA-N. Second, young male refugees are being recruited to fight for the SPLA-N, and SPLA-N “deserters” are being rounded up, in some cases with a degree of coercion. And third, armed soldiers and camouflaged vehicles are a frequent sight in and around the camps, eroding the camps' civilian character.”<sup>36</sup>

## International Response

International bodies such as the United Nations, the African Union and the US government have made repeated calls for a cessation of the violence in the war-torn states, but have not shown any willingness to actually intervene in what they appear to regard as an internal Sudanese conflict.

Regarding the stance of the international community Human Rights Watch states:

“The international response to this crisis has been muted, eclipsed largely by efforts to address

<sup>32</sup> Human Rights Watch (11 December 2012) Under Siege: Indiscriminate Bombing and Abuses in Sudan's Southern Kordofan and Blue Nile States

<sup>33</sup> Amnesty International (23 May 2013) Amnesty International Annual Report 2013 - South Sudan

<sup>34</sup> IRIN News (9 July 2013) Two years on, South Sudan still faces major challenges

<sup>35</sup> Middle East Online (10 September 2012) Dire conditions in South Sudan refugees camps

<sup>36</sup> Amnesty International (June 2013) ‘We had no time to bury them’: War crimes in Sudan's Blue Nile State

deteriorating relations and resumption of conflict between Sudan and South Sudan in April 2012. The African Union (AU) and United Nations (UN) have repeatedly urged the parties to the conflicts in Southern Kordofan and Blue Nile to agree to modalities for aid delivery, which they finally did in August 2012. But because of delays caused by Sudan, the agreement has not been implemented. Hundreds of thousands of people continue to face deprivation, including serious hunger and poor health conditions.”<sup>37</sup>

Eric Reeves, a professor at Smith College, Northampton, Massachusetts, who is also a full-time researcher and analyst on Sudan, has been particularly critical of what he perceives to be the inadequate response of the United States government to aerial attacks on civilians. Regarding the Obama administration he states:

“For its part, the Obama administration has for more than four years responded weakly and irresolutely to the crises most pressing in greater Sudan, including those in the Nuba and Blue Nile. The administration has done little more than tepidly condemn, with a weary repetitiveness of language, the bombing of civilians by Khartoum; certainly these ‘condemnations’ have been without discernible effect. Khartoum’s aerial attacks have been directed, relentlessly, against civilians in Darfur since 2003, in the Nuba Mountains of South Kordofan since June 2011, and in Blue Nile since September 2011.”<sup>38</sup>

### A Solution to the Conflict?

As of October 2013 the situation in Sudan’s southern states remains unresolved. Regarding a possible solution to the conflict International Crisis Group offers the following analysis:

“There is no military solution, since neither side is strong enough to impose one. A negotiated solution is the only feasible option. However, the international community should not fall into the familiar trap of pursuing localised quick (and often still-born) fixes. Such piecemeal power-sharing arrangements often merely stimulate further rebellion with the aim of winning more concessions from Khartoum. If negotiations do not fully address political marginalisation of the peripheries, calls for selfdetermination will increase, including in South Kordofan. Unless the government and the international community engage with both the armed and unarmed

opposition and achieve a comprehensive solution to Sudan’s multiple conflicts, there will be no end to the warfare that plagues the country.”<sup>39</sup>

### Recent events

In late September 2013 cuts in fuel and food subsidies led to mass anti-government protests in Khartoum and other cities in which at least 200 people were reported to have been killed, with a further 800 arrested.<sup>40</sup> As of early October 2013 it is unclear whether the security forces will succeed in suppressing these protests, or whether they will develop into a serious challenge to the al-Bashir regime.

Regarding the outcome of these protests Sudanese writer al-Hajj Warraq states:

“Even if the crackdown succeeds to quell protests now, they will appear again soon in the future because the underlying problems of corruption and injustice are likely to continue amid the regime’s inability to reform itself.”<sup>41</sup>

With the conflict in Southern Kordofan and Blue Nile States still unresolved and with the emergence of opposition to the regime throughout the rest of the country it does not seem likely that there will be peace in Sudan anytime soon.

All documents referred to in this article may be requested from the Refugee Documentation Centre.



<sup>37</sup> Human Rights Watch (11 December 2012) Under Siege: Indiscriminate Bombing and Abuses in Sudan’s Southern Kordofan and Blue Nile States

<sup>38</sup> Reeves, Eric (23 February 2013) “Stop the Planes” – Now!

<sup>39</sup> International Crisis Group (14 February 2013) Sudan’s Spreading Conflict (1): War in South Kordofan

<sup>40</sup> Amnesty International (2 October 2013) Sudan escalates mass arrests of activists amid protest crackdown

<sup>41</sup> Al Arabiya (27 September 2013) Uprising in Sudan threatens Bashir’s 24-year rule

## Training Manual “Researching Country of Origin Information”, 2013 edition will be presented on 28 October 2013



*Reinhold Jawhari, Austrian Centre for Country of Origin and Asylum Research and Documentation*

In 2004, ACCORD<sup>42</sup>, together with partner institutions from the COI Network including the Refugee Documentation Centre, collected various approaches to and experiences regarding COI and formulated COI quality standards. These standards have been published in the training manual *Researching Country of Origin Information*. More than 2,000 persons from over 80 countries have received training based on this manual. The quality standards (relevance, reliability & balance, accuracy & currency, and transparency & retrievability) for researching and using COI became a point of reference for decision-makers, legal advisers and professional COI researchers, and they have been reflected in European Union jurisprudence and legal provisions.

Today there is widespread consensus on the importance of COI and it is considered an integral and indispensable factor in asylum decision-making. COI quality standards are widely recognised and accepted. Expectations concerning depth, detail and currency of COI have risen dramatically during recent years. The amount of available information has grown, and the quantity of data needs to be kept manageable and retrievable. Social media foster the illusion of being able to cross time and space and bring ‘the truth’ to courtrooms and counsellor’s offices.

By publishing a revised edition of the *Researching Country of Origin Information* training manual, ACCORD wants to do justice to new developments. Moreover, ACCORD strives to reflect on its own experiences with COI research and documentation. Nine additional years as an actor in the field of COI in Austria and internationally have deepened our understanding of COI and its contexts, and raised our awareness of potential shortcomings. The standards formulated in 2004 however remain valid and have been changed very little in the new edition.

The 2004 training manual was written for European users, whereas the new edition aims for a wider audience. Even though developments in Europe are strongly represented, many examples were chosen from non-European countries and regional legal instruments from non-European regions were integrated into Appendix A on the legal background of international protection. The new edition is geared towards an international target group comprising COI service providers, decision-makers, legal advisers, judges and everyone dealing with COI. It aims at strengthening RSD practitioners, i.e. decision-makers and legal advisors, who are not only using COI, but who in many cases, also have to conduct COI research as part of their duties.

Furthermore, changes were made to the format of the manual to improve readability by breaking up the text with examples and thematic boxes.

The 2013 edition has benefited from a great wealth of input and feedback to a first draft by many organisations and individuals (listed in alphabetical order): Asylum Research Consultancy (United Kingdom), Ulrike Brandl (University of Salzburg, Austria), Caritas Austria, the Human Rights League Bratislava (Slovak Republic), CEDOCA – the COI unit of the Office of the Commissioner General for Refugees and Stateless Persons (Belgium), the Center for Documentation of Refugees and Migrants, University of Tokyo (Japan), CORI – Country of Origin Research and Information Centre (United Kingdom), Country Advice of the Migration Review Tribunal and Refugee Review Tribunal (Australia), Country of Origin Information Unit of the Federal Asylum Office Austria, the Country Research Branch of Immigration New Zealand, Rodger Haines QC, Chairperson of the Human Rights Review Tribunal of New Zealand, Hana Lupacova (Czech Republic), Elisa Mason (USA), James O’Sullivan (Ireland), Refugee Documentation Centre of the Legal Aid Board (Ireland) and the Research Directorate of the Immigration and Refugee Board of Canada.

<sup>42</sup> The Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) is a department of the Austrian Red Cross and has been active in the field of COI since 1999, providing research services, conducting training and running the COI information system [www.ecoi.net](http://www.ecoi.net).

