

# **Thematic review on the coverage of women in Country of Origin Information (COI) reports**

**Prepared for the  
Independent Advisory Group on Country Information (IAGCI)**

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## **List of acronyms**

ACCORD	Austrian Centre for Country of Origin and Asylum Research and Documentation
COI	Country of Origin Information
COIS	Country of Origin Information Service
IAGCI	Independent Advisory Group on Country Information
IAS	Immigration Advisory Service
OGN	Operational Guidance Note
RSD	Refugee Status Determination
RWRP	Refugee Women's Resource Project
UKBA	United Kingdom Border Agency

## **Background and context**

### **Production of Country of Origin Information (COI)**

Country of Origin Information (COI) is an integral part of asylum decision-making in the UK and is used at all stages of the Refugee Status Determination (RSD) process to assess applications for refugee status or other forms of international protection (Morgan et al. 2003; IAS 2009; IAS 2010; Tsangarides 2010). It informs decision makers and legal advisers about the political, social, cultural, economic, and human rights situation of a particular country as well as humanitarian situations (Chief Inspector UKBA 2011). COI can enable decision makers to assess if an individual's subjective fear is based on objectively adverse circumstances, and therefore whether an asylum claim is well founded. It can also be used to assess the risk for individuals on return to their country of origin.<sup>1</sup>

The Country of Origin Service (COIS) produces a range of products that focus on human rights issues and matters frequently raised in asylum and human rights claims. They are compiled from material produced by a wide range of external information sources such as the United Nations agencies, human rights organisations, governmental and non-governmental organisations, and news media. Sources of information can include both published and unclassified material.

One of the main products produced by COIS are its Country of Origin (COI) reports. Each report focuses on the main asylum and human rights issues in a particular country, and provides background information on geography, economy and history. COI reports are produced on the 20 countries generating the most asylum applications in the UK, and are updated regularly. The stated purpose of COI reports is to provide an accurate, balanced and up-to-date summary of the key available documents regarding the human rights situation in the country concerned. The reports are compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the reports is attributed, throughout the text, to the original source material, which is made available to those working in the asylum determination process. No attempt is made to resolve discrepancies provided in the different source documents.

Information and knowledge management is a key function of COIS. Given the abundance of available information both on and off the Internet, the researchers compiling COI reports represent a crucial filter of information and need to select, quote and paraphrase in a systematic way to ensure that situation in each country is accurately and fairly presented (ACCORD and Austrian Red Cross 2006). This is particularly significant in countries where English is not widely used or English language documents (which represent about 80-90% of generally available COI) have to be translated into the official language. Where this is not possible or proves too expensive

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<sup>1</sup> The use of COI reports in the asylum decision-making process has been criticised, most recently by the Chief Inspector of the UK Border Agency (2011). This report focuses not on the use of COI but rather its production and content in relation to women and gender issues more generally.

then COI may be based on English sources alone. This inevitably reduces the amount of material available and can have implications for the accuracy and balance of the report.

Standards for the production of COI have been established by ACCORD and the Austrian Red Cross (2006). The information contained in the COI report should be *relevant* to the claims for asylum and other forms of international protection made by individuals from that country of origin. It should also be *transparent*. The relevance of information is determined partly by the situation in the country concerned but can also be determined by certain legal concepts of refugee law through which the information will be filtered in order to make a decision on refugee status or a claim to complementary protection. Transparency refers to the use of retrievable, verifiable and assessable material. Thorough and accurate referencing is crucial to transparent COI, normally including source, date, and web address (where available).

It goes without saying that the information provided should be *accurate*. If the information provided is wrong, it is not only the reputation of the researcher which is at stake, but this might lead to the rejection of an otherwise justified claim for protection or the grant of status to an individual who is not at risk of persecution. The most common method to ensure accuracy of information is corroboration. Ideally, every piece of information should be corroborated by at least three different types of sources (UN report, international or local human rights organisations, international or local media, expert opinion) that do not quote each other. Where this is not possible – and it often will not be – the researcher should still provide the information that was found and in addition list the sources that were unsuccessfully consulted (ACCORD and the Austrian Red Cross 2006).

It is also important that the information is reported in a *balanced* way. No source provides complete and fully objective information as the scope and focus of reporting will be influenced by their mandate or mission. Therefore COI reports should not rely on one single source, but consult many different sources, and different types of sources (for example, UN agencies, government departments, academic experts, human rights NGOs and the media) in order to achieve the most complete and balanced picture of a country situation possible. Over-reliance on single or favoured sources should be avoided.

Finally, it is important that the information contained in the COI report is *current* and as up-to-date as possible. This does not mean that reports older than a certain date should no longer be used. Whether a particular piece of information remains up-to-date depends on the country situation. In some cases a report or assessment more than two or three years old might still be accurate. In other cases the information in yesterday's newspaper article may already have been superseded by more recent events.

## Gender issues in the asylum claim

It is an established principle that the refugee definition as a whole should be interpreted with an awareness of possible gender dimensions in order to determine accurately claims to refugee status (UNHCR 2002). This requires decision makers to have access to information about the situation and rights of women in the country from which they originate which, in turn, has implications for the production of COI. As is noted by UNHCR:

“Country of origin information should be collected that has relevance in women’s claims, such as the position of women before the law, the political rights of women, the social and economic rights of women, the cultural and social mores of the country and consequences for non-adherence, the prevalence of such harmful traditional practices, the incidence and forms of reported violence against women, the protection available to them, any penalties imposed on those who perpetrate the violence, and the risks that a woman might face on her return to her country of origin after making a claim for refugee status” (UNHCR 2002, paragraph 36x)

The importance of including gendered information is also acknowledged in the Home Office’s own guidance on RSD procedures. In 2004 the Home Office issued an Asylum Policy Instruction (API) on *Gender Issues in the Asylum Claim* which was subsequently updated in 2007 (Home Office 2007). The purpose of the instruction is to ensure that in assessing the claim for asylum decision makers take into account the individual position and personal circumstances of the person. This includes factors such as background, gender and age, so as to assess whether, on the basis of the person’s personal circumstances, the acts to which the person has been or could be exposed would amount to persecution or serious harm. The instruction provides further guidance on how the UK Border Agency’s responsibilities in considering asylum claims should be carried out with regard to gender. It is noted that “[a]n understanding of the country of origin information relating to the position of women is essential to the effective conduct of interviews and to making correct decisions” (Home Office 2007, paragraph 1.3). Case owners are reminded that they should refer to relevant information provided by COIS, and in particular the sections on women. There are also APIs on *Sexual Orientation Issues in the Asylum Claim* (Home Office 2010b) and on *Gender Identity Issues in the Asylum Claim* (Home Office 2011). In both sets of guidelines decision makers are reminded that they should refer to objective country of origin information provided by the COI Service.

According to the Terms of Reference for this review which have been provided by the Independent Advisory Group on Country Information (IAGCI), Country of Origin reports are supposed to include information on the situation of women where relevant and available. Information to be included in the COI reports includes:

- *Legal rights* including information on their standing in court, the right to bring a complaint and give evidence;

- *Political rights* including information on the right to vote, to hold office and belong to a political party;
- *Social and economic rights* including information on rights to own property, to marry the person of choice, not to marry, to divorce; reproductive rights; custody rights; the right to determine their own sexuality; the right to an education, to a career, job or other remunerated activities. Also: the status of single women, widows and divorcees; freedom of dress; norms regarding virginity and pre-or extra marital sex or pregnancy; other norms about behaviour; freedom to travel.
- *Violence against women* including information on the forms violence takes (such as, but not limited to, violence within the family, sexual abuse, honour killings, bride-burning); the sanctions or penalties on those who perpetuate the violence; level of reporting to police. Availability of protection – what happens if they complain to police? Provision of shelters / support from govt and NGOs. Any statistics on above issues.<sup>2</sup>

There is, however, some concern that COI reports do not always provide sufficient information on issues affecting women. This is partly because of a lack of information on the situation and experiences of women in many of the countries from which asylum seekers originate. Evidence to support gender-related claims – for example statistical data or information on the incidence of sexual violence - might not be as readily available as for other refugee claims (UNHCR 2002). As is noted by Collier (2007), this can have implications of women’s experiences of procedures for RSD:

“Many organisations producing human rights and country of origin information focus on the male experience as indicative of the human rights situation in a country. Although women’s human rights concerns are increasingly appearing on the agenda, information on women’s human rights in country reports often constitutes only a paragraph unless the report is specifically focused on women... As human rights reports fail to document the status of women and the forms of persecution that they experience, women’s cases may be refused due to a lack of supporting objective evidence.” (Collier 2007, 11)

Perhaps more fundamentally, a lack of information on the situation and experiences of women may reflect a lack of awareness and understanding of the ways in which gender identities, roles and relations – particularly in contexts where gender has become highly politicised - can shape the refugee experience (Crawley 2001). The Refugee Women’s Resource Project at Asylum Aid has, since 2005, run a Women and Country of Origin Campaign which aims to raise awareness of gender issues in relation to COI amongst legal practitioners, COI researchers and refugee women, improve access and availability of country of origin information relating to women and improve the quality of

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<sup>2</sup> This information has been extracted from the COI Report Template in the COI Service Guide for Authors, indicating the information to be included in the section on women, where relevant and available. Information provided by the IAGCI.



COI submitted within women's applications.<sup>3</sup> Research on COI reports undertaken by the Immigration Advisory Service (IAS) has similarly concluded that more gender-specific and gender-sensitive information should be included (IAS 2010).

### **Aims and scope of the research**

The IAGCI is concerned to examine the way that generic issues are dealt with across the full range of COI reports produced on the countries with the highest number of asylum seekers arriving in the UK. In the past such 'cross-cutting' reports have been commissioned (by the Group's predecessor the Advisory Panel on Country Information) on gender issue, lesbian, gay, bisexual and transgender issues, and children.

A review of gender issues in COI reports was produced by Nina Allen in August 2007. That review concluded that COI reports have many strengths in relation to the inclusion of gender issues. Some of the reports were substantial in length and detail and the material was generally organised according to the COI guidelines outlines above. Many of the reports were found to be particularly strong in relation to the subject of violence against women.

Nonetheless it was noted that most COI reports were, at that time, missing important aspects of issues relating to women. The major missing element, in almost all of the reports, was a substantive and thorough examination of women's health issues, which are vital to an understanding of discrimination and persecution against women (Allen 2007). There were also weaknesses in some reports with regard to the political, legal, social and economic rights of women. The report was critical of the failure to distinguish between different groups of women and fully reflect the broader context within which their experiences were situated (for example, differences between married, single and widowed women, those living in rural and urban areas, and religious, ethnic and regional differences between women). It was suggested that the material in the reports could be better organised and more clearly structured, with greater consistency in the use of sources and in cross-references within and between reports. It was suggested that further consideration be given to way in which information relating to the experiences and situation is included in the reports, specifically whether this information should be included in a specific section on 'women' or mainstreamed throughout the report (with appropriate cross-referencing).

In order to support its work, the IAGCI has commissioned a further review to look at the way in which women's issues are dealt with in more recent (and updated) COI reports. The research focuses on the section entitled 'Women' within each of the reports but also considers the extent to which the differential experiences of and issues pertaining to women have been appropriately addressed throughout the reports. The countries that have been selected for inclusion in this review are listed in Table 1, which also provides an indicated of whether the country has previously been reviewed (in 2007) and the

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<sup>3</sup> Information about the campaign is available at [www.asylumaid.org.uk/pages/women\\_and\\_country\\_of\\_origin\\_information\\_campaign.html](http://www.asylumaid.org.uk/pages/women_and_country_of_origin_information_campaign.html)

publication date of the most recent Country of Origin report. The top-20 refugee-producing countries have been included in this review because these COI reports from these countries will relate to the largest number of asylum applicants and because intake levels form the basis on which (COIS) focuses its work programme.

**Table 1: Countries reviewed**

2010 Intake Ranking	Country	2007 review	2011 review	Latest COI published
1	Iran	X	X	June 2011
2	Afghanistan	X	X	November 2010
3	Zimbabwe	X	X	March 2011
4	Pakistan	X	X	January 2011
5	Sri Lanka	X	X	July 2011
6	China	X	X	November 2010
7	Nigeria	X	X	April 2011
8	Eritrea	X	X	August 2011
9	Somalia		X	May 2011
10	Sudan	X	X	April 2010
11	India	X	X	September 2010
12	Bangladesh	X	X	August 2010
13	Vietnam	X	X	April 2011
14	Iraq	X	X	March 2011
15	Algeria		X	March 2011
16	Myanmar (Burma)		X	June 2011
17	Gambia		X	June 2011
18	Uganda		X	April 2011
19	Jamaica	X	X	May 2011
20	Palestine (OPT)		X	December 2010

Given that the number of applications from different countries and regions of the world varies over time reflecting the changing political, social and economic situation, some countries which were previously reviewed are not included in this report. These countries are Cameroon, Democratic Republic of Congo (DRC), Ethiopia, Syria and Turkey. It is worth noting here that the previous thematic review of coverage of gender issues in these countries made a number of recommendations for the reorganisation of material (Turkey), for more depth and improved balance in materials used (Cameroon) and improved cross-referencing (DRC) (Allen 2007). Given that these countries are not included in the current report it is not possible to comment on whether these recommendations have been implemented.

It should also be noted that although an updated country report for Syria was produced in September 2010, this report has been superseded by the events associated with 'the Arab Spring' and repression of political opposition taking place at the time of writing. As Syria is not included in this review it is not possible to comment on these issues. The gendered nature of political opposition and repression associated with 'the Arab Spring',

most notably the role of women campaigns for political change involving the use of social media, should be included in any updated report on the country.

Some of the countries included in this report have not previously reviewed to assess the extent to which women's and gender issues have been included. These countries are Somalia, Algeria, Myanmar (Burma), Gambia, Uganda and Palestine (OPT). In these cases we are not able to comment on whether previous recommendations have been implemented.

This review is *not* based on in-depth or detailed research on each of the countries concerned which would be impossible with the limited time and resources available. It has not been possible to check that every source of information has been correctly referenced and properly represented. Rather we have tried to present an overall review of the extent to which the sections on 'Women' in each of the reports accurately reflects what is known about the general situation facing women in the country concerned and the extent to which the information in the section is complete in terms of issues covered and sources used.

It should also be noted that this review *only* considers information on women and gender issues presented in the main COI reports. It does *not* consider COI in UKBA policy documents including bulletins, reports and Operational Guidance Notes (OGNs). This is important because OGNs have recently been the subject of criticism by the Chief Inspector of the UKBA who has concluded that COI material contained in the OGNs often do not accurately reflect the full country situation (Chief Inspector UKBA, 2011). As case owners in practice often use these documents as a concise summary of country information, there is a real risk of inaccurate decisions being made.

