

# women's ASYLUM NEWS

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Refugee Women's Resource Project - Asylum Aid - Issue 4 October 2000

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**In this issue:** Human Rights Act    Domestic violence on the Internet  
Coming events    RWRP activities

## **Human rights for asylum seekers**

On October 2<sup>nd</sup> the Human Rights Act 1998 came into effect in the United Kingdom, incorporating the European Convention on Human Rights (ECHR) into UK legislation.

This now means that any individual who, at the hands of a public authority, experiences a breach of their Human Rights (as defined by the ECHR) now has recourse to the UK courts rather than, as previously, having to refer to the European Court of Human Rights in Strasbourg.

### **The initial implications for asylum seekers may be summarised as follows:**

All asylum seekers, regardless of status and unlawful or otherwise, have recourse to the Human Rights Act, since it may be used by any person under the jurisdiction of the UK courts.

As a public body the Home Office is subject to the Act. It is likely however, that the Act will be interpreted to include any organisation providing a public service.

### **The Act thus has relevance to the treatment of asylum seekers in this country in two ways.**

Firstly, that asylum seekers and refugees who feel that the Home Office is acting in breach of the Human Rights Act may take their case to the UK courts. This includes actions taken to return asylum seekers whose claims have been refused if it is likely that on their return

they will experience treatment in breach of their human rights under the Convention.

Secondly, that if an asylum seeker experiences a direct abuse of their human rights by the Home Office or another public agency then they also have recourse to the UK courts. In particular this might pertain to Article 3 that prohibits Inhuman and Degrading Treatment, which could feasibly be argued to include some treatment under the 1999 Immigration & Asylum Act.

See pages 4-5 for more details on the Articles that will affect asylum seekers.

## **Government acts on vouchers**

Asylum seekers supported by NASS, the National Asylum Support Service, currently receive vouchers for food and essential living expenses, plus a minimal cash sum per week. As well as having to manage on just 70% of Income support rates, they have up until now not been able to receive change from vouchers if they give in a voucher above the cost of the goods. Public outcry and supporters' campaigns against this unfairness have paid off as the Government has announced that change will in future be given. The whole voucher system will also be reviewed.

You can express any concerns you have over the vouchers system to Chris Hudson, Head of Major Projects Team, Home Office Immigration & Nationality Directorate, 3rd Floor, Leen House, 233 High St, Croydon CR0 9XT.

## Domestic violence resources on the Internet

Domestic violence is a major issue for women asylum seekers and refugees, as it is for women in every situation worldwide. It can often be difficult to access information on the issue through the usual human rights channels, as this type of persecution is rarely recognised as a ground for asylum under the Geneva Convention. Here is an overview of some of the main sites.