UNHCR's department of international protection contributed with extensive feedback and also supported financially the updating of the manual. Furthermore, the creation of the 2013 edition was also co-funded by the European Refugee Fund and the Austrian Ministry of the Interior.

## Overview of the content

The role of COI: Chapter 1 gives the reader a sense of the role of COI in procedures for determining international protection needs. It touches on the functions of COI, the actors involved, COI as evidence and the scope and limits of COI.

COI quality standards and principles: Chapter 2 provides the reader with an overview of the quality standards and ground rules on how to approach COI in order to contribute to fair and efficient procedures.

Questions: Chapter 3 explains what 'relevance' means in the context of COI. Based on an understanding of the legal concepts of international protection, the chapter presents the 'research tree' method of deriving relevant research questions from key legal issues such as domestic protection or internal flight alternative. Example cases help to derive research questions based on the 1951 Refugee Convention.

Knowledge and assessment of sources: Chapter 4 emphasises that knowledge of sources and awareness of the sources' quality constitute key elements when researching COI. It discusses different types of sources and offers criteria for assessing a source's quality and reliability.

Research: Chapter 5 focuses on strategies and techniques of COI research and discusses the cross-checking of information.

Social media: Chapter 6 outlines the pros and cons of social media sources and offers guidelines for their use.

Presentation: Chapter 7 comprises various aspects of ensuring the transparency and traceability of research results. The chapter discusses different forms of presenting information, referencing, documentation, the typical structure of COI products, and quality control.

Basic overview of main legal concepts (Appendix A): An understanding of the 1951 Refugee Convention and the meaning of persecution and complementary protection is required for COI

research. Appendix A gives readers an overview thereof.

List of frequently used sources (Appendix B): The list in Appendix B includes brief descriptions of sources that produce information separately from procedures for determining international protection needs, as well as descriptions of sources that specifically compile and research COI for these procedures, such as UNHCR or COI units.

The manual is meant to support COI training and it can function as a reference book, where readers can pick and choose according to their individual needs and points of interest or just consult for specific aspects, like for examples checking research questions or the list of sources in Appendix B.

Currently, the 2013 edition is in the process of being translated into Russian. We hope to be able to publish a German version in 2014.

The 2013 edition in English will be launched on 28 October 2013 in Vienna. At the event, which will be held in English, representatives from UNHCR's Department of International Protection and the International Committee of the Red Cross as well as Elisa Mason, an independent expert from the United States, will speak. You can follow via internet on [www.coi-training.net](http://www.coi-training.net) from 15:00 – 17:00 CET.

The 2013 hardcopy edition in English can be ordered from the Austrian Red Cross/ACCORD, [accord@redcross.at](mailto:accord@redcross.at), at a cost of € 25 (plus shipping costs) It will also be available for free download at [www.coi-training.net](http://www.coi-training.net).





## Hindu experiences of Pakistan



Patrick Dowling, RDC

### Introduction

In January 2011, a new-born baby in Karachi elicited contention and concern among his relatives because of being born into a Hindu family.<sup>43</sup> Many Hindus have left Pakistan in recent years due to ongoing discrimination.<sup>44</sup> One migrant called the wrench of departing Pakistan, that of leaving his “beloved country”.<sup>45</sup> Discrimination against Hindus in Pakistan has included reports of humanitarian aid distributed according to faith during the devastating floods of 2010.<sup>46</sup> Discrimination against Hindus also includes ongoing demeaning representations in schoolbooks.<sup>47</sup> Hindus also have to cope with the increasing issue of young girls being kidnapped, married, and forcibly converted to Islam.<sup>48</sup> These are some of the factors regarding the status and treatment of Hindus in Pakistan which has led the UNHCR in 2012 to consider applicable international protection for each

<sup>43</sup> IRIN News (6 January 2011), *Pakistan: Hindu minority lives in mounting fear*

<http://www.irinnews.org/Report.aspx?ReportID=91544>

<sup>44</sup> United States Commission on International Religious Freedom (30 April 2013), *USCIRF Annual Report 2013 - Countries of Particular Concern: Pakistan*

<http://www.refworld.org/cgi-bin/txis/vtx/rwmain?page=printdoc&docid=51826ef842>

<sup>45</sup> Daily Times (20 August 2012), *A tale of migrating Hindus*  
[http://www.dailytimes.com.pk/default.asp?page=2012%5C08%5C20%5Cstory\\_20-8-2012\\_pg7\\_10](http://www.dailytimes.com.pk/default.asp?page=2012%5C08%5C20%5Cstory_20-8-2012_pg7_10)

<sup>46</sup> Human Rights Commission of Pakistan (April 2011), *Life at Risk*, p.20

<http://hrp-web.org/hrcpweb/wp-content/pdf/ff/5.pdf>

<sup>47</sup> United States Commission on International Religious Freedom (November 2011), *Connecting the Dots: Education and Religious Discrimination in Pakistan, A Study of Public Schools and Madrassas*, p.119

[http://www.uscifr.gov/images/Pakistan-ConnectingTheDots-Email\(3\).pdf](http://www.uscifr.gov/images/Pakistan-ConnectingTheDots-Email(3).pdf)

<sup>48</sup> The Express Tribune (11 March 2012), *How come Hindu men aren't converting, only marriageable young girls?*

<http://tribune.com.pk/story/348364/how-come-hindu-men-arent-converting-only-marriageable-young-girls/>

respective case.<sup>49</sup> This paper will focus on Hindu experiences in Pakistan through the prism of depictions in schoolbooks, forced conversions to Islam, discrimination in humanitarian assistance during the 2010 and 2011 floods, and migration to India, addressing first briefly, the recent history of Hindus in Pakistan.<sup>50</sup>

### History

In tandem with India's independence from British rule, Pakistan in 1947 was forged as a new nation to be a homeland for Muslims.<sup>51</sup> Hundreds of thousands of Hindus chose to remain in Pakistan which they saw as their home rather than migrate to Hindu dominated India.<sup>52</sup> In 2012 it was estimated that Hindus number approximately 4 million of Pakistan's 180 million population, with the majority residing in Sindh province.<sup>53</sup> Amnesty International in 2012 noted the “fear and intimidation” faced by Hindus in Sindh as representing part of the deprivations that that community endures.<sup>54</sup> This is part of an increasing milieu of discrimination against Hindus in Pakistan<sup>55</sup> which includes persecution<sup>56</sup> and violence.<sup>57</sup> One Hindu describes life in Pakistan as “fear 24 hours a day”.<sup>58</sup> The Jinnah Institute in 2013 calls the

<sup>49</sup> UNHCR (14 May 2012), *UNHCR Guidelines for Assessing the International Protection Needs of Members of Religious Minorities from Pakistan*, p.35

<http://www.refworld.org/docid/4fb0ec662.html>

<sup>50</sup> It is not within the scope of this paper to be exhaustive regarding all the issues facing Hindus in Pakistan and topics such as Hindu marriage status, Pakistan relations with India et al are excluded here

<sup>51</sup> Dawn (9 November 2011), *'Pakistan schools teach Hindu hatred'*

<http://beta.dawn.com/news/672000/pakistan-schools-teach-hindu-hatred>

<sup>52</sup> Human Rights Commission of Pakistan (4 April 2013), *State of Human Rights in 2012*

<http://www.ein.org.uk/print/members/country-report/state-human-rights-2012-chapter-3-fundamental-freedom-thought-consci>

<sup>53</sup> Daily Times, *op.cit.*,

<sup>54</sup> Amnesty International (17 May 2012), *Pakistan: Politician threatened, as defends minorities: Saleem Khursheed Khokhar*, p.2  
<http://www.amnesty.org/en/library/asset/ASA33/004/2012/en/d3af0ed7-6378-4f01-9e0a-e9293db68895/asa330042012en.pdf>

<sup>55</sup> Jinnah Institute (2013), *Extremism Watch, Mapping Conflict Trends in Pakistan 2011-2012*, p.25

<http://www.jinnah-institute.org/images/EW.pdf>

<sup>56</sup> Amnesty International (1 June 2012), *Pakistan: Further information: Politicians given protection but more needed*, p.1  
<http://www.amnesty.org/en/library/asset/ASA33/007/2012/en/420e2654-d5c0-478c-8958-e560c3af062b/asa330072012en.pdf>