## **Methodology**

This review has been undertaken by a team of researchers based at Swansea University's Centre for Migration Policy Research (CMPR). Although the members of the research team have an in-depth understanding of the UK asylum determination process and of gender issues in the asylum claim, they are *not* country experts, albeit that there is particular interest and expertise within the research team in certain countries and regions from which asylum seekers and refugees originate.

[COIS: it would be interesting to know which countries the reviewers had an interest/expertise in. This might have some bearing how some reports were evaluated – greater familiarity may result in more detailed reviews for example.](#)

A systematic review of information published or made publicly available since 2007 was undertaken for each country. This information included academic journals as well as research reports published or commissioned by governments and national and international organisations (both governmental and non-governmental). Material for inclusion in the review was identified through specialised online search engines including Wiley Online Library, IngentaConnect, the British Library Integrated Catalogue and ZETOC Electronic Table of Contents. Electronic searches also included a huge

number of web-sites hosted by academic institutions, organisations, and individuals interested in women's / gender issues. Many of these contain 'grey material' relating to the experiences of women in particular countries of origin. In all cases the search terms used were left sufficiently broad to capture as much information as possible i.e. 'women' and/or 'gender' and specified country and then narrowed by topic where particular issues or areas of concern were identified.

COIS: we do not have access to the academic databases referred above, mostly down to cost. So this may partly explain why we have not referred to the sources suggested, or other academic literature that might be relevant for a particular country. It also means that we may not be able to access some of these recommended sources.

In reviewing the information available through these sources, each member of the research team was asked to systematically assess:

- The completeness of the information which is provided in the 'Women' section of the Country of Origin report under consideration;
- The accuracy and balance of the information provided in the report;
- The extent to which there is information available on gender-based concerns for men and boys and whether this information is included in the report where appropriate;
- The sources of information on which the section on 'Women' is based;
- Whether the recommendations made in the 2007 review been implemented; and
- The overall strengths and weaknesses of each report.

COIS: although the introduction and conclusion of this review discuss the existing literature on gender in the RSD process and broadly what information is relevant it would be helpful to know how the reviewers defined "completeness". It is not clear what criteria sections were assessed. This would also be helpful for us when we consider what information we should look to include on women/gender in our reports in future.

On gender-based concerns for men and boys, we wish to point out that this is not something we have historically aimed to cover in reports though relevant material may arise in a variety of sections such as Children and LGBT persons.

This approach to the research is reflected in the structure of the review.

The main body of the report consists of a thematic review of the COI report for each of the countries included in the research. The reviews are ordered alphabetically.

For each country, we begin with an assessment of the extent to which relevant available information on the position of women has been reflected in the COI report. Additional issues and sources of information relating to these issues are identified where possible.

Consideration is then given to whether relevant information from source material has been accurately and appropriately reflected in the COI report, and any errors or

omissions noted. Although the time and resources available for this review did not permit us to examine the content of each report against the original source to check the excerpt had been taken out of context, efforts were made to check that the content was consistent with material presented in other reports and that more than one source - and different kinds of sources - were used. Consideration was given as to whether there was an over-reliance on particular sources or whether certain sources available in the public domain at the time of publication had been left out.

For each country we consider whether there are gender-based concerns which apply to men and boys as well as women. This is because men (and boys) can be victims of gendered societal expectations too, for example with regard to sexual orientation and pressure to conform to 'masculine' behaviours (Collier 2007).

COIS: we agree that this may occur but note the review was specifically on the subject of women, and so the remit of the review has expanded into gender - a much broader subject.

We also consider the range of sources relied upon in the 'Women' section of each report and the currency of the information included. Each report was examined for the number of out-dated reports it contained. Out-dated was defined as a report over two years old at the date of publication of the relevant COIS report, in line with COIS's own guidelines to its research staff, or where more recent annual, periodic or thematic reports from the same source had been omitted.

COIS: our guidelines are to use sources which are less than two years old, however this is not prescriptive. There may be instances where older material may be used, for example because no more recent material has been released or the older source is still current and articulates an issue more clearly than more recent sources.

Where appropriate we provide our assessment of the extent to which the recommendations made in the first review of gender issues (Allen 2007).

The thematic review for each country ends with a brief summary of what we consider to be the strengths and weaknesses of each report in relation to the inclusion of women's and gender issues. A list of additional sources of information identified during the course of the review is also provided.

The report concludes with a discussion of cross-cutting themes and issues that are common to the COI reports and our recommendations for further improvement.

## **Thematic review of Country of Origin reports**

### **Afghanistan (November 2010)**

#### *Completeness*

The COI report on Afghanistan is very long (216 pages) and the 'Women' section is one of the longest reviewed in this report at 30 pages long. The section begins with an overview of the social, political and economic situation of women and girls in Afghanistan, noting that the Taliban understanding of interpretation of Islam have institutionalised the marginalisation of women. This section is cross-referenced to the sections on social and economic rights (25.28) and violence against women (25.66) as well as Section 19 on human rights institutions, organisations and activists. The section then goes on to include information on legal rights, political rights, women's participation in the August 2009 Presidential and Provincial Council Election, women's participation in the September 2010 Parliamentary Election, economic and social rights (including access to education and employment, marriage and divorce, relationships outside of marriage, zina, the position of single women and widows and the imprisonment of women) violence against women (including on honour killings/crime, rape, self harm and government and NGO assistance). The section on 'Women' concludes with some information relating to women's health in Afghanistan. In addition to the section specifically on 'Women', there are references to gender / women's issues in section on the constitution (10.11), mixed marriages (21.24 with cross reference to section on marriage and divorce in the 'Women' section, ethnic groups (22.01) and lesbian, gay and transgender persons (Section 23).

Overall, the report provides a good picture of the situation facing women in terms of both gender-based and gender-related persecution and the state's failure or inability to protect women and children in particular. There are, however, a significant number of gaps in the information provided which need to be addressed.

On paper, Afghanistan has made some significant moves towards gender inequality but the reality of life for many women remains difficult. Despite existing commitments, strategies and policies to improve the human rights situation, women and children continue to suffer from extreme poverty, high unemployment, systemic discrimination and a lack of access to primary healthcare, schools and decent housing. Subsection 25.11 advises that Afghanistan became a signature to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1980 and that the Convention was ratified in 2003. However there is no evidence to suggest that the Convention has been implemented or that those who are responsible for war crimes, crimes against humanity, and other serious human rights abuses, including sexual crimes of war will be prosecuted. The section on 'Women' also reports that a high number of women are now taking position of judges and lawyers. However Huma Alizoi, a graduate of Kabul University's faculty of law and internet blogger, explains that women, who are in the position of judges and lawyers, have never been given the opportunity to take any higher positions. Female judges, even those who are

experienced, cannot reach the Supreme Court's membership, which has blocked access for women. There are currently around 50 female judges in the whole country but most of them work in Kabul. Female judges cannot work in the provinces.

COIS: Accepted. We agree that there should be more information on whether the CEDAW has been implemented and those who were responsible for war crimes, crimes against humanity and other serious human rights abuses have been prosecuted.

Information in Section 10: Security forces, provides subsections on 'Human rights violations by government forces' and 'Avenues of complaint'. The 'Women's' section will be cross referenced with these sections in the next update.

We will add information from different sources to the section on 'Political rights' with regards to women's roles. We will look to add information about women being unable to progress in various professions, where this information exists.

Blogs are potentially very useful sources of information but they need to be used with care since they reflect the views of individual(s)/group(s) without regulation or moderation, and often with little background information. So, for example, we would be reluctant to rely on Ms Alizoi's blog (who, we note, is a judge) but will consider it against other sources to ensure balance, accuracy and impartiality.

The section similarly reports that Afghanistan has almost the highest percentage of seats allocated for women in the national parliament. However, this will have little impact on enhancing women's political participation because women cannot contribute to local-level decision-making at the sub-national levels. The report omits to report that women are very poorly represented at the sub-national level.

COIS: Accepted. We agree that there is a lack of information in the report on women being represented at the sub-national level – though this is less an omission rather the information being scant on this subject.

We would be grateful for any sources the reviewer could recommend.

The section provides a fairly complete account of violence against women but does not include information on 'night letters' - threatening missives and death threats delivered at night - in Taliban-controlled areas. This issue is mentioned elsewhere in the report – and it is noted that women are most often the victims of these threats but the information is not included in the section on 'Women' or cross-referenced.

COIS: Partly Accepted. The reference to 'Night letters' is covered in more detail in the section on 'Abuses by non-government armed forces'. A cross-reference will be added to the women's section, as suggested.

Section 25.37 reports that Afghanistan has the highest proportion of school aged children (7-12 years) of any country in the world. Yet despite efforts to ensure children attend school, half receive no education. In the majority of southern provinces, this figure goes up to 60%. Women and girls lag behind boys in terms of education and this gap is unlikely to decrease in the near future: there is a shortfall of female teachers to

teach girls, as required by Afghan society. As a result, twice as many boys complete primary school than girls.

The section on women's health is very short at just three paragraphs (25.93-25.95) and does not address the issue of women's mental health. Two-thirds of the health care services are considered to lack maternal and child health services. Half of the Afghan children die before they reach the age of five: a third dies soon after birth and over half within the first year. Of all deaths among children under the age of five years, 38% occur during the first four weeks (Pante-Brick et al. 2010). Afghanistan is one of 10 countries where two-thirds of all neonatal deaths occur. The maternal mortality rate (MMR) in Afghanistan exceeds that of any other country. It stands at 1,600-2,200 per 100,000 live births. In Badakhshan province, 7% of all women die during childbirth. In addition to high child and maternal mortality rates, the country faces a serious challenge in meeting targets to deal with HIV/AIDS, malaria and tuberculosis. As a result of cultural and religious restrictions, female health workers are needed to treat women in Afghanistan. Their absence in many health facilities is proving to be a major constraint in improving health service delivery. Less than 30% of health facilities have a female health worker. This also reflects the difficulty of recruiting qualified female staff.

There are also significant – and increasingly well-documented - mental health issues among women in Afghanistan (Cardozo et al. 2004; Scholte et al. 2004). According to Rostami-Povey (2007), women in Afghanistan have now found their culture under attack from an alien regime. The fact that the social conditions which existed under the Taliban are being reconstituted and reproduced creates high levels of anxiety and fear among women.

COIS: Accepted. We agree that more information could be provided on women's mental health and appreciate the suggested sources by the reviewer. We note, however, that this information is from academic texts (so largely inaccessible to COI Service) and mostly more than two years old (as identified in the introduction, COI Service's preferred age limit for sources).

Are you able to provide more accessible/recent information?

Finally, there are some issues with the cross-referencing of information on women across the report. Section 26 on 'Children' contains information on sexual violence against children, underage / forced marriage and access to education for girls, all of which need to be cross-referenced to the section on 'Women' because of the issue of girl children being affected by the same gender dynamics and relations and because women may be persecuted or seek asylum if they try to protect their girl children from these human rights abuses. Section 27 on 'Trafficking' also needs to be cross-referenced to the sections on 'Women' and 'Children'.

COIS: Accepted. There is a substantial amount of cross-referencing between the Women and Children sections already but we agree that further cross-referencing would



improve navigation. Cross-referencing will be added to the section on 'Trafficking' as suggested.

#### *Accuracy and balance*

The section on 'Women' does a good job of reporting the bleak situation of women's human rights situation in Afghanistan. However, the report in general and the section on 'Women' in particular, appears to be grounded in the idea that the fall of the Taliban will provide peace, security, development and liberation. According to Moghadem (2005) and Rostami-Povey (2007), extreme repression continues to characterize the reality for many Afghan women. This is because of the persistence of patriarchal gender relations and the absence of a strong, centralized state with the will and ability to implement wide-ranging policies for improving the situation of women. Some of the information currently presented in the section gives the impression that the situation for women is better than it is in reality because it reports the aspiration of the Afghan government to improve the situation but not the reality 'on the ground'.

COIS: Partly accepted. This analysis seems a little unfair. It may be true that a number of sources wish to present Afghanistan as a better place than it is. But it also seems to be the case that though the country is a bad place to be as a woman it is a little less worse than 10 years ago, when the Taliban ruled. This is something acknowledged by a number of sources quoted in the report which are less inclined to ignore uncomfortable realities (Amnesty International for example). And, as the reviewers note, the report makes it clear that the situation is "bleak" for women.

However we accept we can expand the range of sources (and voices), where possible, to provide a more nuanced document.

With regard to women activists who campaign for improvements in the situation of women, it is acknowledged that these women continue to face intimidation and attacks, particularly by powerful elements in society, members of the government or others allied with the Taliban and anti-government forces. In some cases, these women are also attacked by their male relatives who may be politically opposed or embarrassed by their frankness. In many instances women human rights defenders have faced death threats. In areas under the Taliban's influence, it is all but impossible for women human rights defenders to continue their work, as several high profile women have been attacked and killed (Amnesty International 2009). The absence of information on this issue gives the impression that women in Afghanistan are the passive victims of male violence when in reality many women are resisting attempts to reproduce and reinforce gender roles and relations which assign them to an unequal position in Afghan society.

COIS: Accepted. We will look to add information on this.

#### *Gender-based concerns affecting men and boys*

The report includes information on young boys who become child soldiers and on the increasingly well documented situation of Afghanistan's 'dancing boys'. Increasing information on this is available, and on sexual violence perpetrated against boys more

generally, and further information should be included. It would be helpful to include information on the stigma and shame associated with sexual violence against boys which means that very few will be willing to talk about their experiences. There is limited information in the report on how gendered roles and responsibilities affect men, particularly men who fail to conform to expectations regarding their behaviour, although it is noted that unemployment associated with the post-war economic situation can affect the male status of 'breadwinner' leading to alcoholism and domestic violence. Again, more detailed information on this issue would be helpful.

COIS: [see comments in regard to general recommendations below.](#)

#### *Implementation of 2007 recommendations*

The recommendations made in the earlier review (Allen 2007) have been implemented in part. There has been some restructuring of the information and the section on 'Women' now draws on a wider range of sources than previously, although further information from women's organisations working both inside and outside the country would improve the content further still. The previous review was critical of the lack of cross-referencing within the report and this problem remains, particularly in relation to the sections on the general security situation and on the experiences of children'. The recommendation to significantly improve the information on women's health, including mental health, has not been implemented. There remains a lack of information on regional differences and differences between women of different social, economic, religious and ethnic backgrounds. It is not clear whether the absence of information reflects a lack of information on these differences or because these differences are not considered important.