Hieros Gamos	<a href="http://www.hg.org/women.html">http://www.hg.org/women.html</a> Guide to women and the law internationally – contains information on laws affecting women in most world states and includes material on domestic violence and violence against women.
About.com	<a href="http://women3rdworld.about.com/newsissues/women3rdworld/cs/domesticviolence/index.htm">http://women3rdworld.about.com/newsissues/women3rdworld/cs/domesticviolence/index.htm</a> The page on domestic violence includes articles and links, including DV in Islamic relationships and links to organisations in Latin America.
World Health Organisation	<a href="http://www.who.int/violence_injury_prevention/vaw/violence_information_package.htm">http://www.who.int/violence_injury_prevention/vaw/violence_information_package.htm</a> This is a report entitled 'Violence against women: a priority health issue' which includes background and prevalence information, links and further reading suggestions. There is a link to the WHO database on violence against women.
United Nations	<a href="http://www.unhchr.ch/huridocda/huridoca.nsf/FramePage/SRwomen+En">http://www.unhchr.ch/huridocda/huridoca.nsf/FramePage/SRwomen+En</a> This section of the site includes UN resolutions and reports on domestic violence globally.
Centre for Gender and Refugee Studies	<a href="http://www.uchastings.edu/cgrs/">http://www.uchastings.edu/cgrs/</a> Summaries of individual gender asylum cases and decisions, law and legal documents, assistance, experts and links on many women's rights and asylum-related issues, including domestic violence, country condition documentation and links to select related websites
Bora Laskin Law Library	<a href="http://www.law-lib.utoronto.ca/diana/violence/violence.htm">http://www.law-lib.utoronto.ca/diana/violence/violence.htm</a> The Violence Against Women index of this Women's Human Rights Resources site contains articles, documents and links on DV globally.
Human Rights Watch	<a href="http://www.hrw.org/hrw/worldreport99/women/violence">http://www.hrw.org/hrw/worldreport99/women/violence</a> HRW World Report 1999: Women's Human Rights - Violence Against Women. This report focuses on these issues in various countries and also links to other relevant HRW reports.
Feminist.com	<a href="http://www.feminist.com">www.feminist.com</a> This American site covers all main women's rights issues – the section on domestic violence includes many US resources but also links to other useful sites. The global section also links to many international organisations around DV. Their V-day (anti-violence) initiative lists many useful anti-violence resources.
WAVE	<a href="http://www.wave-network.org/">http://www.wave-network.org/</a> WAVE is a network of European women's non-governmental organisations working in the field of combating violence against women and children (women's refuges, counselling centres, SOS hotlines/helplines, organisations focusing on prevention and training, etc.). Currently the network focuses specifically on violence in the family and in intimate relationships.
DVIRC	<a href="http://home.vicnet.net.au/~dvirc/">http://home.vicnet.net.au/~dvirc/</a> The Domestic Violence and Incest Resource Centre is an Australian site containing information and links on domestic violence and child sexual abuse for survivors and professionals.
British Columbia Institute against Family Violence	<a href="http://www.bcifv.org/">http://www.bcifv.org/</a> A Canadian organisation whose site includes useful links to other sources of information on domestic violence especially within the Canadian /US system, but also internationally. Also includes an on-line library catalogue.

## **RWRP research on dispersal**

The Refugee Women's Resource Project has started some research on the impact of dispersal on women asylum seekers' welfare and on their asylum claims. As part of the study we would like to interview women who have been dispersed to regions outside London and, by looking at their experiences, to identify the main issues that are at stake. We would also like to meet with service providers who have been giving support to women in this situation in recent months and discuss the challenges they have been facing and how they dealt with them. In addition, we are gathering written materials that relate to the Home Office's dispersal policy - including thematic and/or regional studies - from a wide range of sources.

**If you think you could share your experiences or knowledge with us, our Research Team would like to hear from you. The contact number is 0207 377 5123. Any information or input will be treated as strictly confidential.**

## **Coming events**

### **Speak Out Against Racism Defend Asylum Seekers - End Vouchers and Dispersal**

Hands Around the Home Office  
12 noon, Saturday 4th November  
Home Office, 50 Queen Anne's Gate, London  
SW1 (St James Park tube)

Speakers include: Ladislav Balaz (Roma Europe), Yasmin Alibhai-Brown, Jeremy Hardy, Dr Evan Harris MP, Owain James (president NUS), Lee Jasper, Fazil Kawani (Refugee Council), John McDonnell MP, Mohammed Sekkoum (Algerian Refugee Council), Wilf Sullivan (UNISON)

'Speak Out Against Racism -- Defend Asylum Seekers' is a campaign launched during the summer aiming to set a positive agenda on asylum rights and campaign against vouchers in particular. The campaign is supported by the British Refugee Council, Medical Foundation for the Care of Victims of Torture, Jubilee 2000 and many others. It is co-ordinated by the National Assembly Against Racism, 28 Commercial St, E1 6LS.  
Telephone 020 7247 9907.