<sup>57</sup> Dawn (15 November 2012), *Pakistani Hindus feel under attack*  
<http://beta.dawn.com/news/762491/pakistans-hindus-feel-under-attack>

<sup>58</sup> Hindu American Foundation (19 February 2013), *"There is fear 24 hours a day," Pakistani Hindu Refugee Tells HAF Team*  
<http://www.hafsite.org/human-rights-issues/there-fear-24-hours-day-pakistani-hindu-refugee-tells-haf-team>

“persecution, repression and subjugation” of the Hindu community in Pakistan which has derived out of “majoritarianism, Islamisation and radicalisation respectively” since the establishment of the state: a trend that seems irreversible.<sup>59</sup>

Hindus in Pakistan are divided into upper and lower castes (classes):<sup>60</sup> the latter principally employed in menial trades, mostly poor and illiterate;<sup>61</sup> the former more likely to be engaged in business, affluent and educated.<sup>62</sup> Both upper and lower caste Hindus face discrimination and challenges in Pakistan but the type varies according to the particular class.<sup>63</sup> Wealthy Hindus are targets for kidnappers and extortionists;<sup>64</sup> available state protection is largely introuvable.<sup>65</sup> Most Hindus however in Pakistan are poor<sup>66</sup> with many engaged in bonded labour in agriculture and manufacturing.<sup>67</sup> The status of lower class Hindus makes it difficult to challenge for instance, wealthy powerful Muslim landowners.<sup>68</sup>

## Schoolbooks

Present views of Hindus in Pakistan have been augmented by decades of educational enculturation which has proclaimed Islamic ascendancy at the expense of all other belief systems including Hindus.<sup>69</sup> “Pakistani primary and secondary schools continue to use textbooks that foster prejudice and intolerance of

religious minorities, especially Hindus and Christians. Hindu beliefs and practices are contrasted negatively with those of Islam”.<sup>70</sup> The Human Rights Commission of Pakistan notes the denigration of the beliefs of religious minorities alongside historical selectivity present in school textbooks.<sup>71</sup> This constitutes a misrepresentation of religions allied with blatant factual beguilement completely biased towards Islam.<sup>72</sup> General Zia’s process of Islamisation in the 1980s included a reformulation of the school curriculum in order to exclude the Hindu narrative from Pakistan, presenting instead, a monolithic Islamic visage of Pakistan.<sup>73</sup> This process of historical revisionism creating an “official history” both glorifies Islamic civilisation and negates the shared historical experience of Muslims and Hindus in the land now called Pakistan.<sup>74</sup> Hindus in Pakistan can be seen therefore through a discourse of hatred<sup>75</sup> and as the antithesis of Muslims.<sup>76</sup>

The Brookings Institution provides an example from a Pakistani schoolbook which depicts Muslims as “good” and “peaceful” while Hindus contrast being “bad” and “violent””.<sup>77</sup> Examples from other

<sup>59</sup> United States Commission on International Religious Freedom (30 April 2013), *USCIRF Annual Report 2013 - Countries of Particular Concern: Pakistan*

<http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=printdoc&docid=51826ef842>

<sup>71</sup> Human Rights Commission of Pakistan (April 2011), *Life at Risk*, p.23

<http://hrfp-web.org/hrcpweb/wp-content/pdf/ff/5.pdf>

<sup>72</sup> Jinnah Institute (23 October 2012), *Roundtable: Reforming the Curricula: Hate Content in Pakistani Textbooks*

<http://www.jinnah-institute.org/ji-in-the-press/554-roundtable-reforming-the-curricula-hate-content-in-pakistani-textbooks>;

Saadai Mesti (4 November 2011), *Stereotypic contents in textbooks and discourse on Hindu minority in Pakistan*, p.1

<http://interesjournals.org/ER/pdf/2011/November/Mesti.pdf>

<sup>73</sup> *Ibid.*, p.1

<sup>74</sup> Hudson Institute (14 October 2011), *Islam in the National Story of Pakistan*, p.6

[http://www.currenttrends.org/docLib/201110141\\_pandefinal.pdf](http://www.currenttrends.org/docLib/201110141_pandefinal.pdf);

Dawn (9 November 2011), ‘Pakistan schools teach Hindu hatred’ <http://beta.dawn.com/news/672000/pakistan-schools-teach-hindu-hatred>;

Sustainable Policy Development Institute (2003), *The Subtle Subversion, The State of Curricula and Textbooks in Pakistan*, p.90

<http://www.uvm.edu/~envprog/madrassah/TextbooksinPakistan.pdf>;

United States Commission on International Religious Freedom (November 2011), *Connecting the Dots: Education and Religious Discrimination in Pakistan, A Study of Public Schools and Madrassas*, p.47

[http://www.uscifr.gov/images/Pakistan-ConnectingTheDots-Email\(3\).pdf](http://www.uscifr.gov/images/Pakistan-ConnectingTheDots-Email(3).pdf)

<sup>75</sup> Saadai Mesti, *op.cit.*, p.2

<sup>76</sup> United States Commission on International Religious Freedom, *op.cit.*, p.43

<sup>77</sup> The Brookings Institution (June 2010), *Beyond Madrasas, Assessing The Links Between Education And Militancy In Pakistan*, p.42

<sup>59</sup> Jinnah Institute, *op.cit.*, p.28; see also: Writenet (May 2009), *Pakistan: The Situation of Religious Minorities*, p.22

<http://www.unhcr.org/refworld/pdfid/4b01856e2.pdf>

<sup>60</sup> The Times of India (4 June 2013), *Hindu parents don't send girl children to schools in Pakistan: Survey*

<http://timesofindia.indiatimes.com/city/chandigarh/Hindu-parents-dont-send-girl-children-to-schools-in-Pakistan-Survey/articleshow/20431451.cms>

<sup>61</sup> BBC News (5 December 2012), *Razed temple highlights Pakistan Hindu woes*

<http://www.bbc.co.uk/news/world-south-asia-20582988>

<sup>62</sup> Jinnah Institute, *op.cit.*, p.25

<sup>63</sup> Jinnah Institute (7 June 2011), *A Question of Faith, A Report on the Status of Religious Minorities in Pakistan*, p.33

<http://www.humanrights.asia/opinions/columns/pdf/AHRC-ETC-022-2011-01.pdf>

<sup>64</sup> Dawn (3 April 2012), *Hindus of upper Sindh: a bruised community carries on*

<http://dawn.com/2012/04/03/hindus-of-upper-sindh-a-bruised-community-carries-on/>

<sup>65</sup> Jinnah Institute (2013), *Extremism Watch, Mapping Conflict Trends in Pakistan 2011-2012*, p.30

<http://www.jinnah-institute.org/images/EW.pdf>

<sup>66</sup> Hindu American Foundation (6 June 2013), *Hindus in South Asia and the Diaspora: A Survey of Human Rights 2013*, p.75

[http://www.hafsite.org/sites/default/files/HHR\\_2012\\_Final.pdf](http://www.hafsite.org/sites/default/files/HHR_2012_Final.pdf)

<sup>67</sup> UNHCR, *op.cit.*, p.33; See also: Hindu American Foundation, *op.cit.*, p.74

<sup>68</sup> Minority Rights Group International (Undated), *World Directory of Minorities and Indigenous Peoples, Pakistan, Hindus*

<http://www.minorityrights.org/5630/pakistan/hindus.html>

<sup>69</sup> Writenet, *op.cit.*, p.ii

textbooks include: “The Hindu has always been an enemy of Islam...Before Islam people lived in untold misery all over the world...Islam gives a message of peace and brotherhood...There is no such concept in Hinduism.”<sup>78</sup> This is what the Jinnah Institute calls an installation “of hatred, distrust and animosity” towards the Hindu community amongst young Pakistanis in their formative years.<sup>79</sup> It is a policy that shows no sign of abating.<sup>80</sup>

## Forced conversion

Islamic extremists in Pakistan can harbour the idea of an obligation to convert Hindus to Islam.<sup>81</sup> One proponent states that “Hindus are non-believers. They believe in many gods, not one, and are heretics. So they should be converted.”<sup>82</sup> In parts of Sindh, Muslims are exhorted in Friday sermons to forcibly convert Hindus;<sup>83</sup> a news report in 2012 provides an example of Islamic extremists in Sindh utilizing loudspeakers in a street campaign, proclaiming Muslims to “choose and pick” Hindu girls to be forcibly converted;<sup>84</sup> the Asian Human Rights Commission highlights a specific Madressa in Sindh which has an annual target of Hindu girls for conversion.<sup>85</sup>