COIS: [Accepted. Further cross-referencing will be added. We will also seek additional information on women's mental health issues.](#)

[We consider that the inclusion of regional differences between women of different social, economic, religious and ethnic backgrounds is important but there is limited information on this. We would welcome suggestions of further sources that address these specific issues.](#)

#### *Sources used*

The report is based on an extensive range of sources including Amnesty International, Freedom House, Human Rights Watch, Institute for War and Peace Reporting, Social Institutions and Gender Index (SIGI), US Department of State and US Commission on International Religious Freedom. There are two sources produced by international women's organisations (Women for Women International and Womenkind). The report also draws on reports produced by a number of UN bodies including UNIFEM, USAID United Nations Assistance Mission in Afghanistan (UNAMA) and UNHCR. The report also draws on media sources including ABC News, BBC and IRIN. Although some sources from local organisations and networks have been utilised (including the Afghan

Independent Human Rights Commission (AIHRC) and Revolutionary Association of the Women of Afghanistan (RAWA), these are rather limited.

In terms of the currency, the main body of the report includes information available up to 15<sup>th</sup> October 2010. The report was issued on 5<sup>th</sup> November 2010. The majority of the sources that are referred to in the 'Women' section were published in 2009 and 2010.

#### *Summary of strengths and weaknesses*

The section on 'Women' is generally well researched and draws on a wider range of sources than previously. There are however some gaps in the information presented in relation to the situation for women 'on the ground' and the fact that many of the aspirations of the Afghan government towards gender-equality are yet, in practice, to be delivered. The section would benefit from a more general introductory section on this problem. Increased use of material organisations working in Afghanistan, and particularly women's NGOs, would be helpful in this respect. Information about non-governmental and international humanitarian organizations operating in Afghanistan is available at <http://afghanistan-analyst.org/ngo.aspx> The other main weakness is in relation to cross-referencing across the report, most notably between the sections on 'Women' and 'Children'.

COIS: We have responded to these points above.

#### *Additional sources of information*

Cardozo, B.L et al., (2004) 'Mental health, social functioning, and disability in post-war Afghanistan', *JAMA* 292(5), 575–584

Moghadam, V.M. (2005) 'Peace building and Reconstruction with Women: Reflections on Afghanistan, Iraq and Palestine' in V.M. Moghadam (ed.) *From Patriarchy to Empowerment: Women's Participation, Movements and Rights*. Syracuse: Syracuse University Press

Pante-Brick, C. et al. (2010) *Childhood Adversities: A Longitudinal Study in Kabul, Afghanistan Sponsored Article* Yale University, London School of Hygiene and Tropical Medicine

Rostami-Povey, E. (2007) *Afghan Women: Identity and Invasion*. Zed Book

Scholte, W.F et al., (2004) 'Mental health symptoms following war and repression in eastern Afghanistan', *JAMA* 292 (5), 585–593

COIS: Thank you for these sources. The information from these will be considered for future reports if they are still relevant – although as academic sources, we may face difficulties in accessing them.

## Algeria (March 2011)

### *Completeness*

The section on 'Women' is 18 pages long. It begins with an overview of women's social and economic rights (including the women's rights Conventions to which Algeria is a signatory) and then covers legal rights, political rights, social rights (including family law, inheritance, marriage, divorce, divorced and single women, freedom of movement), reproductive rights, women and work, violence against women including sexual violence, homeless women and shelters and assistance for women. There is some inconsistency in the use of capitalisation which means it is unclear which are sections and which are sub-sections.

There is good cross-referencing between information on women / gender available in other parts of the report and the section specifically on 'Women'. For example, it is stated that Section 24 on 'Children' should be read in conjunction with the section on 'Women', particularly with regard to the treatment of girls. There is some information relating to women and education and trafficking in the section on 'Children'. There is also some information on women in the sections on Sharia law, health, freedom of movement and exit / return, all of which are cross-referenced.

The section on 'Women' includes relevant information regarding women's constitutional rights to employment, education and health care. There are, however a number of gaps in the information provided on some aspects of women's situation and experiences.

The subsection 17.10 accurately reports from The Foreign and Commonwealth Office, that:

"Visiting members of international NGOs often face obstacles when seeking visas. The groups affected include Freedom House, whose US-based staff applied for visas twice in 2007 and were rejected both times. Moreover, visa delays prevented Amnesty International from hosting a conference on violence against women in March 2006, and the National Democratic Institute (NDI) was forced to cancel scheduled events on electoral systems and youth leadership in June of the same year due to visa problems".

The report does not mention however, the lack of academic freedom and attendance by academics and researchers to international conferences, held in Algeria and abroad. An instruction from the Ministry of High Education and Scientific Research (MESRS) on the 18<sup>th</sup> of May 2010, warns the main institutions of higher education, that any participation in conferences or seminars held abroad are subject to a prior approval from MESRS. MESRS justifies the instruction by its concerns that academics — including scientists — may take the opportunity to behave against 'national interests'. The World Congress for Middle Eastern Studies (WOCMES, 2010) said the circular is an impediment to the "freedom of movement and expression that are basic to scientific research" (Toufik Bougaada, 2010).

COIS: Not accepted. The quote above is from a Freedom House report in subsection 17.12, not the FCO.

It would not necessarily be appropriate to mention the lack of academic freedom in the Women section and as an issue it is not clear that it is specific to women. If this is an issue directly in relation to women, then we will add material where available and cross refer to other sections.

In addition the report does not mention the freeze of the German Foundation Friedrich Ebert activities in 2008. The Foundation had to freeze all its activities after a decision made by the Algerian government in collaboration with its unique social interlocutor UGTA. The Foundation was committed to work with different civilian organization and trade unions to strengthening democracy, promoting the rule of law, through training, and promoting dialogue between different stakeholders. The Foundation was also very much committed to funding trainings on gender mainstreaming within different sectors.

COIS: Partly accepted. To enable the report to remain a practical and relevant to users (this is the second update since 2008) older information such as this is not always retained.

Does the reviewer have a source for this information?

In terms of violence against women, subsection 23.31 states that in just the first quarter of 2010, the National Security recorded over 3,860 acts of violence against women. Sixteen women died as a consequence. It is clear from other sources however that these statistics are just the tip of the iceberg since the majority of the time victims of violence do not complain to the authorities. In Oran alone (the second main city), during the month of April 2010, three women died as a result of attacks by their partners. In the emergency unit at CHUO, 50 to 60 women victims of domestic violence are admitted daily. Doctors who work closely with women's rights activists declare that this happened all over the country. The work initiated by the network Balsam, which include many women's and trade-union organizations, has ten help lines run by different organizations but women living in rural areas have no access to these facilities.

COIS: Not accepted. We have been unable to identify the quote referred to above – it is not paragraph 23.31 of the March 2011 report.

The report provides a range of sources and information on violence against women, including statistical references (see paragraphs 23.41, 23.43 and 23.45) clearly indicating that it is widespread. For example the quote from the UN Special Rapporteur in para 23.41:

“Violence against women, despite its prevalence, remains one of the most invisible human rights violations in Algeria, although State institutions have begun to acknowledge and address the issue... Only a small proportion of all violence committed against women in the family is reported to the authorities. The prevalence rates found in the 2006 National Survey would indicate that there are about 500,000 women in Algeria who experience physical abuse on a regular or even daily basis. This figure sharply contrasts with the comparatively low number of cases registered by the judicial

authorities. According to information received from the Government, 17,383 cases of physical abuse of women reached the authorities during the course of 2006.”

On the point of statistics, we agree that these often under-report the true figure and we will consider how we can provide more information on their limits and how they should be used.

In this context Mrs Faika Mdjahed, head of women’s health at the National Institute of Public Health (INSP) describes violence against women in Algeria as ‘public health problem’ and says that violence against women, particularly physical abuse, causes adverse effects on the health of women, particularly pregnant women. In her research on this issue, Mrs Mdjahed found that 80% of the different forms of violence against women in Algeria are due to family problems, while only 15% occur in the workplace. Ms Rahmani, Chair of the National Committee on Women Trade Unionists (UGTA), has also suggested that there is a need to provide witnesses of sexual harassment with legal protection. Whilst further amendments were introduced in the Penal Code criminalizing sexual harassment and giving the victim the legal tools to do so (under Article 341b). In practice however the amendments contained in this article are still ‘insufficient’ because they do not provide physical protection to women who witness this harassment, which is a necessary factor for ensuring that women are able to complain and for monitoring the process that is put in place as a result.

COIS: The difficulties women face in reporting sexual violence are explored in subsections 23.45-23.48. (For example: 23.48: “... Women tend to avoid reporting abuse or going to court for fear that they will incur further violence or face hostile judges. According to one lawyer, a specialist in domestic violence, victims ‘are attacked twice, one time by their husband and another time by the judge.’”)

It is noted in 23.20 that under the article 7, the legal age of capacity for marriage changed from 21 for men and 18 for women to 19 for both sexes. However, the judge has the power to permit marriage at any age if it is in the interest of the family or if necessary. Given the traditional patriarchal rules practiced by some judges and the corruption in the judicial Algerian system (El Watan 27 October 2010), it is likely that this amendment could be difficult to translate into practice. This problem of the gap between the new legislation and the reality of life for women in Algeria and its implications for the accuracy and balance of the information presented in the section on ‘Women’ is discussed further below.

COIS: Accepted. Thank you for this observation. A source outlining this information has been identified and details included in the updated report which is currently being written.

The report fails to include information on some specific violent attacks on women motivated by their political resistance to the Algerian regime which occurred in the period prior to the latest report being made public. For instance, the section on women fails to discuss ‘the mothers of the disappeared’. The Euro-Mediterranean Federation

against Enforced Disappearances (FEMED 2010) rises up against the violent repression against mothers of the disappeared during their weekly attempt to meet at the Addis Abeba plaza in Algiers. Every Wednesday morning since August 2nd, 1998, the mothers of the disappeared in Algeria stage a sit-in in front of the National Advisory Commission for the promotion and protection of human rights (CNCPPDH) to claim the truth on the fate of their disappeared relatives. The security forces often prevent them from organizing their weekly meetings and in many occasions severely beat them (El Manouzi 2010).

COIS: Accepted. Thank you for this. Consideration will be given to including information about 'the mothers of the disappeared' in the updated report which is currently being written.

Subsection 23.23 mentions that on July 13, 2001, at Hassi Messaoud, an oil productive city of southern Algeria, more than a hundred women were fiercely attacked, raped and physically abused by a group of indigenous men. These attacks were motivated by a fundamentalist call from an Imam to clean the city from 'impure women' (Lezzar 2006). The majority of these women are divorced, widow or single mothers who have been internally displaced looking for both job opportunities and freedom from the patriarchal rules they undergo as a result of their social situations (Lamarene-Djerbal 2006). In the book '*Left for Dead: The Lynching of Women in Hassi Messaoud*', Nadia Kaci (2010) tells in detail the horrors that happened during that night where some women have been life buried and the lack of judicial protections these women are still suffering from.

There is not enough information about the lack of investigation into the experiences of women who suffered rape and sexual abuses by soldiers during the state-fundamentalist conflict of the 1990s (Guemar 2008). According to Souadia (2008), rape and other violations against women were common practice on both sides. The Algerian regime was also a perpetrator of sexual violence. Since the start of the conflict Algerian women have been victims of repression carried out by the various security bodies. Indeed, the 'anti-terrorist act' took the form of a war against the female population perceived from the very beginning as a tool to be exploited against the fundamentalists.

The authorized Algerian official press claims that, between 1997 and 2005, more than 2000 women were kidnapped, violated and, in the majority of the cases, assassinated by terrorists. The true number of women victims, on both sides, greatly exceeded these official figures (Elkarama 2008). At the time revenge and hatred motivated individuals to practice rape against 'terrorist' wives. By declaring a national amnesty, in 2006, the Algerian state declared itself as the protector of 'terrorist rapists', and did not recognize rape and violence's against women accomplished by the Algerian army .

COIS: Partly accepted. We will give consideration to adding further material. Though the state's involvement in crimes against women in 1990s needs documenting – which the report does to some extent, see following paragraphs – detailed information about this is arguably less relevant in considering current asylum cases. In writing reports we try to achieve a balance between contextualising human rights, including documenting past

abuses, and providing a picture of the current situation, while ensuring a report is accessible and relevant for decision makers.

The civil conflict in the 1990s was brutal for many parties and we do make reference to this - in History (section 3) paragraph 3.05 quotes the Human Rights Watch Report 2000 - Algeria which gives an overview of the violent incidents which occurred in the latter years of the 1990s. This includes "...Scores of teenage and adult women were abducted in these attacks. According to the testimony of women who had survived captivity, some abducted women were enslaved, raped, and later executed."

Section 3.07 quotes the Freedom House Freedom in the World 2009 Country Report on Algeria and states "...victims' groups criticized the charter for not addressing the issue of the disappeared and international human rights groups denounced it for not allowing perpetrators to be brought to justice. Critics also maintained that the vague criteria for determining which militants could benefit from the amnesty were subject to political considerations."

There are some gaps in the information provided on the situation of women in Algeria in other sections of the report. For example, it is noted at 13.08 that:

"...when both the father and the mother of dependent children are sentenced to time in prison, the mother's sentence is delayed until the father has been released from prison. Of the estimated 54,000 prisoners in Algeria, only 1.1 percent was women as of 2006, so these rules affect relatively few sentences. While they are intended to be beneficial, the special provisions for women are based primarily on their role as mothers, reinforcing patriarchal values in society."

However, the subsection lacks information on the difficult social rehabilitation for women who have been in prison. According to a study conducted by CREAD (2010), women prisoners suffer from both social exclusion and governmental discrimination after their release. The same study shows that women from rural areas, who have been in prison, are forced to flee their community to become internally displaced. These women are unlikely to be considered for marriage if they were not, making the social reinsertion very difficult. Their male relative considers them as a dishonour to the extended family and communities.

COIS: Accepted. Thank you for this. Consideration will be given to including this information in the updated report.

There is no information about the situation of women from Western Sahara who live in refugee camps in Tindouf.

COIS: Not accepted. There is a separate section on Saharawi refugees in Section 28 – Foreign Refugees. Women are mentioned in sections 28.12, 28.15, 28.16 and 28.19. A link is also provided to the 2008 Human Rights Watch report Human Rights in Western Sahara and the Tindouf Refugee Camps.

*Accuracy and balance*



The first and most important observation in relation to accuracy and balance is that the report as a whole appears to rely only on material in English while materials on human rights abuse and other information about Algeria is mainly published in French or Arabic. The report also ignores Algeria Watch, a well established association. Its website is translated into German, French, and English. Since 2002, Algeria Watch has been officially recognized under the 1901 French Law on associations. The organisations website publishes articles and reports in cooperation with human rights advocates in Algeria and abroad ([www.algeria-watch.org](http://www.algeria-watch.org)). There appears to be an over-reliance on information from pro-governmental sources, especially regarding the law on general amnesty for human rights abuse committed during the country's brutal internal conflict, and the new amendments of the Family Code.