### **Refugee law course**

ELENA, the European Legal Network on Asylum, is running a course on 'Refugee Law as a Response to Failure of State Protection' on 8-10 December 2000 in Germany. The course will focus on two of the most controversial issues of contemporary interpretation of refugee law: 'persecution by non-state agents' and the concept of 'internal protection alternative'. It is aimed at lawyers and legal counsellors from European countries. The closing date for registrations is 8 November 2000. For details contact European Council on Refugees and Exiles Attn: Ms Catherine Massey  
Clifton Centre, 3<sup>rd</sup> Floor, 110 Clifton St, London EC2A 4HT, UK.  
Tel: +44(0)20 7729 5152  
Email: [Cmassey@ecre.org](mailto:Cmassey@ecre.org)

### **Women and the Human Rights Act**

A conference on the above topic is being held by Rights of Women in London on 27 October 2000. The conference is aimed at women interested in developing their understanding of the implications of the Act for women, and will include a workshop on asylum and immigration issues. For more details contact Rights of Women at:  
52-54 Featherstone St, London EC1Y 8RT  
Tel: 020 7251 6575/6  
Fax: 020 7608 0928  
Email: [info@row.org.uk](mailto:info@row.org.uk)

## **Human Rights Act 1998**

**Following from page 1, this article aims to explore the parts of the Act most relevant to asylum seekers and to consider how they might be used for women.**

The Human Rights Act enshrines Articles 2 to 12 of the European Convention on Human Rights, Articles 1-3 of the First Protocol, and Article 1 of the Sixth Protocol.

It should be noted that, as with any new legislation, the relevance of the Human Rights Act will be borne out in practice and will be evident through the emergence of case law. The implementation of the Act in the protection of the Human Rights of women will be a particular challenge, since non-State agents might perpetrate many such abuses.

**The main Articles relevant to Asylum Seekers are as follows:**

**Article 2 – Right To Life** – This article states that the law must protect everyone's right to life. Therefore no asylum seeker can be returned to a country where they face death or the death penalty. In contrast to the 1951 Convention, asylum seekers will not be required to prove that they were singled out for persecution. The Right to Life may also include cases where the threat of death has been made by private agents i.e. not only by the State. This may have further implications for women fleeing violence from partners, family or members of society, and who feel unsafe to return to their country of origin.

**Article 3 – Prohibition of Torture And Inhuman & Degrading Treatment.**

This makes it unlawful for the Home Office to remove any asylum seeker to a country where they might face torture or inhuman or degrading treatment, and unlike the 1951 Convention, there are no exceptions. The implications for women asylum seekers facing such treatment are that they will never have to argue that they are being persecuted for a

Convention reason, such as their membership of a particular social group. Gender abuse which may be considered as inhuman or degrading treatment might include, but is not limited to, rape, violence (domestic or other), enslavement, or Female Genital Mutilation.

It also means that the treatment of asylum seekers by public authorities or agencies in the UK, which might be seen as inhuman or degrading, is also in breach of the Human Rights Act. This may have application to cases of detention, dispersal, or the inadequate provision of support.

**Article 4 – Prohibition of Slavery**

There is growing recognition of the widespread trafficking in women for slavery, so this prohibition should have direct relevance to some women asylum seekers. It may however, be difficult to ascertain evidence that this is the case, particularly if women are fleeing private agents responsible for this practice.

**Article 5 – Right to Liberty and Security**

Although this Article bans arbitrary or unlawful detention, (where unlawful is defined as detention following an unfair trial), Article 5.1(f) allows immigration detention, although only if it is used in specific circumstances, such as to prevent unauthorised entry into the UK, or if action is being taken to remove an asylum seeker from the country. It also requires that people deprived of their liberty have access to a court for determining the legality of their detention, for which the Home Office has been accused of acting in breach of the ECHR, since there is currently no system allowing for judicial oversight on decisions to detain. It remains to be seen whether new bail procedures implemented with the Immigration and Asylum Act 1999 will be judged to comply with the Human Rights Act 1998.

The Act also means that it is illegal for the UK Government to expel asylum seekers who face unlawful detention in their home countries. This may include the detention of people with mental health problems.

The Right to Security is of potential relevance to many women asylum seekers, for example if they are facing removal to other areas of their country of origin where a single woman living alone might be at risk. Issues of security might also be important for women being forced to return to refugee camps. There is widespread evidence of gender abuse in many such camps, frequently perpetrated by those charged with the protection of their inhabitants.

#### **Article 6 – Right to a Fair Trial**

The expulsion of an asylum seeker to face an unfair trial is illegal. There are specific implications for women's human rights in that judicial systems often discriminate against women.