[http://www.brookings.edu/~media/Files/rc/papers/2010/06\\_pakistan\\_education\\_winthrop/06\\_pakistan\\_education\\_winthrop.pdf](http://www.brookings.edu/~media/Files/rc/papers/2010/06_pakistan_education_winthrop/06_pakistan_education_winthrop.pdf)

<sup>78</sup> Hindu American Foundation (14 March 2012), *Human Rights in Pakistan: Excerpts from Hindus in South Asia and the Diaspora, 2011*

<http://www.hafsite.org/human-rights-issues/hindu-human-rights-pakistan-excerpts-hafs-2011-report#Law>

<sup>79</sup> Jinnah Institute (2013), *Extremism Watch, Mapping Conflict Trends in Pakistan 2011-2012*, p.30

<http://www.jinnah-institute.org/images/EW.pdf>

<sup>80</sup> The News (6 September 2012), *Hate speech in high school textbooks on the rise*

<http://www.thenews.com.pk/Todays-News-4-130254-Hate-speech-in-high-school-textbooks-on-the-rise>

<sup>81</sup> Inter Press Service (30 March 2012), *Hindu Girls Targeted in Coerced Conversions*

<http://www.ipsnews.net/2012/03/hindu-girls-targeted-in-coerced-conversions/>

<sup>82</sup> IRIN News (27 February 2012), *Pakistan: Abducted and forced into a Muslim marriage*

<http://www.irinnews.org/Report/94969/PAKISTAN-Abducted-and-forced-into-a-Muslim-marriage>

<sup>83</sup> Jinnah Institute (7 June 2011), *A Question of Faith, A Report on the Status of Religious Minorities in Pakistan*, p.55

<http://www.humanrights.asia/opinions/columns/pdf/AHRC-ETC-022-2011-01.pdf>

The Bar Human Rights Committee of England and Wales (March 2013), *Forced Conversions And Forced Marriages In Pakistan*  
<http://www.barhumanrights.org.uk/sites/default/files/documents/bhrio/forced-conversions-and-forced-marriages-in-pakistan.pdf>

<sup>84</sup> Daily Times, *op.cit.*,

<sup>85</sup> Asian Human Rights Commission (10 December 2012), *The State of Human Rights in Pakistan, 2012*, p.66

<http://www.humanrights.asia/resources/hrreport/2012/ahrc-spr-008-2012.pdf/view>

Reports from 2011, 2012 and 2013 recount regular and ongoing cases of Hindu girls in Sindh being kidnapped, married and forcibly converted to Islam.<sup>86</sup> Hindu girls who are married in this fashion, even if appealed to a court, find considerable societal and local pressure to maintain that union.<sup>87</sup> The Pakistan Hindu Council has made representation to the United Nations in 2012 over its concerns about the forced conversions of young Pakistani Hindu girls.<sup>88</sup> The continuance of this phenomenon has left the Hindu community incessantly fearful, uncertain and vigilant.<sup>89</sup> One Hindu mother exclaims that “being a Hindu mother today is terrifying. I fear my 14-year-old daughter could be taken away”.<sup>90</sup> Islamist fundamentalists justify their actions as a means to make Pakistan pure.<sup>91</sup> Hindus are being saved says one advocate, propounding: “We are saving them from the fires of hell”.<sup>92</sup>

## Floods

A Hindu mother recounted to Pakistani newspaper Dawn in September 2011 that her children are hungry due to being discriminated against because of being Hindus in a humanitarian aid effort after the Monsoons and displacement of 2011 in Sindh.<sup>93</sup> In 2011 and in the floods of 2010, there were examples of Hindus

<sup>86</sup> Jinnah Institute, *op.cit.*, p.55;

Asian Human Rights Commission, *op.cit.*, p.8;

Freedom House (May 2012), *Freedom in the World 2012 - Pakistan*

<http://www.freedomhouse.org/report/freedom-world/2012/pakistan>

BBC News, *op.cit.*;

The Bar Human Rights Committee of England and Wales, *op.cit.*, p.5

<sup>87</sup> United States Commission on International Religious Freedom (30 April 2013), *USCIRF Annual Report 2013 - Countries of Particular Concern: Pakistan*

<http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=printdoc&docid=51826ef842>

<sup>88</sup> The Times of India (2 September 2012), *Pak Hindu Council to move UN against forced conversion of girls' religion*

[http://articles.timesofindia.indiatimes.com/2012-09-02/india/33548099\\_1\\_conversions-of-hindu-girls-pak-hindu-council-hussain-haroon](http://articles.timesofindia.indiatimes.com/2012-09-02/india/33548099_1_conversions-of-hindu-girls-pak-hindu-council-hussain-haroon)

<sup>89</sup> Jinnah Institute (2013), *Extremism Watch, Mapping Conflict Trends in Pakistan 2011-2012*, p.29

<http://www.jinnah-institute.org/images/EW.pdf>

<sup>90</sup> IRIN News (6 January 2011), *Pakistan: Hindu minority lives in mounting fear*

<http://www.irinnews.org/Report.aspx?ReportID=91544>

<sup>91</sup> Asian Human Rights Commission (25 October 2011), *Pakistan: The forced marriages of religious minority women must be annulled and the victims returned to their families and communities*  
<http://www.humanrights.asia/news/ahrc-news/AHRC-STM-159-2011>

<sup>92</sup> New York Times (25 March 2012), *In Pakistan, Hindus Say Woman's Conversion to Islam Was Coerced*

[http://www.nytimes.com/2012/03/26/world/asia/pakistani-hindus-say-womans-conversion-to-islam-was-coerced.html?pagewanted=all&\\_r=0&pagewanted=print](http://www.nytimes.com/2012/03/26/world/asia/pakistani-hindus-say-womans-conversion-to-islam-was-coerced.html?pagewanted=all&_r=0&pagewanted=print)

<sup>93</sup> Dawn (17 September 2011), *Untouched by aid, relief*  
<http://x.dawn.com/2011/09/17/untouched-by-aid-relief/>



being discriminated against while seeking aid<sup>94</sup> from both government agencies and local and Islamic charities.<sup>95</sup> Jewat Ram in September 2011 provides an example where he states that “the school I teach in has been turned into a camp for the flood-affected people, but when three Hindu families sought refuge there, they were denied it”.<sup>96</sup> The Jinnah Institute in 2011 noted little improvement during that year’s humanitarian aid effort and what occurred in 2010 vis-à-vis assistance to Hindus.<sup>97</sup>

## India

The Pakistan Hindu Council estimates that over 50 Hindu families leave Pakistan each month for India.<sup>98</sup> In 2012 the Daily Times proposed a figure of between 7,000 to 10,000 Hindus had forfeit Pakistan since 2010.<sup>99</sup> Since 1947 migration to India has been optioned by Hindus, often tempered by Pakistan’s domestic politic.<sup>100</sup> Increasing Islamisation since the Zia era however, has pronounced this choice for Hindus.<sup>101</sup> One Hindu in 2012 recounts the dilemma of those who decide to leave, stating: “this is our home, but when the state fails to provide protection to its

citizens, they are left with little choice but to leave”;<sup>102</sup> Hindus who depart are leaving homes where their families have resided for centuries<sup>103</sup>. In 2012 the Human Rights Commission of Pakistan expressed “alarm” and “outrage” at the lack of state protection for Hindus in Pakistan.<sup>104</sup>

## Conclusion

Many Hindus in Pakistan are however, reluctant to depart what they see as their ancestral homeland.<sup>105</sup> Their ties within the social, political and economic structures of Sindh have wedded them to the land now called Pakistan.<sup>106</sup> Many Hindus in Sindh co-exist in equilibrium with their Muslim neighbours and have done for centuries, attending for example, each other’s religious and familial occasions.<sup>107</sup> “Abdullah, Muhammad Hakeem, Noor Muhammad” were some of the names read out, all Muslims, alongside Hindu names, “Raj Kumar, Laal Chand, Sunil”, members respectively, of both Muslim and Hindu communities receiving food as part of a humanitarian effort aiding those affected by the floods in 2010 in a district of Sindh.<sup>108</sup> Pakistan’s president in 2010 demanded to know why in some cases Hindus in Sindh were prejudiced in receiving aid in the aftermath of the