COIS: We have only a few French speakers in the unit, so this limits our ability to identify material in French (we have no Arabic speakers). In addition any source material in a foreign language needs to be officially translated. Because our resources are limited this presents a further problem in obtaining foreign language material.

Algeria Watch is not a primary source – at least not in the last few years - and aggregates material from other sources, a number of which we refer to in the report. Having accessed the website in light of your comments it appears infrequently updated – for example the most recent news article is dated January 2011 (accessed 6 October 2011).

We use available sources and aim to provide a diversity wherever possible. In some instances, such as matters of law, government sources may be the main source of information. We are careful to try and maintain balance and impartiality in our sourcing.

There are also some specific errors of interpretation in relation to women's rights in Algeria, particularly in relation to recent changes in family law. The section on 'Women' includes information about the new amendments of the family code which are supposed to have given more freedom to women. However there is a lack of awareness or understanding of the context within which these amendments have been made. The reality is that, in practice, civil servants remain deeply influenced by patriarchal ideology, and to not translate this new legislation in a way that enhances the position of women. For example Article 7 bis [1] of Ordinance No. 05-02 requires a pre-nuptial medical certificate to be given to the civil servant before he can proceed with a marriage registration. This was mainly to prevent against the spread of HIV/AIDS and hidden STDs. However, Civil servants interpreted this article as a requirement of certificate of virginity from future brides. Although women's rights associations and feminists strongly denounced the misinterpretation of this article, it is still widely implemented in this way. This is not new in itself but it is now 'official' and compulsory. This legislation, together with fears of girls being kidnapped during the 1990s and the rise of fundamentalism has been association with an increasing number of witchdoctors, witch-crafts and other traditional processes to 'close' young girl's vaginas to be only opened a few days before nuptial nights. FGM is not known to be practiced in Algeria, but information is found

in/on other practices called 'Rbat' or 'Teksar' (action to close) or 'Tesfah' (action to crush) . These practices involve unknown witchcraft methods of 'closings' the hymen to protect the sacred virginity of girls since it is considered to be the honour of the family and the country. Long ago this was a general practice both in Algeria and Tunisia but has slowly disappeared in the main cities where women have gained some kind of civil rights. Since the requirement of the certificate, women who lost their virginities recourse to surgical repair of their hymen, only practiced by private doctors, and cost lots of money. Women who cannot afford will have to make some 'offers', because they are already considered 'impure'. Information about this practice needs to be included in the report.

COIS: Accepted. Information about the pre-nuptial medical certificate and its possible interpretation has been sourced from the UNHCR Special Rapporteur's 2011 report on violence against women in Algeria and has already been included in the COIS report update which is currently being written.

We will review this area in the next update of the report – are you able to provide the sources for this information?

A further example relates to the issue of parental authority. Article 87 Paragraph 3 of the new family code attempts to give parental authority to both parents, previously totally allocated to fathers. The new amendment allows mothers to replace fathers during their absence to take any decisions regarding their children. However the father's absence needs to be proven by an official document which can make the situation very difficult for women and can render it difficult for them to exercise their rights under this amendment. For example mothers are not allowed to register their children in school, leisure activities, travel with them abroad or even hospitalize a child in case of emergency, without proving the absence or providing a judge's decision proving her right to custody.

COIS: Partly accepted. There is some information on this but we will look to add more. Section 23.21 quotes the USSD Country Report on Human Rights Practices 2009, Algeria, and states "Custody of children normally is awarded to the mother, but she may not make decisions on education or take the children out of the country without the father's authorization."

The fact that non-English sources and organisations such as Algeria Watch have not been consulted in the writing of the report means that some of information in the section on 'Women' is neither accurate nor balanced. It provides only a partial picture of the reality of life for women in Algeria by presenting information which suggests that the situation has significantly improved for women over recent years (because of the introduction of these seemingly more 'liberal' amendments to family law) without any appreciation of the context within which these laws are being interpreted.

COIS: Partly accepted. We agree that French language sources would strengthen the report but consider the material used as representative of available sources in English.

As mentioned above, Algeria Watch is not a primary source of information but collates information from other sources, a number we refer to in the report. We strive to achieve diversity and balance in our sourcing. If the reviewers are aware of other suitable English-language sources that might be used, we'd welcome seeing these.

Additionally, if the reviewers are aware of suitable French sources that may be useful to translate, we'd welcome seeing these.

#### *Gender-based concerns affecting men and boys*

The section on lesbian, gay, bisexual and transgender persons includes detailed information on the social exclusion of gay men. The section lacks information on the situation of lesbians. There is some information about an Algerian LGBT Day which took place on October 10<sup>th</sup> 2010 (therefore within the scope of this Report) on the 'Women Living Under Muslim Laws' website ([www.wluml.org/node/6665](http://www.wluml.org/node/6665)). Further information may also be available from the website of the Arab Lesbian and Women Allies Network ([www.alwaandykes.webs.com](http://www.alwaandykes.webs.com)) or by contacting the organisation directly.

COIS: Not accepted. Section 21 of the March 2011 version of the report on LGBT persons in the most part covers issues relating to both men and women.

The LGBT day mentioned above is covered in some detail in Section 21.09 and it is clearly sourced from the International Lesbian, Gay, Bisexual, Trans and Intersex Association. There is nothing specific to lesbian participation on that day on the Women Living under Muslim Laws website and the information given is very similar to that quoted in our report.

We will look at the Arab Lesbian and Women Allies Network website but note that this is not specific to Algeria.

#### *Sources used*

As noted above, the most significant problem in this report is the over-reliance on material published in English when the majority of material on human rights abuse and other information about Algeria is published in French or Arabic. There is insufficient variety in the range of sources used despite the existence of considerable information on the situation of women in Algeria. The report does not include information available through Algeria Watch.

COIS: Partly accepted. As explained above our working language is English and we face some difficulties in identifying French and Arabic language material. If the reviewers are able to identify other English or French language sources, we'd be grateful to see these.

Please see previous comments on Algeria Watch.

The reports produced by Freedom House, UN Human Rights Council, US Department of State, UN Council on Economic, Social and Cultural Rights (CESCR) and Amnesty International are used extensively. Indeed the vast majority of the information provided in the 'Women' section comes from these five reports alone. A number of other sources

are referred to including FCO, Economist Intelligence Unit and the Women's International League for Peace and Freedom, but only briefly. One news source, 'Magharebia', is referred to but no others.

In terms of the currency of the information, the main body of the report includes information available up to 24<sup>th</sup> February 2011. The report was issued on 14<sup>th</sup> March 2011. The majority of the sources referred to in the 'Women' section were published during 2008-2010. No sources were published earlier than this (with the exception of general resources confirming when Algeria became a signatory to various international conventions).

#### *Implementation of 2007 recommendations*

The Country of Origin report on Algeria was not included in the previous review (Allen 2007).

#### *Summary of strengths and weaknesses*

The section on 'Women' provides some useful information on the situation of women in Algeria. Nonetheless some significant incidents of violence against women are missing, most notably information on the persecution experienced by the group of 'the mothers of the disappeared'. There is a consistent lack of acknowledgment that woman's behaviour is subject to harsh patriarchal rules despite recent amendments to the family law which might suggest, on the surface at least, that the significant for women is significantly improving. One of the consequences of this situation is that the state does not provide sufficient opportunities for legal redress, and that there is impunity and state failure to protect against violence against women that takes place in the private sphere.

In terms of legal rights and the new amendments (2005) of the family code, the report lacks information on its translation into practice and the no ability for women to fully exercise these new amendments. The report lacks information about women's freedom of movement. In general, the report fails to distinguish between married, single, widowed and divorced women. The report also does not pay attention the differences between women-headed households in urban and rural areas, and to internally displaced women and refugees.

COIS: Partly accepted. Some of these points are addressed above.

The report does provide information on violence against women (see above), freedom of movement (para 23.27), makes reference to quotes that acknowledge the patriarchal nature of Algeria (e.g. paragraph 23.07) and has subsections on divorced and single women (23.23 -23.26). There are a number of references to the law discriminating against women.

However we accept that the section can be improved by expanding our range of sources and provide more detail, and will endeavour to provide a more nuanced report in the next update.

#### *Additional resources*

Aït Zaï, N (April 2007) 'Analyse les imperfections du code de la famille', <http://www.wluml.org/fr/node/7095>

Ferhati, B. (2007a) 'De l'Algérie au Soudan : Des voies et des voix de la lutte contre l'excision' in Moulin, A.M. (eds) *Les Labyrinthes du Corps en Islam*, Paris, CEDEJ/Karthala (à paraître)

Ferhati, B. (2007b) 'Les clôtures symboliques des Algériennes : la virginité ou l'honneur social en question', *Clio* 2/2007 (26), 169-180

Guemar, L. (2008) 'Algerian Victims of a Rapist State', in Guemar, L. and Williams, J (2008) (eds) *Fragments from the Dark*, Hafan Books

Lamarene-Djerbal, D. (2006) 'Affaire de Hassi Messaoud', *Revue d'Etudes et de Critiques Social*, 22/23, 11-39

Lezzar, N (2006) 'Affaire des femmes de Hassi Messaoud : le proces du proces', *Revue d'Etudes et de critiques Social*, 41-46

Information on 'The Mothers of the Disappeared'

<http://afadsecretariat.wordpress.com/2010/08/18/algeria-prohibition-and-brutal-repression-of-the-meeting-of-mothers-of-the-disappeared/>

and

[www.algeria-watch.de/en/hr/disp/femed\\_120810.htm](http://www.algeria-watch.de/en/hr/disp/femed_120810.htm)

Information on MESRS restriction to travel

<http://web.scidev.net/en/science-and-innovation-policy/news/algerian-academics-protest-against-travel-restrictions.html>

Attacks against women in Hassi Messaoud

[www.amnesty.org/en/library/asset/MDE28/002/2010/en/81b394be-acbf-4093-89b2-1da48314886a/mde280022010en.html](http://www.amnesty.org/en/library/asset/MDE28/002/2010/en/81b394be-acbf-4093-89b2-1da48314886a/mde280022010en.html)

COIS: thank you.

## **Bangladesh (August 2010)**

### *Completeness*

The section on 'Women' is 12 pages long and quite restricted in terms of both breadth and depth. It provides a brief overview of Bangladesh's accession to the Convention on the Elimination of All Forms of Discrimination Against Women and the general situation facing women in the country, before moving onto legal rights, political rights, social and economic rights and violence against women (including domestic violence, rape, acid attacks and government and NGO assistance to victims of domestic violence) and health issues. The section on acid attacks provides a detailed overview of statistical information provided by the Acid Survivors Foundation (ASF) and a link to their website. It is noted that cases of acid violence remain high and prosecutions lower than they should be despite the new law that was introduced in 2002. It is also noted that not all of the victims are women or gender-related. There are however additional news sources that could be referred to in this regard (see for example the article published by the BBC in 2006 (referenced below) which includes the story of a baby forced to drink acid when he was one month old to punish his mother, a story in the Telegraph in 2009 and a growing number of YouTube clips, including an in-depth report by Al Jazeera report ([www.youtube.com/watch?v=JVVwLQuVKkY](http://www.youtube.com/watch?v=JVVwLQuVKkY)). There are also a number of UN initiatives that could usefully be included (see references below).

COIS: Accepted. We generally avoid using sources more than two years old to ensure currency. Although this is not prescriptive and where relevant information exists in older sources, is not available elsewhere and remains valid we will refer to this.

We are considering ways of how we might refer to non-written material, such as video and radio. However, at the moment we do not routinely reference video but this is something we will explore. We will also look to use UN initiatives.

The most significant 'gap' in the report however relates to the general situation facing women in Bangladesh. Whilst the book by Dr Nusrat Ameen is clearly an important one, there are a significant number of other academic research projects and articles that explore the issue of violence against women in Bangladesh and the patriarchal context within which this takes place. The inclusion of this information would provide decision makers with a more in-depth and rounded understanding of the context within which violence against women occurs. In their studies of marital violence, Ahsan et al (1999), Zaman (1999) and Hadi (2005) all conclude that discrimination, exploitation, and violence directed against women in Bangladesh has its roots in the socio-political and ideological relations between men and women in Bangladesh society. Hadi (2005) for example, found that marital violence (mental and physical assault) was most likely to be associated with women failing to perform a role expected of them in the household. Silverman et al (2007) undertook a cross-sectional, nationally representative study and found that three out of four (75.6%) Bangladeshi women experienced violence from husbands. Less educated, poorer, and Muslim women were at greatest risk. Schuler and Islam (2008) present findings from a 2002 survey conducted in six rural villages in

Bangladesh suggesting that an extremely high proportion of women believe that husbands' use of violence against their wives is acceptable.

More recently Chowdhury (2009) suggests that whilst there have been changes in the position of women in Bangladeshi society men's attitudes towards women are increasingly shaped by advertisements, films, beauty contests and pornography where women are used as sexual objects to accumulate capital. She also suggests that men have started to use the dowry system for capital accumulation. This, in turn, has changed the way in which the dowry system operates leading not only to increased demands for dowry but also the appropriation of wives income when they are in employment (Chowdury 2010). Naved and Persson (2005) also look at the issue of dowry and its relationship with domestic violence in urban and rural Bangladesh.

COIS: Accepted. Thank you for the background. We have limited access to academic literature at the moment. Are you aware of material on this subject in open sources?

We will seek to improve the depth and breadth of this section using available sources.

Finally, Section 25 on 'Trafficking' is based on a single source, the USSD Report 2009. This does not meet required standards of corroboration despite a wealth of other resources available on this issue. Probably the most detailed is the USAID funded study undertaken by Gazi et al. (2001) which looks specifically at the trafficking of women and children in Bangladesh.

COIS: Accepted. We will look to expand the range of sources in this section. The source suggested by the reviewers is 10 years old and something we would be wary of using. If the reviewers are aware of more recent material relevant on the subject, we'd welcome seeing this.

#### *Accuracy and balance*

The report focuses largely on domestic violence and acid attacks and is relatively balanced with regard to the reasons for this type of human rights abuse and the failure of the State to protect women. There is however some imbalance in the sources of information that are referred to which means that the overall picture for women in Bangladesh is not as clear as it could be. It would be helpful if a great range of sources could be utilised in this regard including, for example, reports by regional agencies and organisations including the Asia Development Bank (ASB) (references below) and from women's organisations based in the region and in the country itself. For example, although the country briefing paper on women in Bangladesh produced by the ASB is somewhat outdated (ASB 2001),<sup>4</sup> it provides a very balanced overview of the situation facing women in Bangladesh and of the context within which violence occurs. The report notes, for example, that:

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<sup>4</sup> The response to the last review suggests that older sources are, in any case, appropriate where they provide historical context. Some more general points regarding currency can be found in the concluding section of this Review.