#### **Article 8 – Right to Respect for Private and Family Life**

This Article states that everyone has the right to respect for private and family life (the definition of family does not have to be biological), and that a public authority will not interfere with this right unless upholding the law necessitates this.

"Private life" includes the right to moral integrity. These rights have implications for asylum seekers who are faced with removal to their country of origin, and may well be relevant in cases of dispersal and detention.

#### **Article 12 – Right to Marry**

This gives people the right to marry the person of their choice, according to national laws. Whether this will be interpreted to address the issue of enforced marriage, thus relevant to women asylum seekers fleeing such arrangements, remains to be seen.

**NB Again, this is only an outline of some elements of the Human Rights Act 1998, and people should seek proper legal**

**advice if they feel they have cause to take legal action under this legislation.**

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### **New funding for Asylum Aid**

Asylum Aid and two other agencies have been awarded a grant from the National Lottery Charities Board to expand services to refugees and asylum seekers. The new Refugee Outreach Advice Partnership, in which we will be working jointly with CLAS (Central London Advice Service) and RETAS (Refugee Education and Training Advisory Service) will enable the three groups to provide advice and representation on an outreach basis to individuals affected by dispersal, in particular families, the disabled and the otherwise disadvantaged. We will also provide training and support to refugee community organisations.

Outreach workers will be providing advice 'surgeries' at all three organizations, meaning that our clients will have more opportunities to speak to advisers about benefits problems and training or employment issues, as well as getting help with their asylum claims. As this is something which clients, when asked, often cite as important to them, we see this as a major step forward for our organisation.

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**Thank you** to everyone who responded to the questionnaire we sent out with Issue 1 of Women's Asylum News. Your input is very useful and we hope it will continue.

We would still like to email as many copies of this bulletin as possible, so please contact us with your email address:

[rwrp2000@hotmail.com](mailto:rwrp2000@hotmail.com)

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Published by Refugee Women's Resource Project  
(contact: Clare Palmer & Helen Smith)

Asylum Aid

28 Commercial Street

London E1 6LS

Tel: 020 7377 5123 Fax: 020 7247 7789

Email: [rwrp2000@hotmail.com](mailto:rwrp2000@hotmail.com)

Website: [www.asylumaid.org.uk](http://www.asylumaid.org.uk)



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Please fill in and send us the form below if you would like to join or make a donation.

## MEMBERSHIP FORM

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Postcode: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

I wish to join **ASYLUM AID** as a:

Standard Member	(£25.00 p.a.)
Unwaged Member	(£10.00 p.a.)
Affiliated Group	(£100.00 p.a.)

I also wish to make a donation of:

£ \_\_\_\_\_

Please make all cheques payable to **ASYLUM AID**

## GIFT AID DECLARATION

*From April 2000, Asylum Aid can recover the basic tax paid on any donation and increase the value of your gift by up to a third. If you are a taxpayer and would like to take advantage of this Gift Aid scheme, please tick below.*

**Please treat all donations made on or after the date of this declaration as Gift Aid donations until I notify you otherwise.**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*Remember to notify us if you no longer pay an amount of income tax equivalent to the tax we reclaim on your donations (currently 28p for every £1 you give).*

## BANKER'S ORDER FORM

*Make your money go further by paying by Standing Order. This reduces the bank charges we pay and the amount of time we spend on administration - money and time which should go towards helping refugees.*

To: The Manager, \_\_\_\_\_ Bank  
(Address of Bank) \_\_\_\_\_

Postcode: \_\_\_\_\_

Please pay **ASYLUM AID** the sum of £ \_\_\_\_\_ each month / quarter / year (delete as appropriate) until further notice and debit my Account no: \_\_\_\_\_ Sort Code: \_\_\_\_\_ starting on (date): \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Postcode: \_\_\_\_\_

Signature: \_\_\_\_\_

[FOR OFFICE USE ONLY] To: National Westminster Bank plc, PO Box 3AW, 104 Tottenham Court Road, London W1A 3AW. Sort Code: 56-00-31, account no. 63401711