<sup>94</sup> Hindu American Foundation (6 June 2013), *Hindus in South Asia and the Diaspora: A Survey of Human Rights 2013*, p.76

[http://www.hafsite.org/sites/default/files/HHR\\_2012\\_Final.pdf](http://www.hafsite.org/sites/default/files/HHR_2012_Final.pdf)

<sup>95</sup> Agence France Presse (25 December 2010), *Pakistan's 'Mother Teresa' on floods frontline*

[http://www.lexisnexis.com/uk/legal/results/docview/docview.do?docLinkInd=true&risb=21\\_T17780071402&format=GNBFULL&sort=BOOLEAN&startDocNo=1&resultsUrlKey=29\\_T17780071407&cisb=22\\_T17780071406&treeMax=true&treeWidth=0&csi=344859&docNo=2;](http://www.lexisnexis.com/uk/legal/results/docview/docview.do?docLinkInd=true&risb=21_T17780071402&format=GNBFULL&sort=BOOLEAN&startDocNo=1&resultsUrlKey=29_T17780071407&cisb=22_T17780071406&treeMax=true&treeWidth=0&csi=344859&docNo=2;)

Daily Times (13 June 2012), *Scheduled caste Hindus demand relief, protection*

[http://www.dailytimes.com.pk/default.asp?page=2012%5C06%5C13%5Cstory\\_13-6-2012\\_pg7\\_22;](http://www.dailytimes.com.pk/default.asp?page=2012%5C06%5C13%5Cstory_13-6-2012_pg7_22;)

Inter Press Service (19 September 2011), *Flood Relief by Caste, Creed*

[http://www.ipsnews.net/2011/09/pakistan-flood-relief-by-caste-creed/;](http://www.ipsnews.net/2011/09/pakistan-flood-relief-by-caste-creed/)

Jinnah Institute (Undated), *Floods Update: Discrimination against Hindus as a Minority*

<http://www.jinnah-institute.org/open-democracy-initiative/348-floods-update-discrimination-against-hindus-as-a-minority-during-relief-efforts>

<sup>96</sup> Inter Press Service, *op.cit.*,

<sup>97</sup> Jinnah Institute, *op.cit.*,

<sup>98</sup> United States Commission on International Religious Freedom, *op.cit.*,

<sup>99</sup> Daily Times (20 August 2012), *A tale of migrating Hindus*

[http://www.dailytimes.com.pk/default.asp?page=2012%5C08%5C20%5Cstory\\_20-8-2012\\_pg7\\_10](http://www.dailytimes.com.pk/default.asp?page=2012%5C08%5C20%5Cstory_20-8-2012_pg7_10)

<sup>100</sup> Jinnah Institute (2013), *Extremism Watch, Mapping Conflict Trends in Pakistan 2011-2012*, pp.30-31

<http://www.jinnah-institute.org/images/EW.pdf>

<sup>101</sup> Hindustan Times (6 March 2012), *Pakistani Hindus try to flee to India*

<http://www.hindustantimes.com/world-news/Pakistan/Pakistani-Hindus-try-to-flee-to-India/Article1-821572.aspx>

<sup>102</sup> Inter Press Service (30 March 2012), *Hindu Girls Targeted in Coerced Conversions*

<http://www.ipsnews.net/2012/03/hindu-girls-targeted-in-coerced-conversions/>

<sup>103</sup> The Express Tribune (24 September 2012), *Safeguarding Hindu rights: Parliamentary panel to probe forced conversions*

[http://tribune.com.pk/story/441509/safeguarding-hindu-rights-parliamentary-panel-to-probe-forced-conversions/;](http://tribune.com.pk/story/441509/safeguarding-hindu-rights-parliamentary-panel-to-probe-forced-conversions/)

Inter Press Service (24 August 2012), *Why Are Hindus from Pakistan Crossing Over to India?*

<http://www.ipsnews.net/2012/08/why-are-hindus-from-pakistan-crossing-over-to-india/>

<sup>104</sup> Human Rights Commission of Pakistan, (10 August 2012) *HRCP's outrage at minorities' flight*

<http://hrpcblogger.wordpress.com/2012/08/10/hrcps-outrage-at-minorities-flight/>

<sup>105</sup> Hindu American Foundation, *op.cit.*, p.54

<sup>106</sup> Dawn (3 April 2012), *Hindus of upper Sindh: a bruised community carries on*

[http://dawn.com/2012/04/03/hindus-of-upper-sindh-a-bruised-community-carries-on/;](http://dawn.com/2012/04/03/hindus-of-upper-sindh-a-bruised-community-carries-on/)

Dawn (5 January 2011), *The forgotten prayers of a people*

<http://beta.dawn.com/news/596274/the-forgotten-prayers-of-a-people>

<sup>107</sup> New York Times, *op.cit.*,

<sup>108</sup> International Federation of Red Cross and Red Crescent Societies (5 August 2011), *Pakistan floods - One year later: Going beyond religious boundaries*

[http://www.ifrc.org/en/news-and-media/news-stories/asia-pacific/pakistan/pakistan-floods---one-year-later-going-beyond-religious-boundaries-;](http://www.ifrc.org/en/news-and-media/news-stories/asia-pacific/pakistan/pakistan-floods---one-year-later-going-beyond-religious-boundaries-/)

The Express Tribune (23 August 2010), *23 August 2010) Flood survivors display interfaith harmony*

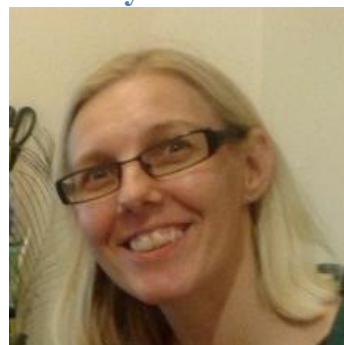
<http://tribune.com.pk/story/41869/flood-survivors-display-interfaith-harmony/>



floods.<sup>109</sup> The President has also sought to address the issue of forced conversions of the Hindu community and has established a parliamentary committee accordingly.<sup>110</sup> Authorities in Sindh have made efforts to update school textbooks, removing some of the anti-Hindu sentiment.<sup>111</sup> Indeed prior to the Zia era, school books did elucidate and celebrate Hindu culture and history in Pakistan.<sup>112</sup> This reflects the fact that in Pakistan Hindu civilisation has thrived for millennia.<sup>113</sup> The baby born into a Hindu family in January 2011 in Karachi led to a family argument over whether a Hindu name should be used vis-à-vis religious identity and possible consequences.<sup>114</sup> One relative hoped that a Hindu name would be used advocating that “we must keep our traditions [and] our identity or we will be lost”.<sup>115</sup>



## Claiming Asylum on the Basis of Your Sexuality: The Views of Lesbians in the UK



Claire Bennett, a research fellow at the University of Southampton, recently submitted her PhD thesis exploring how lesbian asylum seekers and refugees recall their experiences of the UK asylum process. This article is updated and kindly reproduced from the original article written for Women's Asylum News (January/February 2013, issue 115). The key findings from this study are outlined below.

### The research

The three year PhD research project interviewed lesbian asylum seekers living in London, Manchester, Wigan, Stoke-on-Trent and Leeds and explored their direct views and experiences of seeking protection. The qualitative study involved three repeat interviews with eleven lesbians who had all claimed asylum in the UK on the basis of their sexual orientation

All women had experienced physical and/or sexual violence (some women had been imprisoned) in their country of origin because of their sexuality and all had claimed asylum in the last five years. Six of the women had gained refugee status and five of the women were at different stages of the appeals process (at the time of the interviews). The participants were from Jamaica, Uganda, The Gambia, Nigeria, Pakistan and Saudi Arabia and their ages ranged from their early twenties to their late fifties. The research examined women's experiences back home, their views of the asylum process and their personal reflections of being a lesbian asylum seeker in the UK.