“The majority of women in Bangladesh have yet to be empowered to participate actively in the social, cultural, economic, and political life of the country. Gender discrimination is widespread in all spheres and at all levels, as indicated by official statistics on health, nutrition, education, employment, and political participation. The Constitution of Bangladesh guarantees equal rights to all citizens, but in family matters such as marriage, divorce, custody, maintenance, and inheritance, laws discriminate against women. The policies and programs of the Government, some NGOs, and other institutions do not sufficiently address the need for women’s empowerment.” (ASB 2001, 1)

And:

The traditional patriarchal society of Bangladesh is based on class and gender divisions. Class mobility allows movement between rich and poor, but the division of social space and the difference in behavioral norms between men and women are rigidly maintained. The family, which constitutes the basic unit of social control, sets the norm for male and female roles. Within this system, the father, or in his absence, the next male kin, is the head of the household. As a result, both decision-making powers and economic control are vested in the hands of men. Furthermore, the family operates through a clearly defined system of rights and obligations. This is demonstrated when Muslim women waive the right to inherit their fathers’ property in favor of brothers or in the event of inheriting property, pass control to their husbands or sons. In both cases, the man gives protection to the woman in return for control over her property, thus directly reinforcing a patriarchal tradition (ASB 2001, 4)

[COIS: Accepted. We will look to expand the range of sources for the next version to achieve greater balance.](#)

The section on health is an improvement on the previous report but provides a somewhat contradictory – and possibly imbalanced – view of health issues for women in the absence of more general information about the context within which women are able to access health care. The section on mental health issues (26.09) is particularly lacking but what is provided gives the impression that the situation is perhaps better than it is. The report states that:

26.09 Mental healthcare is provided at the primary level by primary care physicians and health workers, at the secondary level by district hospitals (though only one hospital has been equipped to provide the services), and at tertiary level by teaching hospitals. Of the 14 drugs for psychiatric treatment listed in the WHO Project Atlas survey for 2005, only three were not available in Bangladesh. (WHO Mental Health Atlas 2005). The British High Commission in Dhaka commented in November 2003: “As requested we have made enquiries into the provision of psychiatric care in Bangladesh. We have been advised by doctors working here that there are practising psychiatrists here who trained in the UK. While that standard of care provided in government hospitals is not necessarily fully up to UK standards, most doctors also run high quality private practices where fees are minimal compared with the UK.”



This is a very old and uncorroborated source which gives the impression that the situation is perhaps better than it is and does not distinguish access on the basis of gender, even though this is known to be a significant issue in Bangladesh.

COIS: Accepted. We will look to clarify in the next version of the report.

N.B. There are occasions where it is not possible to corroborate information from a variety of sources. In such instances, it is necessary to take particular care in assessing the source but we would not exclude the source simply because it is the only voice on the subject.

Information about the overall situation and about the human rights of women in Bangladesh which is available regionally and locally would provide a more balanced view of the situation 'on the ground'. There are a number of women's organisations that could usefully be consulted in this regard including the International Women's Rights Action Watch Asia Pacific (IWRAP) which works towards the progressive interpretation and realisation of the human rights of women through the lens of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and other international human rights treaties ([www.iwraw-ap.org](http://www.iwraw-ap.org)). IWRAP has produced a baseline report on violence against women which includes a detailed investigation of the causes and consequences of violence against women.

COIS: Accepted. We will seek to incorporate such sourcing in the next version of the report.

Finally, there are some errors in the cross referencing within this report. For example in Section 25 on 'Trafficking' (page 119) there is a cross-reference to Section 25: Women: Violence against women and Section 26: Children: Violence against children. These sections are, in fact, sections 23 and 24 respectively. In Section 26 on 'Medical issues' the women and children sections are against incorrectly cross-referenced. Section 24 on children is cross-referenced to Section 25 on women (should be 23).

COIS: Accepted. This will be amended in the next version of the report.

#### *Gender-based concerns affecting men and boys*

There is no information in the report specifically relating to gender-based concerns affecting men and boys although issues of sexuality are addressed in Section 21 on 'Lesbians, gay, bisexual and transgender persons'. This section also includes reference to 'hijras' who are regarded as a 'third gender' and who see themselves as neither men nor women.

COIS: See general comments below.

#### *Sources used*

A range of sources is used but this is not as extensive as for many of the other COI reports considered as part of this review. Sources of information include the UN (particularly CEDAW and UNICEF), US State Department, Human Rights Watch,

OECD, Save the Children and the Bangladeshi Office of the Law Commission. Media sources include BBC News Online, IRIN News, the United News of Bangladesh/UNB News Agency and Time Magazine (Asia edition). There is one academic reference, a book by Dr Nusrat Ameen on *Wife Abuse in Bangladesh* which was published in 2006. A number of academic articles on the situation of women in Bangladesh have been published in recent years but there is no reference made to these sources.

Two Bangladeshi human rights organisations have been consulted / referred to in the 'Women' section: Odhikar, a human rights organisation formed in 1994 which focuses on those most vulnerable to human rights abuses (namely women, children, religious and ethnic minorities) and the Acid Survivors Foundation (ASF). No other information from local organisations is referred to.

[COIS: Accepted. We will look to expand diversity of sources but see previous comment on academic literature.](#)

In terms of currency, the main body of the report includes information available up to 30<sup>th</sup> June 2010. The report was issued on 20<sup>th</sup> August 2010. Unfortunately many of the sources referred to in the 'Women' section of this report are considerably older. Many of the sources referred to date back to 2005, and some are even earlier (there are two CEDAW reports from 2003 and a further report from 2004). Less than half of the resources referred to were published in the two years preceding the Report. This is despite the existence of a range of other more recently published sources of information which could have been referred to (see 'Additional sources of information' below).

[COIS: Accepted. We will seek to update sourcing in the next version.](#)

It is good that there has been some direct correspondence with the Acid Survivors Association (information received by email from the Executive Director and a telephone discussion) but this communication goes back to 2007 and more recent updates on the scale of the problem and the situation facing survivors of acid attacks would have been helpful. There are a range of other local organisations with considerable experience of the situation facing women in Bangladesh. Information about some of these organisations is provided below.

[COIS: Thank You. We will consider the suggested sources in the next version.](#)

#### *Implementation of 2007 recommendations*

There has clearly been some effort to implement the recommendations of the 2007 Review. For example Allen (2007) suggested that the earlier report made no mention whatsoever of women's mental or physical health, even as it related to abuse, and that this oversight should be remedied. There is now a section on 'Health issues' (23.35-23.40) which notes that women's status compares unfavourably to that of men and that large numbers of women have no say in their own health care needs. Improvements in maternal and child health are however noted as are some issues regarding HIV prevalence rates and the fact that women are expected to have unprotected sex. In general however some of the issues noted in the earlier review regarding the sources

used have not been resolved (as noted above). It was suggested that the section would benefit from a greater use of NGO material but this has not been taken forward.

COIS: Accepted. We will consult NGO material and where relevant, include this in the next version of the report.

#### *Summary of strengths and weaknesses*

The section on 'Women' is strong on specific incidences of violence against women, particularly acid attacks. However what is lacking is a gendered overview and analysis of the situation of women in Bangladesh and the reasons why such attacks happen. The sources on which the section is based are out-dated and not from a sufficiently wide range of organisations. Information produced by the growing number of women's organisations in Bangladesh is largely ignored (with the exception of some out-dated correspondence with the Acid Survivors Foundation). No use is made of academic sources even though plenty exist (see below).

COIS: Please see earlier comments regarding sourcing. In particular, we do not have access to academic databases.

#### *Additional sources of information*

Asian Development Bank (ADB) (2009) 'Special chapter: inequality in Asia' in *Key Indicators for Asia and the Pacific 2009*, <http://beta.adb.org/publications/key-indicators-asia-and-pacific-2009>

Asian Development Bank (ADB) (2007) 'Special chapter: inequality in Asia' in *Key Indicators for Asia and the Pacific 2007*, [www.adb.org/Documents/Books/Key\\_Indicators/2007/pdf/Special-Chapter-2007.pdf](http://www.adb.org/Documents/Books/Key_Indicators/2007/pdf/Special-Chapter-2007.pdf)

Asian Development Bank (2001) *Women in Bangladesh: Country Briefing*, [www.adb.org/Documents/Books/Country\\_Briefing\\_Papers/Women\\_in\\_Bangladesh/women\\_ban.pdf](http://www.adb.org/Documents/Books/Country_Briefing_Papers/Women_in_Bangladesh/women_ban.pdf)

Chowdhury, F. D. (2010) 'Dowry, women and law in Bangladesh', *International Journal of Law, Policy and the Family* 24(2), 198-221

Chowdhury, F.D. (2009) 'Theorising patriarchy: the Bangladesh context', *Asian Journal of Social Science* 37(4), 599-622

Govindnathan, P. (2010) 'Acid Violence against Women in Bangladesh', *Public Culture* 22, 7-15

Hadi, A. (2005) 'Women's productive role and marital violence in Bangladesh', *Journal of Family Violence* 20(3), 181-189

International Women's Rights Action Watch Asia Pacific (IWRAP Asia Pacific) (undated) *Baseline Report: Violence Against Women in Bangladesh*, [www.iwraw-ap.org/aboutus/pdf/FPvaw.pdf](http://www.iwraw-ap.org/aboutus/pdf/FPvaw.pdf)

Kamal, S. (2006) Law for Muslim Women in Bangladesh, [www.womenandislam.net/bd/articles/20060509211204.pdf](http://www.womenandislam.net/bd/articles/20060509211204.pdf)

Khan, F.C. (2005) 'Gender violence and development discourse in Bangladesh', *International Social Science Journal* 57(2), 219-230

Ruth Schuler, S., Lenzi, R., and Young, K.M. (2011) 'Justification of intimate partner violence in rural Bangladesh: what survey questions fail to capture', *Studies in Family Planning* 42(1), 21-28

Ruth Schuler, S. and Islam, F. (2008) 'Women's acceptance of intimate partner violence within marriage in rural Bangladesh', *Studies in Family Planning* 39(1), 49-58

Tabassum, R.N. and Persson, L.A. (2005) 'Factors associated with spousal physical violence against women in Bangladesh', *Studies in Family Planning* 36(4), 289-300

Zaman, H. (1999) 'Violence against women in Bangladesh - Women, work, and patriarchy in Bangladesh', *Women's Studies International Forum* 22(1/2), 37-48

There are a number of (relatively) recent news reports on acid attacks against women in Bangladesh that could have usefully been referred to in the report:

BBC Bangladesh's acid attack problem 28<sup>th</sup> July 2006

<http://news.bbc.co.uk/1/hi/5133410.stm>

Telegraph 5<sup>th</sup> June 2009 The lives and faces rebuilt after acid attacks,

[www.telegraph.co.uk/news/worldnews/asia/bangladesh/5454220/The-lives-and-faces-rebuilt-after-acid-attacks.html](http://www.telegraph.co.uk/news/worldnews/asia/bangladesh/5454220/The-lives-and-faces-rebuilt-after-acid-attacks.html)

Documentary evidence about acid attacks is increasingly available on You Tube, see for example:

[www.youtube.com/watch?v=Y7fvI3QFVTc](http://www.youtube.com/watch?v=Y7fvI3QFVTc)

[www.youtube.com/watch?v=JVVwLQuVKkY](http://www.youtube.com/watch?v=JVVwLQuVKkY) (Al Jazeera report)

There are also a number of UN reports on acid attacks:

UNFPA Working to end acid attacks in Bangladesh by 2015

[www.unfpa.org/public/site/global/lang/en/pid/3917](http://www.unfpa.org/public/site/global/lang/en/pid/3917)

UNICEF Facing life: Surviving acid attacks in Bangladesh (January 2003)

[www.unicef.org/infobycountry/bangladesh\\_895.html](http://www.unicef.org/infobycountry/bangladesh_895.html)

COIS: Thank you for the suggested sources.

## China (November 2010)

### *Completeness*

As was noted in the previous review (Allen 2007), much of the information on women / gender issues in the Report is contained not in the 'Women' section but in Section 28 on 'Family planning' ('One Child Policy'). This includes information on family planning law and other regulations (28.06), ethnic minorities (28.11), family planning in rural areas (28.12), enforcement (28.14), monitoring (28.20), coercion (forced abortion/sterilization) (28.21) as well as the consequences of evasion (28.30) and family planning regulations in different provinces (28.36-28.43). There is also some reference to single women (28.44). The section specifically on women is less than four pages long and focuses primarily on women as wives and mothers – with (brief) reference to legal, political, social and economic rights, marriage, divorce and violence against women. The section is cross-referenced to the section on family planning (noted above) and to sections on 'children: female infanticide' and 'medical issues: mental health. There is no information on access to healthcare or healthcare issues facing women in the report, including as a result of forced sterilisation and abortion. It is noted at 30.23 that there is a high female suicide rate and this is cross-referenced to the women section. However the women section does not provide any information on health issues.

[COIS: Our comments on this review of China are at the end of the section.](#)

The section on family planning is substantive and, for the most part, complete. There are some gaps which were noted in the previous review (Allen 2007). With the exception of the observation made in 28.44 that information on the treatment of unmarried women who bear children is difficult to find, it is not clear whether these gaps exist as the result of a lack of information or because this information has not been sought. Clarity in relation to the existence or otherwise of information is an issue which is returned to in the concluding section of this report. There is very limited information provided in this section on the connections between the coercive treatment associated with China's One Child Policy and other forms of human rights abuse and violence against women i.e. because the policy in itself sets up a particular dynamic in terms of gender roles and relations.

This is reflected in the fact that the section on women (and the report as a whole) is lacking a gendered analysis of the situation facing women (and men) in China or of the context within which One Child Policy has come to exist and is implemented. There is almost no information regarding women's employment and education specifically and no information at all about women health (with the exception of the sections in family planning mental health noted above). Although relating to One Child Policy are likely to be raised more frequently in asylum and human rights applications made by women (and some men) from China, the exclusion of more general information relating to the situation of women is problematic for two reasons. Firstly, not all gender-related persecution in China is related to One Child Policy, nor indeed to reproductive issues more generally. As China moves (slowly) through a process of political transition and

economic reform, women are becoming engaged in different ways, some of which put them at risk of persecution. Secondly, it is important to understand the broader context of gender roles and relations in China to be able to assess the impact of family planning policies, not only directly but also indirectly in terms of the social (and other) ramifications of a failure to comply.