### The Findings: Women's Homosexuality in their 'Home' Countries

All of the participants reported the difficulties they faced as a lesbian in their country of origin. Negative cultural codes, religious teachings and anti-homosexual laws often meant women experienced culturally permitted abuse, sexual violence, public beatings, imprisonment and torture without access to any protection or support. Alongside such traumatic incidents, the women spoke of their personal struggles

<sup>109</sup> Jinnah Institute (Undated), *Floods Update: Discrimination against Hindus as a Minority* <http://www.jinnah-institute.org/open-democracy-initiative/348-floods-update-discrimination-against-hindus-as-a-minority-during-relief-efforts>

<sup>110</sup> United States Commission on International Religious Freedom, *op.cit.*,

<sup>111</sup> The Express Tribune (14 April 2011), *Our textbooks and the lies they teach*

<http://tribune.com.pk/story/149448/our-textbooks-and-the-lies-they-teach/>

<sup>112</sup> Sustainable Policy Development Institute, *op.cit.*, p.67

<sup>113</sup> Hindu American Foundation, *op.cit.*, p.55

<sup>114</sup> IRIN News, *op.cit.*,

<sup>115</sup> *ibid*

in discovering their ‘different’ sexual identity. In this cultural context, women’s description of being attracted to other women was deemed as something which could not be openly discussed or acknowledged. In countries where homosexuality is considered illegal, ‘un-Godly’, ‘un-Islamic’, ‘evil’ and ‘morally deplorable’, women devised deliberate strategies to avoid others knowing or even suspecting their sexual orientation. For some, this involved forming public heterosexual relationships or marrying men whilst continuing same sex relationships in private. All of the women reported that their sexuality was a source of deep isolation and personal distress, an aspect of their lives which needed to be concealed and as a consequence, often became difficult to accept.

### Seeking Asylum in the UK

The participants in this study used terms such as: “difficult”, “stressful”, “dehumanising”, “criminalising” and “traumatic” to describe their experiences of seeking international protection in the UK. Different aspects of the asylum process emerged as problematic. For example, the lack of private space was considered to increase the tension and pressure associated with talking about their sexuality. Disclosing experiences of sexual violence during the “sterile” and “unsympathetic” substantive interview, together with the inability to express themselves freely seemingly added to personal difficulties. For the women detained, time spent in Yarls Wood Immigration and Removal Centre made them feel that they were being physically removed from society and “punished” for their sexuality whilst in the UK. The time taken for decisions to be reached was portrayed as “heart-breaking” and “agonising.” In addition, having their individual accounts labelled by decision-makers as ‘not-credible’ left women in despair. As one woman explained, being disbelieved made her feel that her “very existence had been denied.” This next section will however, focus on three key aspects which emerged from the research: ‘talking about sexuality’, ‘evidencing sexuality’ and ‘social isolation.’

#### 1) Talking about Sexuality During the Asylum Process

Talking openly about one’s individual sexuality arose as bound within cultural codes of secrecy and shame. Given the levels of concealment and personal feelings of “disgrace” and guilt associated with women’s sexual orientation, the demand to frequently disclose this to strangers (including interpreters) was described as “upsetting.” Conversations regarding how women had never previously discussed their sexuality in public and the personal difficulties associated with saying the words: “I am a lesbian” during their initial interactions

with the UK Border Agency/ immigration judges/legal representatives arose. Many women discussed having negative thoughts towards their sexuality or fearing other people’s negative judgements, as barriers to disclosing their same sex attractions. For others, their sexuality was perceived as a private and personal aspect of their life, which together with their experiences of sexual violence, was something which they felt deeply uncomfortable and suspicious of other people knowing, scrutinising and judging them on.

#### 2) Evidencing Sexuality

The requirement to ‘evidence sexuality’ as demanded by the asylum process also emerged as challenging. Women’s experiences of explicitly hiding and denying their sexual orientation in their home countries presented logistical difficulties. Added to this, the problems of getting others to become involved in their case was also difficult as some people “*did not want to publicly associate with a lesbian.*” For example, one participant described how a former colleague rejected her request to verify her past experiences within Jamaica because the former colleague was “*disgusted*” at same sex relationships.

For the women in this study, the attitudes and types of questions directed at them by the UK Border Agency and immigration judges to prove their sexuality were described as “*very sad.*” For example, in order to authenticate their sexuality, one participant was asked in her substantive interview whether she “*used sex toys*” and another woman was asked in court whether she “*read Oscar Wilde*” and “*which shows*” she watched. Significantly, during the same court appearance, this participant was later questioned on why “*she decided to be gay in a country [when she] knew it was illegal*”. For other women their dress and behaviour seemed to affect the perceived legitimacy of their sexuality. For instance, accounts emerged that immigration judges told women that they “*did not look like a lesbian,*” that lesbians “*don’t have children*” and that all lesbians enjoy the ‘gay scene’ and go on ‘Pride’ marches. These “*stereotypical views*” which the participants spoke of were deemed as particularly worrying especially for the Muslim participants who did not drink, did not go clubbing and had children. Combined, these experiences led to all women believing that the UK Border Agency and immigration judges had fixed views on sexuality and saw all lesbians as “*someone who is butchy, wears men’s clothes and maybe with their hair shaved off.*” For the women in this study, failure to conform to this outdated and “*inappropriate*” stereotype meant their sexuality was likely to be disbelieved and their asylum claim refused.

### 3) Social Isolation

The experience of being a lesbian asylum seeker in the UK was frequently described as both challenging and personally isolating. Like all asylum seekers, living in the UK with constant instability, fearing return and feeling that members of the public and press “*see you as scroungers and cheats*” made many women feel “*unwelcomed*” and “*criminalised*.” These troubling times however appeared to re-ignite women’s previous experiences of social isolation and their painful memories of family rejection. Knowing that they were not just physically separated from their families but that their families did not want to see them again tormented many participants. In addition, finding comfort and support from other asylum seekers or migrant communities was also difficult as they still faced discrimination and hostility from many people within these groups. For example, accounts emerged regarding feeling “*bullied*” by other asylum support groups once their sexuality was known. Moreover, feeling the need to deliberately avoid ‘Pakistani’, ‘Jamaican’ and ‘African’ communities for fears that these groups held homophobic views frequently arose. As a consequence, this study revealed how there were few avenues where lesbian women felt they could be themselves, feel supported, access appropriate information and feel safe whilst seeking asylum.

### Recommendations

The findings from this study support the following recommendations:

- For further research on the legal interpretations, evidential requirements and the decision-making process associated with claims based on a person’s sexuality
- For a greater appreciation of the barriers to disclosure associated with talking about sexuality during the asylum process.
- A greater awareness of the social isolation faced by lesbian asylum seekers and increased funding for the provision of more specialist support
- For the production of statistical information regarding the numbers of LGBT claims, their country of origin, how many LGBT applicants are given status, refused, placed on the detained fast track and returned.

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## COI Online: Evolution of Electronic Systems in the RDC



*Zoe Melling, Librarian, RDC*

### Introduction

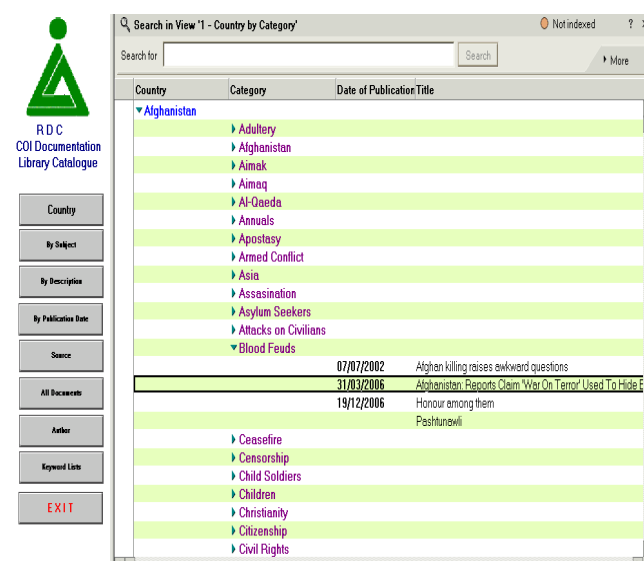
Online access to Country of Origin Information (COI) has been a key element of service delivery for the Refugee Documentation Centre since its establishment 13 years ago, and the RDC’s electronic resources have been available to its various user groups in a variety of different formats over the years. This article gives an overview of the development of COI systems in the RDC - from the first Lotus Notes based database in 2001, to the implementation of an integrated library management system/digital archive in 2007, subsequent enhancements and expansions to the system, and current preparations for connecting the Digital Library to the European COI Portal. In the context of increasing financial constraints and reduced human resources, the RDC is committed to providing and streamlining COI information both domestically and internationally by facilitating access to shared and standardised electronic COI resources for as many user groups and stakeholders as possible.