It is unclear why these issues have not been addressed more fully, particularly given the comments and recommendations made in the previous review (Allen 2007), many of which are simply repeated here. The section on the position of women in society (26.04) is particularly 'thin', with just two paragraphs, one from the Guardian newspaper (published 4 years previously) and one from the USSD Report 2009. There is, however, plenty of information available on the situation of women in China. The reports by the Asian Development Bank (2006) and UNDP (2010), neither of which are referred to in the COI Report, could usefully provide some context. A report by the Department for International Development (2003) notes the contradictory tendencies underway in China between, on the one hand, improvements in women's overall position and status and, on the other, the implications of recent trends particularly in relation to globalisation:

"There is no doubt that the status of Chinese women - both in absolute and relative terms - has improved in many ways since 1949. However, we can be far from complacent about the relative status of women today or about where current trends are leading. There is ample evidence that progress toward gender equality is threatened by many of the economic and social currents in contemporary China. The challenge for the Chinese government, international donor agencies, NGOs and women's groups is to consolidate the gains in progress toward gender equality, and to ensure that ground is not lost as China continues down the road of globalization and reform. Economic development does not automatically translate into improvements in women's social status. For example, trafficking in women, female infanticide and female suicide have increased over the past 20 years" (DFID 2003, 27).

A study funded jointly by the World Bank and the Asian Development Bank also found that gender inequality still exists in China, especially in poverty-stricken rural areas (see China Daily 2005). According to the report's author, Professor Li Xiaoyun of the College of Humanities and Development at China Agricultural University gender inequality still commonly exists in almost all social aspects including political power, education, health, employment and assets possession. This also has implications for women's participation in political processes: "In poverty-stricken areas, men and women are quite unequal in political rights. Women are less involved in villager autonomy elections and account for a very low percentage of the village committee. Some male villagers think women cannot be leaders because of their weak thinking capacity and physical condition. More important is that women were not nominated in the election process." Women's political participation may, as a consequence of these gendered norms around political participation and engagement, be resisted more strongly. For example, Amnesty International noted in 2010 that women activists campaigning for the housing

rights of others had been harassed and arbitrarily detained ahead of EXPO 2010 ([www.amnesty.org/en/news-and-updates/china-silences-women-housing-rights-activists-ahead-expo-2010-2010-04-30](http://www.amnesty.org/en/news-and-updates/china-silences-women-housing-rights-activists-ahead-expo-2010-2010-04-30)).

In terms of specific information on violence against women, there is plenty of information on the impact of family planning (One Child Policy) see below, but rather less on other forms of violence experienced by women – particularly those who are older or not of child-bearing age (or intent). Although the section on violence against women notes that this remains a significant problem affecting around a third of China's 267 million families and also that many cases go unreported, there is no detailed information about the problem or why it exists. Reference to studies by Hollander (2005), Xu et al. (2005) and Chan (2007) could help to fill some of these gaps.

The information provided in the section on women (and throughout the report) would also be more complete if reference were made to information available through the growing number of women's organisations and networks on the ground in the country and region. Anti-Domestic Violence Network of China Law Association (ADVN) (see <https://infocentral.state.gov/uploads/Pe/o1/Peo1Ss9pd-KnN6L4mhclmA/Violence-against-women-Flyer-150-res.pdf> ) was the first — and remains the largest — anti-domestic violence organization in China, and it is responsible for significant progress in legislation, investigation and prosecution of crimes, social support and public awareness. The organisation monitors domestic violence cases and has recently expressed concern that the existing laws and regulations in China are unable to deal with the problem of domestic violence (Global Times 28<sup>th</sup> June 2010). The World Health Organisation (WHO 2007) has also looked at gender-based violence in the Western Pacific Region. The report includes studies of suicidal behaviour among women of child-bearing in Longde County, Ningxia Hui Autonomous Region, and domestic violence against pregnant women and its impact in Northern China.

The Sexual Violence Research Initiative has also undertaken a review of existing studies of sexual violence against women and children in China (Chan 2007). The studies reviewed focused on sexual violence in its various forms including: intimate partner violence, sexual victimisation and harassment, sexual violence in dating relationships, rape, child sexual abuse, violence against sex workers and internet sexual violence. The author notes that rape is rarely reported in contemporary Chinese societies so the existing figures are likely to be a severe underestimation of the problem. Existing research identifies a variety of responses experienced by Chinese survivors of sexual violence. These include fear or anxiety, self-blame, loss of self esteem, poor psychological health, depression and somatic symptoms, disturbed social relationships and an increased rate of suicidal ideation. These experiences are not dissimilar to responses reported by survivors elsewhere, however research reviewed did also identify responses that are not commonly reported in more Western studies. These included experiencing a heightened sexual shame over 'loss of virginity or chastity...guilt about derogating family honour, victim ridicule/ blaming and rape-induced

marriage proposals'. Chinese society reportedly places great emphasis on the sexual component of rape and the associated social stigma and shame, which in turn may intensify the severity of the trauma experienced by the victims. Moreover service providers have been found to endorse rape myths and victim-blaming attitudes. Survivors are expected to put up a fight and physically resist their attacker. None of these issues are addressed in either the women section or elsewhere in the report.

In terms of completeness, there is also a gap in information provided on the experiences of lesbian women. Section 24 on 'Lesbian, Gay, Bisexual and Transgender Persons' notes that societal discrimination and pressure to conform to family expectations means that most gay individuals refrain from publicly discussing or displaying their sexual orientation, but there is very little information specifically on the situation of lesbian women. The report relies upon a report in The Guardian newspapers from 2009. This is despite the existence of other, far more detailed, sources including a book specifically looking at the emergence of lesbian identity in the Chinese context (Sang 2003), and a report undertaken by the International Gay and Lesbian Human Rights Commission (IGLHRC) by Mountford (2010) which looks specifically at the legal status and position of lesbian, gay, bisexual and transgender people in the People's Republic of China. Mountford (2010, 3) notes that:

[T]he legal status and position of LGBT people is unclear, with varying official treatment across different parts of China. Discrimination against LGBT people continues to be written into many different areas of law in China. Furthermore, as LGBT people in China largely lack legal recognition and legal protections there is no legal certainty as to their position. This results in a situation where the population is unable to clearly determine whether they will face official opposition in meeting together, organizing and providing services within the community.

This is reflected in the treatment of lesbian women who organize politically around their sexuality:

The regulations against LGBT publications are still actively enforced by the Chinese authorities. This year in July 2009 in Beijing police and officers from the Beijing Cultural Law Enforcement Agency raided the Beijing LGBT cultural centre and confiscated a number of LGBT publications, including a lesbian magazine called Les+ produced by women for the female community and pamphlets on domestic violence. The organisation has been told that they are now under active investigation for distributing illegal publications. At the date of publication it is still unclear whether these investigations will lead to criminal charges against the producers of the magazine. However it is clear that such police harassment of LGBT organisations acts as a strong and continuing disincentive against organisation within the LGBT community and the provision of important services.

The report also refers to an article in Xtra! Canada's Gay and Lesbian News about the raid<sup>5</sup> and which describes a number of other activities and events organised by lesbian women in Beijing. According to the article, the first lesbian bar opened in Beijing in 2005

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<sup>5</sup> [www.xtra.ca/public/National/Chinese\\_lesbian\\_mag\\_raided\\_while\\_activists\\_in\\_Copenhagen-7243.aspx](http://www.xtra.ca/public/National/Chinese_lesbian_mag_raided_while_activists_in_Copenhagen-7243.aspx)



and lesbian women's activism took off shortly afterwards. This culminated in the organizing of a major lesbian activist training camp called 'Lala Camp'. In 2007, the camp brought more than 100 lesbian, bisexual, transsexual and queer-identified women together to share their experiences and strategize resistance activities. The Lala Camp was so successful in 2007, that they held four similar camps in different parts of the country in 2008. Given the relevance and thoroughness of the report by Mountford (2010), it is difficult to understand why it has not been included.

#### *Accuracy and balance*

As is noted above, the primary concern with regard to the coverage of women / gender issues in this report is the striking imbalance between the amount of information and the currency of sources regarding family planning issues, and the information provided in the women section on wider issues affecting women in Chinese society and gender relations and roles more generally. We are not able to comment on how accurately the sources utilised in the family planning section have been represented due to time and resource constraints. However the section appears to be thorough and reasonably well balanced in terms of the use of sources. By contrast the women's section uses very few sources despite the fact that these are readily available. The section on women / gender issues in the report would be more balanced if it drew upon a wider range of sources (see also discussion of sources used below) and if it drew on information collected by women's human rights organisations. These organisations include Women's Rights Without Frontiers ([www.womensrightswithoutfrontiers.org](http://www.womensrightswithoutfrontiers.org)), which aims to raise public awareness regarding the coercive enforcement of China's One Child Policy, the connection between this coercion and human trafficking in Asia, and the other human rights abuses that arise out of this coercive enforcement, and the Anti-Domestic Violence Network of the China Law Society (ADVNS) (see <https://infocentral.state.gov/uploads/Pe/o1/Peo1Ss9pd-KnN6L4mhclmA/Violence-against-women-Flyer-150-res.pdf> )

#### *Gender-based concerns affecting men and boys*

There is no coverage of gender-based concerns affecting men and boys and no consideration of the impact of China's One Child Policy specifically on men. Indeed there is virtually no mention of 'gender' throughout the report: the focus is very much on the experiences of women rather than on the social and political context within which those experiences take place.

#### *Sources used*

The latest CIO Report on China was issued on 15<sup>th</sup> November 2010 and includes information available up to 1<sup>st</sup> November 2010. The section on 'Women' relies upon a very limited range of sources, some of which are considerably out of date. The only source used which is of any weight and substance is the US State Department Report. Other than this source, the section relies almost wholly on news sources, particularly an article in the Guardian which was published in 2006 (i.e. 4 years previously), an article

in the Independent newspaper and several pieces in the People's Daily newspaper, one of which was published in 2003. It is somewhat surprising that some of the more recent reports on the situation on women in China are not referred to in the women's section. As is noted by Allen (2007) in her previous review, the problem is not an issue of lack of sources. A small selection has been referred to in this review.

#### *Implementation of 2007 recommendations*

The 2007 review by Allen also highlights the small and superficial section on women in the report and notes that the vast majority of information is contained in the section on family planning issues. Responding to this concern, the Home Office states that the treatment of some issues in greater depth than others reflects the fact that such issues are raised more frequently in asylum and human rights applications and therefore require more detailed information. Whilst the rationale for this is understood, it is not clear why none of Allen's recommendations relating to improvements in information on the broader situation facing women outside of family planning policies, or on gender roles and relations in China more generally, have been taken forward. There is no shortage of suitable sources (see above).

#### *Summary of strengths and weaknesses*

The major strength of the report is the section on family planning which is thorough and well referenced with up-to-date sources of information. However this is also a major weakness of the report as it appears that virtually all of the time and resources devoted to women and gender issues in China focuses on this particular issue to the exclusion of all other issues affecting women in the country. The section on 'Women' is weak with no contextual information on gender roles and relations in the country and a lack of information about specific incidences of violence against women and the protection that is (or is not) available in these circumstances. There is a lack of information about sexual and domestic violence and very little on the realities of protection for women. The sources used in the section on 'Women' are very limited with only one report of substance. This is despite a plethora of other information (see below) which could usefully be included.

COIS: Accepted. Historically, issues relating to women in China have not been raised directly in asylum and human rights applications apart from the one-child policy, and the information in the report reflected the information needs of the Report's users. We, however, accept that the section needs expanding. We will include more information specifically on the social and economic rights of women – particularly in rural areas – and violence against women. More information will also be included about women's networks and organisations.

Consideration will also be given to including information from the Mountfort report particularly in relation to lesbians.

We acknowledge that some of the sources contained in the report are now fairly old and we have already started to address this in the recent August 2011 COIS report on China.

Thank you for the comprehensive list of additional sources; these will be consulted although some of them are also fairly old.

#### *Additional sources of information*

Asian Development Bank (2006) *People's Republic of China: Country Gender Assessment* [www.adb.org/Documents/reports/Country-Gender-Assessments/cga-prc.pdf](http://www.adb.org/Documents/reports/Country-Gender-Assessments/cga-prc.pdf)

Bulte, E., Heerink, N., and Xiaobo, Z., (2011) China's One-Child policy and 'the mystery of missing women': ethnic minorities and male-biased sex ratios', *Oxford Bulletin of Economics and Statistics* 73(1), 0305-9049

Chan, K. L. (2007) 'Sexual violence against women and children in China', *Sexual Violence Research Initiative*, Pretoria, South Africa [www.svri.org/chinese.pdf](http://www.svri.org/chinese.pdf)

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De Silva de Alwis, R. (2010) 'Opportunities and challenges for gender-based legal reform in China', *East Asia Law Review* 5, 197

DFID (2003) *Gender Equality and Poverty Reduction in China: Issues for Development Policy and Practice*, <http://webarchive.nationalarchives.gov.uk/+http://www.dfid.gov.uk/pubs/files/gender-equality-china.pdf>

Global Times 29<sup>th</sup> June 2010 'Domestic violence law too weak to protect women', [www.china.org.cn/china/2010-06/28/content\\_20366993.htm](http://www.china.org.cn/china/2010-06/28/content_20366993.htm)

Hollander, D. (2005) 'Digest: traditional gender roles and intimate partner violence linked in China', *International Family Planning Perspectives* 31(1) [www.guttmacher.org/pubs/journals/3104605.html](http://www.guttmacher.org/pubs/journals/3104605.html)

Inter Press Service News Agency (IPS) 5<sup>th</sup> October 2010 'For too many, domestic violence part of family life', <http://ipsnews.net/news.asp?idnews=53071>

Klasen, S. and Wink, C. (2002). 'A turning point in mortality? An update on the number of missing women', *Population and Development Review* 28, 285–312

Mountford, T. (2010) *The Legal Status and Position of Lesbian, Gay, Bisexual and Transgender People in the People's Republic of China*, International Gay and Lesbian Human Rights Commission, [www.iglhrc.org/binary-data/ATTACHMENT/file/000/000/395-1.pdf](http://www.iglhrc.org/binary-data/ATTACHMENT/file/000/000/395-1.pdf)

Sang, T-L.D. (2003) *The Emerging Lesbian: Female Same-Sex Desire in Modern China*, University of Chicago Press

UNDP (2010) *Asia-Pacific Human Development Report, Power, Voice and Rights: A Turning Point for Gender Equality in Asia and the Pacific*

[www.un.org.cn/public/resource/f919f071bfa213eaaa435e3e79b643e6.pdf](http://www.un.org.cn/public/resource/f919f071bfa213eaaa435e3e79b643e6.pdf)

WHO (2006) *Gender-based violence in the Western Pacific Region : a hidden epidemic?* [www.wpro.who.int/NR/rdonlyres/B2AFAFF0-F8A1-41DF-A02C-94B8DA789698/0/ViolenceBook.pdf](http://www.wpro.who.int/NR/rdonlyres/B2AFAFF0-F8A1-41DF-A02C-94B8DA789698/0/ViolenceBook.pdf)

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## Eritrea (August 2011)

### *Completeness*

The section on women is relatively short at less than nine pages. It covers legal rights, political rights and social and economic rights, as well as violence against women, national service, 'protection and reproductive health and rights. The information presented in this section is heavily weighted towards the constitutional legislation and policies that exist in relation to women in Eritrea and in this sense the report is strong and complete. Rather less information is provided however on the realities of life for women in Eritrea. Allen (2007) noted in her earlier review that the section does not make any mention whatsoever of women's political participation after the war, women's health, women's organisations and participation in civic society), women's freedom of movement, education, women's participation in the labour force, early marriage and the role of religion and culture in the treatment of women (among others). For the most part this remains the case.

The section has only three short paragraphs on violence against women. Although one of these paragraphs refers to The World Organisation Against Torture report, *Violence against Girls in Eritrea - a report to the Committee on the Rights of the Child*, dated 7<sup>th</sup> July 2004, very little information is provided from this report even though the report very usefully 'sets the scene' in terms of gender-based violence and provides specific examples of where this occurs and the Government's response to it. For example, the report states that:

"Domestic violence appears to be a grave problem in Eritrea despite limited amounts of information on the topic. Because of the prevalence of early marriages in Eritrea, domestic violence is a pertinent subject concerning violence against girls in Eritrea. Girls, when married before the age of 18, are at greater risk of physical and psychological violence perpetrated by their husbands or other members of their extended families. According to one study, conducted in 2001 in the Central Region of Eritrea, 40% of women have been victims of domestic violence. As of that time, there were no counseling or mediation services provided for domestic violence victims, nor were there any legal aid mechanisms for women who wanted to press charges. Additionally, that study indicated that prosecution for domestic violence will only be pursued where the violence is life-threatening, meaning that a weapon must be used. Another regional study indicated that as many as 90% of women are subject to domestic violence. Specifically, most interviewees in the study estimated that the rate of "sexual and gender-based violence" is between 5% and 25%. However, it was pointed out that these estimates would change drastically, resulting in a 90% prevalence rate, if domestic violence was included within the definition of "sexual and gender-based violence" (World Organisations Against Torture 2004, 204)

The same report also notes that: "

Very few women will report incidents of domestic violence to the authorities because issues of sexual violence are not openly discussed in Eritrean society. If a woman does

Speak out, she will most likely turn to a neighbour or a friend, in which case, the neighbor or friend often makes an effort to reconcile the couple. (World Organisation Against Torture 2004, 204)

This information is not included in the section on violence against women. The report also includes information on cultural practices in the family that violate the human rights of women and girls including early marriage, dowry and honour killings, none of which is included in either the section on 'Women' or 'Children'.

COIS: Accepted. The section on women is short but there are few information sources that focus on women's issues in Eritrea, and a lot of this material is several years old. More information will be added to the next report update from sources currently used and from new sources, subject to availability.

At 21.14 the report refers to the USSD Human Rights Report on Eritrea (2010) and states that, "Female genital mutilation (FGM), although prevalent in rural areas, declined significantly in urban areas, according to trusted sources". Whilst this may be the case it is a very simplistic statement and there is no further explanation or corroboration. There is no discussion of the prevalence in rural areas or its impact on women and girls and no cross-referencing to the information on FGM in the 'Children' section (22.07-22.11) which provides additional information on the legislation context and the ban on the practice. Although limited there are additional resources that could usefully be referred to in relation to violence against women in Eritrea (see, for example Odede and Asghedom 2001; Campbell 2005; Gruber 2005). Although these sources are rather outdated they provide important historical and contextual information in relation to violence against women in Eritrea. In addition there are some sources in relation to the prevalence of FGM, its impact on women and their children as well as the gendered context within which the practice takes place. For example, the Guide for Africa notes:

"Although Eritrea is among the countries that support the eradication of FGM, it is still practiced on a large scale in the country...The general perception is that women who do not undergo this practice are seen as "impure", having constant sexual impulses driving them to prostitution, putting them outside the category of respectable people and making them unsuitable for marriage. Most parents want to make certain that their female children do not follow the 'wrong path'. Studies suggest that women who have undergone FGM are likely to want the same for their daughters. Women also lack the information and power to convince men of the harmful effects of FGM. Men fuel the practice by refusing to marry women who have not undergone FGM. And by allowing, or paying for, their daughters' operations" ([www.guideforafrica.com/eritrea/eritrea.html](http://www.guideforafrica.com/eritrea/eritrea.html))

In the absence of published sources on the practice of FGM in Eritrea since the ban (in both rural and urban areas) women's organisations such as the National Union of Eritrean Women (whose existence is referred to in the report) should be consulted directly to ascertain the current situation in both rural and urban areas and the consequences for women who refuse to allow their children to be subject to FGM.

There is some reference to issues affecting women in other sections of the report. It is noted (at 7.01) that societal abuse and discrimination against women remains an area of concern (USSD 2010). There is also a fairly detailed discussion of women's role in military service. There is rather less information on some other issues that are known to affect women. For example there is very little information on trafficking, there is nothing specifically on access to health for women and the section on 'Lesbian, gay, bisexual and transgender persons' is very short and does not refer specifically to the situation or experiences of lesbians. The comments made in response to the last review (Allen 2007) suggest that there is limited information available on these issues but it would be helpful if this could be made clear in the report itself.

COIS: Accepted. More information will be added to the section on FGM in the next report update, subject to availability.

As regards access to health and trafficking - more information will be added on these subjects in the next report update. There is a lack of published information about lesbians – and as far as we are aware this is not a common basis of claim. We will look to find further information on this.

#### *Accuracy and balance*

The sources that have been used appear to have been referred to accurately for the most part. There is, however, an issue of accuracy and balance in relation to the reporting of violence against women and, specifically, FGM. As noted above, the section on 'Violence against women' is extremely short (just three paragraphs) and does not include available information on the prevalence and nature of violence against women, especially various forms of domestic violence. In addition there is only passing reference to this issue in the 'Women' section. This gives the impression that the practice no longer exists. Equally the section on FGM in the 'Children' section (not cross referenced to the 'Women' section), there is detailed discussion of the fact that FGM was banned in 2007, but no information on what this means in practice. In the absence of this information an impression is again given that FGM is not an issue for women and girls in Eritrea. Given the very high prevalence rates prior to the ban and the significance of gendered norms around women's roles and identities it seems highly unlikely that the practice has been eradicated. In the absence of published information on the current situation women's organisations 'on the ground' should be consulted to ensure that the report is accurate and balanced in relation to Female Genital Mutilation.

COIS: Accepted. More information will be added to the relevant sections, as appropriate, in the next update of the report, to ensure more accuracy and balance. However, in terms of asylum casework, FGM is rarely an issue as far as we are aware.

#### *Gender-based concerns affecting men and boys*

There is no information specifically on gender-based concerns affecting men and boys.

COIS: See general comments below.

### *Sources used*

The main body of the report includes information available up to 14<sup>th</sup> July 2011. The report was issued on 17<sup>th</sup> August 2011. All of the sources referred to in the women's section of the report are recent, dating from 2009-11. Sources used include the US State Department (USSD) human rights report on Eritrea for 2010, the Social Equality and Gender Institutions Index, a number of reports produced by UN bodies (including UNICEF, UNHCR and the UN Human Rights Council), the World Organisation against Torture and the Economic Intelligence Unit. The report refers to the work of the National Union of Eritrean Women which is dedicated to improving the status of Eritrean women and also the Peacewomen Project of the Women's International League for Peace and Freedom and Mulabi, a women's rights NGO based in Latin America and Human Rights

### *Implementation of 2007 recommendations*

In her earlier review, Allen (2007) noted a lack of detail in relation to the experiences and situation of women in the 'Women' section and suggested a number of areas which might usefully be included. Additional information is now provided on some of these issues (for example, reproductive health) in the most recent CIO Report. Additional information has also been provided on NUEW and on stated constitutional and legal protections and there is a specific section on female conscripts under military service. Some of the recommended additional sources have been included, for example Peacewomen.org. There remain a number of gaps however some of which are identified above. In particular there are gaps relating to the overall context regarding gender roles and relations within which violence against women needs to be understood and in relation to specific issues including domestic violence and FGM.

### *Summary of strengths and weaknesses*

The section on 'Women' is strong on the legal and constitutional rights framework and how this relates to women in Eritrea. It is also strong on women's role in the military including conscription and exemption. The main weaknesses of the section are in relation to the sociological context within which violence occurs and the realities of protection available to women and local practice. There is an issue with the way in which information on FGM is presented and a lack of information on violence against women more generally and context within which this violence occurs

COIS: More information will be added to the relevant sections, as appropriate, in the next update of the report.

### **Additional sources of information**

Campbell, P. (2005) 'Gender and post-conflict civil society', *International Feminist Journal of Politics* 7(3), 377-399

Gruber, J. (2005) 'Silent survivors of sexual violence in conflict and the implications for HIV mitigation: experiences from Eritrea', *African Journal of AIDS Research* 4 (2), 63-73 [www.svri.org/ajar.pdf](http://www.svri.org/ajar.pdf)



Odede, R. and Asghedom, E. (2001) 'The continuum of violence against women',  
*Development* 44(3), 69-73

COIS: thank you. Any more recent sources would be welcomed.

## **Gambia (June 2011)**

### *Completeness*

The Country of Origin report on Gambia is rather short compared with other COI reports and the section on 'Women' is just six pages long. This section includes information on legal right, political rights, social and economic rights (including access to education and employment and marriage and divorce), violence against women (including domestic violence and rape), governmental and non-governmental assistance and health and welfare. It is noted (in paragraph 7.02) that the 2011 US Department of State Human Rights Report for Gambia states that "[h]uman rights problems included...violence against women and girls, including female genital mutilation (FGM); forced child marriage; trafficking in persons; child prostitution; discrimination against homosexual activity; and child labor." The same report also notes that "The judicial system recognizes customary, Sharia (Islamic), and general law. Customary law covers marriage and divorce for non-Muslims, inheritance, land tenure, tribal and clan leadership, and other traditional and social relations. Customary law recognizes the rights of all citizens regardless of age, gender, and religion. It does not call for discrimination, but women are expected to show respect for their husbands and children for their parents" (paragraph 9.02).

Despite this the report fails adequately to establish the context within which violence against women occurs. There are some useful sources which could usefully be drawn upon in this regard. According to the Gambia Women's Bureau (which is a Government Department):

"Due to the patriarchal nature of The Gambia Society, there is a strong gender division of labour, rules and responsibilities between women and men. Women are assumed to be only suitable for their reproductive and community roles while men are recognised for their public and development roles. The boy child is still given preference over the girl child in education and training; despite the several interventions. Thus, creating gender gaps in enrolment, participation, retention and quality education, which reduce their prospects and life chances"[\(http://gambianwomen.org/the-gambian-women/\)](http://gambianwomen.org/the-gambian-women/).

**COIS: Accepted. We will look to expand this section.**

A government report (Republic of Gambia 2009a) notes that there is a significant 'feminisation' of poverty in Gambia due to the outward migration of men and that this makes women vulnerable (paragraph 1.4.2). The report also notes that "[w]omen's participation in the public and private decision making spheres is limited, Women represent only 9.34% of the National Assembly Members. The increased participation of women in the Local Government Elections notwithstanding only 27 (18.37%) out of 147 councillors are women. The situation becomes even more exclusive at the level of traditional leadership as out of the 1938 villages only 5 (0.25%) are headed by women and there are no village Chiefs who are women in the Gambia and this is where the power lies" (Republic of Gambia 2009, paragraph 1.4.6). The Government's Gender

Policy for 2010-20 is not referred to in the report. This is an important policy document in terms of women / gender issues in The Gambia which notes that there is a gap between policy and practice in the implementation of policies for gender equality:

“The 1997 Constitution recognizes and guarantees gender equality. The spirit and targets of the constitution advocates and guarantees that women shall be accorded full and equal dignity of the person with men. This guarantee includes equal treatment in all spheres of life, and equal opportunities in political, economic and social activities. The Constitution also advocates and guarantees all persons, men and women, equality before the law, and expressly prohibits the enactment and application of any discriminatory laws. It is however critical that matters relating to customary and religious laws are addressed, as these fall within the realm of “personal law”, which is expressly made applicable by virtue of the constitution and other laws of The Gambia. The challenge to the gender policy is how to ensure that the constitutional principles that accord equal dignity of the person to both man and woman, prevail over the other constitutional provisions that recognize customary laws and practices, that tend to subjugate and abrogate these fundamental rights that women should enjoy. The policy must therefore address these inconsistencies, because most of the discrimination against women arises directly from the discriminatory practices perpetuated under the guise of religious and customary laws” (Republic of Gambia 2009b, paragraph 5.5.0)

COIS: Accepted.

There is also some academic literature on the general situation of women in The Gambia (see, for example, Alden Wily 2011).

There is nothing on Female Genital Mutilation (FGM) in the women’s section even though there are long-term consequences for women of both FGM and their refusal to allow their girl children to be subject to the practice. Instead the issue of FGM is dealt with in the ‘Children section’ (and cross-referenced to the ‘Women’ section), which also includes information on gender issues in the subsections on ‘Violence against children’ and ‘Underage / forced marriage’. The section on FGM draws on a UN report which notes that the law does not prohibit FGM and the practice remains widespread. However the information relating to FGM is not as detailed or complete as it could be, either in terms of rates of prevalence or in terms of providing a context for understanding why FGM occurs and the opportunities (or otherwise) for resistance. Most notably a number of important recent reviews are not included in the report. National Women’s Bureau (2002) produced a desk review of the practice of female genital mutilation in the Gambia. A report produced by USAID (2008, 9-10) suggests that prevalence rates for FGM are currently 55-90%. The Population Reference Bureau (2010) estimates prevalence in Gambia at 80%. There is no reference refer to the report by the World Health Organisation (2010) on the dynamics of decision-making and change in the practice of female genital mutilation in the Gambia and Senegal which find that “Decades of programming efforts aimed at eliminating female genital mutilation (FGM) have yielded varied and, in general, limited results”. This report also notes that

“Decisions about FGM are usually made by multiple family members, including most often mothers, fathers, grandparents and aunts. These decisions occur in a context marked by extensive social pressure and strong expectations to comply with the practice of FGM”

COIS: Accepted. FGM was included in Children section since it is performed, mostly, on girls. It was considered that the section on FGM was better situated in the ‘Children’s’ section and cross-referenced to Section 21: Women – Violence against women, Section 22: Children – Health and welfare and Section 24: Medical issues in the report.