### Birth of a COI System: Early RDC Databases

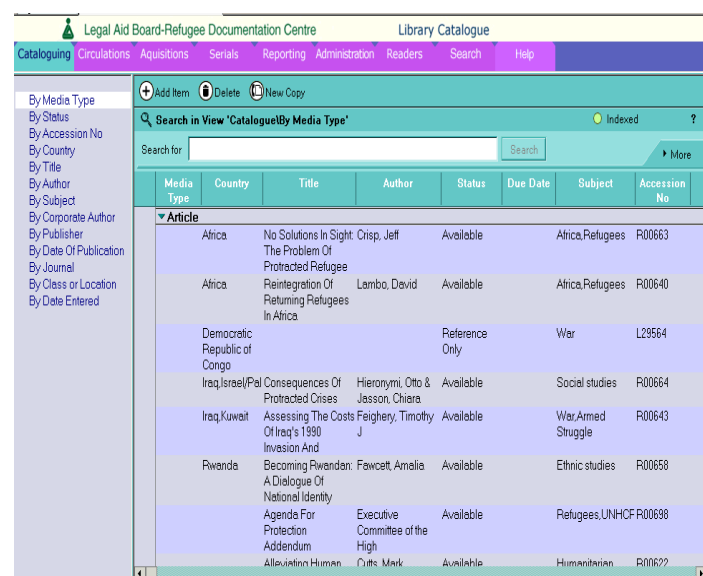
The RDC was established at the end of 2000 to provide a centralised, independent COI information service for the principal asylum agencies in Ireland. From the beginning the focus was on electronic information, as research in the RDC is largely conducted online, COI resources are primarily “born digital” rather than initially produced in print format, and many of the RDC’s user groups are located offsite. The first RDC document management system was established in 2001 on a Lotus Notes platform, serving as a storage facility for COI documents which could be displayed by country, subject, author, source, date, description or keyword. This was followed by a Library Management System (LMS) in 2005, which included catalogue

records for books and reports held in the RDC library, journal contents pages previously circulated on internal bulletin boards or by email, and published anonymised query responses. A web version of both systems was subsequently made available to asylum agency users within the internal Department of Justice network. Features of the LMS included the ability to search or browse for materials, display lists of recent acquisitions, and place requests for items via the system. A Separate Query Management System known locally as the QMS was developed for processing requests and query responses, which is still in use.

### Document Management System (2001)



### Library Management System (2005)



### Query Management System (for confidentiality requester details are hidden)

Queries					
Search in View "QueriesNewByDate"					
Date Received	Deadline	Query Number	Requester	Country	
11/10/2013	18/10/2013	Q17230		Russian Fed	
15/10/2013	24/10/2013	Q17234		Ukraine	
	23/10/2013	Q17238		Pakistan	
16/10/2013	23/10/2013	Q17239		Ghana	
	23/10/2013	Q17240		Democratic Republic of Congo	
	23/10/2013	Q17241		Democratic Republic of Congo	
	23/10/2013	Q17242		Democratic Republic of Congo	
	23/10/2013	Q17243		Democratic Republic of Congo	
	24/10/2013	Q17244		Algeria	
	24/10/2013	Q17245		Algeria	
	25/10/2013	Q17246		Egypt	
	25/10/2013	Q17247		Albania	
	22/10/2013	Q17248		Algeria	
	22/10/2013	Q17250		Algeria	
	22/10/2013	Q17251		Algeria	
	22/10/2013	Q17252		Algeria	
	22/10/2013	Q17253		Algeria	
	22/10/2013	Q17254		Algeria	
	25/10/2013	Q17255		Nepal	
	21/10/2013	Q17256		Democratic Republic of Congo	
	21/10/2013	Q17257		Democratic Republic of Congo	

### Extending the Family: Integrated Library/Document Management System

In 2003 the RDC was reviewed by an external expert, who recommended the development of an electronic catalogue and COI database to facilitate rapid online access to RDC resources by RDC staff, asylum agencies and relevant external stakeholders. Users expressed a preference for a system that could serve as a portal to related information worldwide, including links to international COI holdings, relevant databases, journals, case law and legislation. As a result of these recommendations an integrated library management system and digital archive known locally as the 'E-Library' was developed and launched in 2007. Implemented under the Department of Justice's Asylum and Immigration Strategic Integration Programme (AISIP), the new system allowed unified access to the RDC library catalogue and digital collections via an intranet within Department of Justice and Legal Aid Board offices. A portal component to facilitate customised display of content and an integrated search incorporating external resources was purchased for future installation.

There are currently approximately 25,000 documents in the RDC digital library, comprising COI documents, query responses, journal contents pages, and legal materials. Products produced in-house by the RDC including Country Information Packs, Country Marriage Packs and Country Adoption Packs are located in the COI collection. The system supports the addition of consortia libraries, and the Legal Aid Board Library catalogue was incorporated in 2007 followed by the Department of Justice and Equality Library in 2011. A shared server is hosted in Legal Aid Board offices, and system administration for all three libraries is carried out in the RDC. A separate Online Public Access Catalogue (OPAC) front end exists for each library; however integrated access to the resources of the three libraries for all users has been agreed and will



be implemented with the next system upgrade scheduled to commence in October 2013.

## E-Library OPAC homepage

The screenshot shows the OPAC homepage for the Refugee Documentation Center and Legal Aid Board Library. The header is teal with the library name and tagline. A purple navigation bar contains links: Library Catalogue, Place a Query, I Need Material, Knowledge Portal, Library Info, My Account, Contact Us, and Digital Library. Below this is a dark grey bar with Go Back, Help, My Profile, and Logout. The main content area is white and features a search box with a 'words or phrase' dropdown and a 'Search' button. Below the search box is a 'library: ALL' dropdown and a 'Power Search' link. Further down, there is a 'Library Info' section with links to 'New materials at the RDC', 'New materials at the LAB Library', 'New Query Responses', and 'Information about the RDC'. At the bottom, there is a 'Powered by: SrsiDyNx' logo, the library name, tagline, and copyright notice (2000-2009), and a 'Top' link.

## Digital Library collections

The screenshot shows the Digital Library collections page. The header is teal with the library name and tagline. A purple navigation bar contains links: Search Full text, Hyperion Hierarchy, and Library Catalogue. Below this is a dark grey bar with Go Back, Help, and Logout. The main content area is white and features a 'Hierarchy' section with a tree view showing the following structure: ROOT, COI, Queries/Responses, LAB Library queries, Serial Contents, Legal Materials, and Training Materials. At the bottom, there is a 'Powered by: SrsiDyNx' logo, the library name, tagline, and copyright notice (2000-2009), and a 'Top' link.

## The Next Generation: System Upgrades and Enhancements

The RDC Digital Library has been due for an upgrade for a number of years, as the current software has reached end of life and is no longer supported or maintained by the system vendor. To date this upgrade has been delayed by a number of factors including technical issues, availability of the new software for local hosting, staff resources and budgetary constraints. In 2012 the RDC secured funding from the European Refugee Fund (ERF) to connect the RDC Digital Library to the EU COI Portal, and as system upgrades are required prior to connection they are included as part of this project. Preparations are underway for the upgrades which are due for completion by the end of the year.

The Digital Library replacement product, Portfolio, comes with a portal component known as Enterprise and offers a number of enhancements for end users. The display can be customised for individual users or groups of users, and virtual “rooms” of content can be set up to showcase specific resources or collections of particular interest to different users. The upgraded user friendly interface allows users to perform an integrated search of the library catalogue and contents of electronic documents, eliminating the need to search the full text of documents separately as is the case with the current system. Enterprise also provides the possibility of a federated search (simultaneous search of multiple resources) which could potentially include external databases such as Refworld and ECOI.net. The search engine supports “fuzzy” logic by accepting unclear, incomplete or misspelled queries, and provides a faceted search (search within search) in which results can be further refined by criteria such as author, subject, format, type of material, language, library, or publication date.

## Department of Justice Library OPAC

The screenshot shows the OPAC homepage for the Department of Justice and Equality Library Centre. The header is teal with the library name and tagline. A purple navigation bar contains links: Library Catalogue, I Need Material, Knowledge Portal, Library Info, My Account, and Contact Us. Below this is a dark grey bar with Go Back, Help, My Profile, and Logout. The main content area is white and features a search box with a 'words or phrase' dropdown and a 'Search' button. Below the search box is a 'Power Search' link. Further down, there is a 'Library Info' section with a link to 'New materials at JUSTICE'. At the bottom, there is a 'Powered by: SrsiDyNx' logo, the library name, tagline, and copyright notice (2000-2009), and a 'Top' link.

## Sample Portfolio search screen

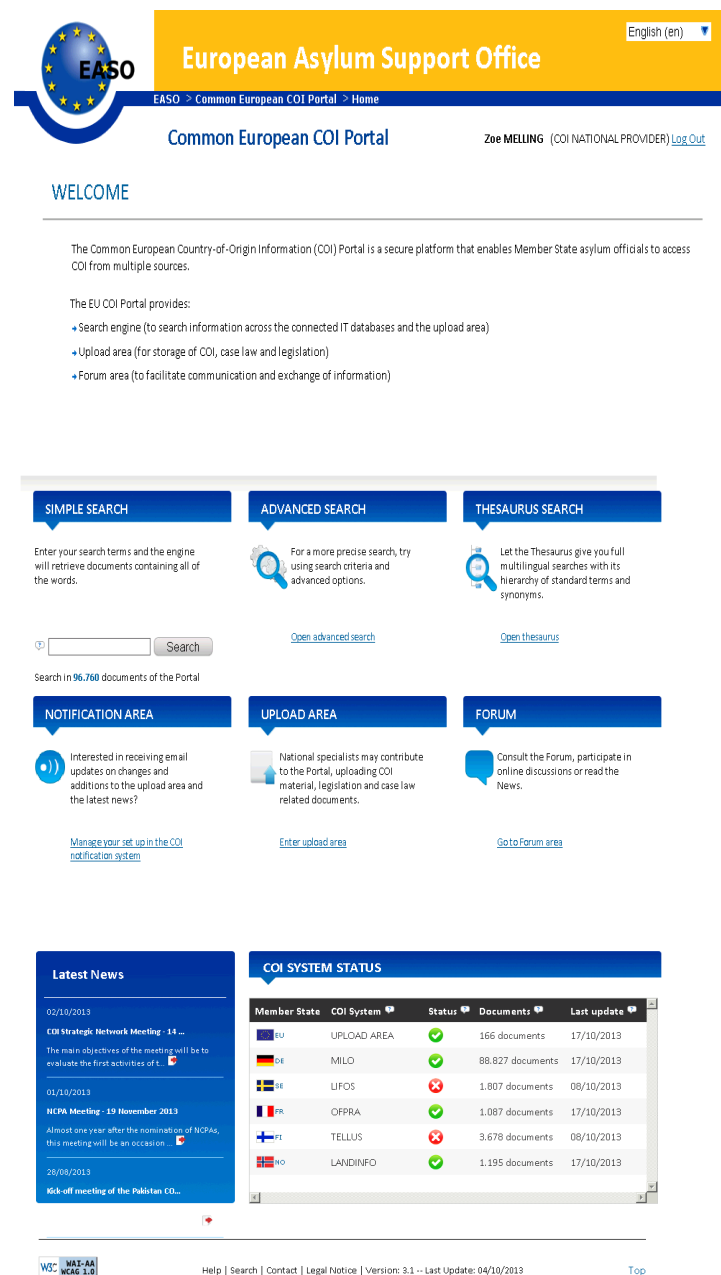


Training on the use of Portfolio/Enterprise will be offered to all user groups when the upgrades are in place and a user guide will be provided.

## Global Relations: Connecting to the EU COI Portal

The COI Portal is an EU initiative which aims to support practical co-operation and decision making in asylum procedures. Launched in July 2011 and managed by the European Asylum Support Agency (EASO), the Portal provides a common entry-point enabling Member State asylum officials to access COI from multiple sources via a web-based interface. The Portal is designed to connect the COI databases of EU national asylum administrations (including associate countries), and includes an upload area for each country, a communications forum and a notification system. The Portal is available in three languages: English, French and German and operates with three main user profiles: General Users (e.g. case workers/decision makers from asylum administrations), COI Specialists (e.g. COI researchers) and COI National Providers (e.g. librarians or staff responsible for uploading and classifying documents).

## COI Portal homepage



The Portal interface includes a “breadcrumbs” path showing the navigation route from the homepage to the current section of the Portal, a help section, and the option to change the interface language. The middle section of the homepage provides access to the six main areas of the Portal: Simple Search, Advanced Search, Thesaurus search, Notification area, Upload Area and Forum. The lower half of the homepage contains a link to recent news items and information on the status of connected systems.

The COI systems currently connected to the Portal are MILO (Germany), OFPPA (France) and LANDINFO (Norway). LIFOS (Sweden) and TELLUS (Finland) are due to go live shortly. Preparations for the

development of web services to connect the RDC Digital Library to the Portal will commence as soon as the system upgrades are in place.

Each Member State has a National Common Portal Administrator (NCPA) who is responsible for user registrations on a national level, troubleshooting, and liaising with EASO regarding user feedback and future developments to the Portal. The RDC Librarian is the NCPA for Ireland.

The RDC has been involved in the COI Portal project from its inception in 2007, and agreed at the outset to connect its document repository to the Portal. This will enable a more integrated and standardised approach to the provision of COI to asylum agencies and other key stakeholders both in Ireland and Europe, and contribute to the Common European Asylum System. Connecting to the Portal will also allow for remote access to the RDC digital archive for the first time. Currently the RDC E-Library, although available to the principal asylum agencies via an intranet, is not available to external stakeholders who don't have access to this intranet.

The EFR has approved funding for 95% of the cost of the connection project, with the remainder jointly funded by the Legal Aid Board and Office of the Refugee Applications Commissioner (ORAC).

The RDC was represented on both the COI Portal Steering Group (2010-2011) and EASO COI Portal Working Party (2012-2013). The Working Party was charged with developing quality control guidelines for use of the upload area, including the scope of documents to be uploaded, standardisation of the classification scheme used for the hierarchical tree structure in all national upload areas, and harmonisation of metadata formats. The subject scheme developed for the RDC Digital Library was used as the default folder structure in the upload areas. EASO are currently establishing an expert advisory group to discuss future developments and improvements to the Portal which will include a representative from the RDC. Ireland is also represented on the EASO Management Board by the Refugee Applications Commissioner.

Training on use of the COI portal will be provided to all eligible RDC user groups when the connection process is completed, and a user guide will be circulated.

For any queries relating to the E-Library or COI Portal please contact:

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Research & Information Unit  
Legal Aid Board  
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7-11 Montague St  
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## UNHCR Photoset of Syrian refugees fleeing to Kurdistan, Iraq



Thousands of Syrians streamed across a bridge over the Tigris River, entering Iraq on Thursday at a point where movement is normally tightly controlled by both countries. "There were lots of smiles as people arrived. Many had waited for days in temperatures reaching 40 degrees and so there was a sense of relief," says Gubaeva. UNHCR / G.Gubaeva



People had to walk about two kilometers to the makeshift reception area. UNHCR / G.Gubaeva



The vast majority of the new arrivals are families -- women, children and elderly -- mainly from Aleppo, Efrin, Hassake and Qamishly. UNHCR / G.Gubaeva



The International Organization of Migration and the Kurdistan Regional Government provides hundreds of buses to move refugees onwards to accommodation in Dohuk and Erbil. UNHCR/G.Gubaeva



UNHCR staff direct refugees onto buses. Most will stay in tents or mosques, or with family and friends. UNHCR / G.Gubaeva



UNHCR, partner agencies and local authorities worked into the early hours of the morning to aid the new arrivals. UNHCR / G.Gubaeva