We will look to include information on the long-term consequences for women of both FGM and their refusal to allow their girl children to be subject to the practice in the Women’s section in the next update of the report.

Turning to gender issues in other parts of the report, there is reference to the arrest of Women’s Human Rights Defenders Dr Isatou Touray and Ms Amie Bojang-Sissoho on 11 October 2010 by the National Intelligence Agency (paragraph 15.06) However the report does not point out that these two women have been major campaigners against FGM and that this is most likely the underlying reason for their arrest. These women are, respectively, Executive Director and Programme Coordinator of the Gambia Committee for Traditional Practices (GAMCOTRAP) which is one of the lead organisations working in the area of women and girls empowerment, FGM and other harmful practices that affect the lives and circumstances of women and girls in The Gambia. GAMCOTRAP has contributed significantly to the development of women and girls in The Gambia and elsewhere and has led to over 100(one hundred) circumcisers dropping their knives publicly and abandoning the practice. Historically other women have also been harassed and arrested because of their efforts to end the practice of FGM (see, for example, [www.guardian.co.uk/world/1999/oct/24/humanrights.nickpatonwalsh](http://www.guardian.co.uk/world/1999/oct/24/humanrights.nickpatonwalsh)).

COIS: Accepted. We will clarify this in the next update.

Elsewhere in the report there is some reference to women / gender issues. For example in Section 19 on lesbian, gay, bisexual and transgender (LGBT) persons it is noted that lesbianism is taboo and many people do not believe that it exists: lesbianism is not recognised by society and is seen as an unacceptable social relationship. There is some information on lesbian activism (in paragraphs 19.14 and 19.15) but the social and political consequences for women of being identified as lesbian are not clear.

COIS: Accepted. We will aim to clarify this in the next update.

#### *Accuracy and balance*

Although the report includes information on FGM, the information that is provided gives the impression that there is more resistance to the practice than there is. Information is provided on efforts to eradicate the practice (including by GAMCOTRAP) but does not provide any information on the extent to which these campaigns and initiative have been successful. There is some evidence that they have not. For example, it was

reported in the Freedom Newspaper in April 2010 that FGM is deeply rooted in the Gambia which has a prevalence rate of 80%. Speaking at a conference on this issue, Binta Jammeh the Executive Director of the Association for the Promotion of Girl's and Women's Advancement (APGWA) said that female circumcision is still a problem in some parts of the country: "Despite numerous efforts by the local and international NGOs the practice although reduced at some regions, continues in certain regions such as the North Bank Region" (reference below). In order to give a more balanced view of the current situation this report, like many others, would benefit in terms of accuracy and balance from engaging directly with women's organisations on the ground. There are a number of organisations that could usefully be contacted. These include the Gambia Women's Bureau (<http://gambiwomen.org/>) which aims to improve the quality of life of all Gambians, particularly women, through the elimination of all forms of gender inequality by concrete gender and development measures. The organisation's website provides access to laws and policies relating to gender issues in the Gambia (<http://gambiwomen.org/women-policy-1999-200/>). It also provides access to CEDAW reports (<http://gambiwomen.org/reports/>). There is also a Network on Gender Based Violence in the Gambia (<http://ngbv.nettivu.org/network-on-gender-based-violence-in-the-gambia/>). The partners of the project include representatives from organisations such Child Protection Alliance (CPA), Flare (Human rights organisation), TANGO (The Association of Non-Governmental Organizations), Royal Victoria Teaching Hospital (RVTH), YWCA (Young Women's Christian Association) and Gambian Police. The project is in line with the National Programme monitored by the Women's Byro which is located in the office of the Vice President and Ministry for Women Affairs. The National Women's Federation has recently been launched in Gambia.<sup>6</sup>

COIS: Accepted. We agree that the section on FGM could benefit from additional information. We consider that the report does give a clear picture on the prevalence of FGM, however more detailed information on this issue is difficult to locate. We will endeavour to expand on this in future.

#### *Gender-based concerns affecting men and boys*

It is noted (paragraph 19.03) that the law against homosexuality establishes prison terms ranging from five to 14 years for any male that commits in public or private any act of gross indecency, procures another male, or has actual sexual contact with detailed information on specific incidents where men have been persecuted as a result of their sexuality.

#### *Sources used*

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<sup>6</sup> See <http://allafrica.com/stories/201011291461.html> and [www.jollofnews.com/pdois-statement-on-the-launch-of-gambia-womens-federation.html](http://www.jollofnews.com/pdois-statement-on-the-launch-of-gambia-womens-federation.html) for further information

The section on 'Women' is heavily reliant upon a limited number of sources, in particular reports produced by Freedom House, the US Department of State and the International Federation for Human Rights (FODH). Much of the information in the section (and on women's / gender issues elsewhere in the report) comes from these three sources. Other sources include Access Gambia website and a number of news sources including the Gambia Echo and Gambia News. The section on FGM also draws on additional news sources including Today Newspaper and Integrated Regional Information Networks (IRIN). There are a number of recent sources that could usefully have been drawn upon for the report, particularly in relation to the practice of FGM. These include

In terms of currency, the main body of the report includes information available up to 9<sup>th</sup> June 2011 which is the date that the report was issued. All of the sources on women/gender issues referred to in the report are from 2010 and 2011, with the exception of the paper produced by the Institute for Development Studies (2006) which provides important historical and contextual information on the situation of women in the Gambia.

#### *Implementation of 2007 recommendations*

The Country of Origin Report on Gambia was not included in the previous review (Allen 2007).

#### *Summary of strengths and weaknesses*

The strength of the report in relation to women / gender issues lies primarily in the mainstreaming of information throughout the report. There is cross-referencing. The main weakness is that some of the information is a little 'thin' and could be improved significantly through the inclusion of additional resources (see below). There is insufficient information on FGM, not only in terms of the practice itself but in terms of the consequences for women if they resist FGM on behalf of their children. There is no mention of FGM in the section on 'Women'.

#### *Additional sources of information*

Alden Wily, L. (2011) 'The law is to blame': the vulnerable status of common property rights in Sub-Saharan Africa', *Development and Change* 42 (3), 733–757

Freedom Newspaper April 20<sup>th</sup> 2010 'Gambia: female circumcision is still a problem in the Badibus',

[www.freedomnewspaper.com/homepage/tabid/36/mid/367/newsid367/5138/breaking-news-gambia-female-circumcision-is-still-a-problem-in-the-badibusbintajammeh/default.aspx](http://www.freedomnewspaper.com/homepage/tabid/36/mid/367/newsid367/5138/breaking-news-gambia-female-circumcision-is-still-a-problem-in-the-badibusbintajammeh/default.aspx)

National Women's Bureau (2002) *Female Genital Mutilation in the Gambia: A Desk Review*, [www.unicef.org/wcaro/wcaro\\_gambia\\_FGM\\_Desk\\_Review.pdf](http://www.unicef.org/wcaro/wcaro_gambia_FGM_Desk_Review.pdf)

Population Reference Bureau (2010) *Female Genital Mutilation/Cutting: Data and Trends*, [www.prb.org/pdf10/fgm-wallchart2010.pdf](http://www.prb.org/pdf10/fgm-wallchart2010.pdf)

Republic of the Gambia (2009a) *Report of The Gambia on the Progress of the Implementation of the Africa and Beijing Platform of Action and Review Report for Beijing +15*, Office of the Vice President and Ministry for Women, <http://gambiwomen.org/assets/Uploads/BPFA+-15-Final-final-J-ED-Version3.pdf>

Republic of Gambia (2009b) *The Gambia National Gender Policy 2010-20*, Ministry of Women's Affairs, [www.uneca.org/acgs/beijingplus15/Questionnaire/DAW/English/Gambia.pdf](http://www.uneca.org/acgs/beijingplus15/Questionnaire/DAW/English/Gambia.pdf)

World Health Organisations (2010) *Dynamics of decision-making and change in the practice of female genital mutilation in the Gambia and Senegal: Social Science Policy Brief*, [http://whqlibdoc.who.int/hq/2010/WHO\\_RHR\\_HRP\\_10.16\\_eng.pdf](http://whqlibdoc.who.int/hq/2010/WHO_RHR_HRP_10.16_eng.pdf)

USAID (2008) *'Numbers of Women Circumcised in Africa: The Production of a Total'*, *DHS Working Papers*, [www.measuredhs.com/pubs/pdf/WP39/WP39.pdf](http://www.measuredhs.com/pubs/pdf/WP39/WP39.pdf)

COIS: Thank you for these sources.

## India (September 2010)

### *Completeness*

As was noted in the previous review by Allen (2007), the section on 'Women' is extremely comprehensive and well organised, drawing on a wide range of information from different regions of the country. The section begins with an excellent overview of the situation of women in India (including socio-economic indicators) setting out the context within which violence against women occurs and the gap between law and policy and the reality for women 'on the ground'. This is followed by a rather cursory section on legal rights (see discussion below), political rights and social and economic rights, which includes women in the workplace, gender-imbalance – female foeticide, marriage and divorce and dowry. There are also a section on violence against women which includes information on domestic violence, rape and other forms of violence and harassment, together with police protection and organisations offering assistance to women. Finally, there is a new section on women's health.

The information provided in the section is largely complete insofar as it addresses the main issues and concerns. The information that is provided in relation to several issues could however be expanded. Although both the overview and the section on social and economic rights set out information on the general situation of women in India, neither adequately capture the tension and contradictions in the current position. This is perhaps best captured by Bhan (2001) who notes that whilst on the surface India is a country of increasing international exposure, urbanisation and a growing industrial sector, rising male and female literacy, and increased power for many women within the government at the centre and state levels, understanding of gender in India still deeply revolve around caste, class and religious identities:

"It is important to emphasise that caste identities are very much a part of modern Indian societies and affect the daily lives of women in particular. Examples range from consistently lower socio-economic indicators for lower castes to the documented difficulty of dalit women in gaining access to water from communal wells due to their caste status. Religion is also found to deeply influence women's status in the household and the community, shaping her identity and determining a range of issues from her access to education to the decision to use birth control and/or contraception" (Bhan 2001, 2)

The caste system is described in Section 21 but its connections with gender not adequately explained or explored.

**COIS: Accepted. We will include more direct references to caste and religion.**

It is also important to understand specific issues facing women and girls – most notably female foeticide and infanticide – in the context of gender. As Bhan suggests, India's falling sex ratios are indicative of this oppressed status of women. Whilst the section on the gender imbalance in India is adequate it would benefit from more discussion of the context within which female foeticide takes place and the use of academic (rather than news courses) to explain the issue. For example Unnithan-Kumar (2010) draws on the



accounts of feminists, doctors and lower, middle-class Hindu and Muslim women and their families in Rajasthan, Northern India, to explore differing perceptions and attitudes to Female Selective Abortion (FSA) in the region. Focusing on the agency of pregnant women who resort to FSA, the paper suggests that gender inequality and marriage anxieties shape especially lower-middle-class women's engagement with reproductive technologies, including those of sex selection. The paper also concludes that the decisions of both Hindu and Muslim lower-middle-class women to abort female babies is informed by their shared, pragmatic understanding of the economic realities of gender discrimination and of their social obligation as wives to reproduce a particular quality of patriarchal family. Kishor and Gupta (2009) also present strong evidence of continued son preference in India and similarly suggest that FSA is more evident among births to wealthier than poorer women, demonstrating the social pressures these women may be under to abort their female foetuses. Although beyond the cut off point for the current COI Report on India, the results of the 2011 census revealed a sharp deterioration of the sex ratio further fuelling concerns about the marginalization of women and girls in Indian society (Bhalotra and Cochrane 2011; Telegraph 24<sup>th</sup> May 2011; Guardian 22<sup>nd</sup> July 2011).

Such is the preference for sons that evidence is emerging of hundreds of girls between one and five years of age reportedly being 'converted' into boys through a sex-change procedure known as genitoplasty, which involves fashioning a penis out of female sex organs, then pumping the child full of male hormones. Madhya Pradesh state government is investigating claims that up to 300 girls were surgically turned into boys in one city after their parents paid about £2,000 each for the operations (see Telegraph 27<sup>th</sup> June 2011). This information (and any further supporting evidence) should be included in the 'Women' section of the CIO Report on India when it is next updated and made available through other means (for example, OGNs) until that time.

[COIS: Accepted. We agree that further information should be included on the factors motivating female selective abortion. \(The latest India COI Report, published 26 August 2011, quotes some sex ratio figures from the 2011 Census.\)](#)

This context also explains the pervasive nature of violence against women. Kishor and Gupta (2009) suggest that women's access to resources including media, health care, and money that they control is greatly circumscribed. In addition, only a minority of women are allowed to go alone to various places outside the home. Although a majority of men say that husbands and wives should make decisions jointly, a significant proportion feels that husbands should have the major say in most decisions, particularly in decisions related to large household purchases and visits to the wife's family and relatives. More than half of women and men agree with one or more reasons that justify wife beating. Both are most likely to agree that wife beating is justified if a woman disrespects her in-laws and if she neglects the house or children. This is taken further by Mangoli and Tarase (2009) who note that women have become sex objects and are widely treated as inferior to men in different spheres of life. In the rural areas, wife-beating, torture of unmarried daughters, sisters and other female relatives is common

phenomenon. Girls are perceived as a burden on the family, because of the huge amounts of money required for their weddings. Girls are generally not encouraged to take up even middle or higher education. There is huge discrimination between men and women in the sphere of education and the reason attributed to such gender bias is the feeling of people that girls should be confined to the house. The recent highly published rape and murder of a 14 year old Indian girl in Lakhimpur, an obscure village in Uttar Pradesh is a symptom of a culture which does not allow women to flourish (see Guardian 17<sup>th</sup> June 2011). Although these issues are explored in the 'Women' section of the report, the connections between different aspects of women's experiences are not always clear or sufficiently highlighted.

There is relatively little reference to women or gender issues outside of the 'Women' section, although some information is included on prison conditions for women (section 14.01), trafficking (26.01), mental health (27.18) and Internally Displaced People (IDPs). There is very little specifically on lesbian women in the LGBT section of the report but this appears to reflect a lack of information on the issue.

#### *Accuracy and balance*

The use of more recent sources of information means that the information in the 'Women' section is more accurate than in the previous version, which was heavily criticised in the previous review (Allen 2007). There is however some more accurate and up-to-date information available in relation to some of the issues discussed, for example the section on the gender imbalance (see for example Unnithan-Kumar 2010, and other sources noted above).

In terms of balance, the inclusion of information about women's organisations and network in the section on organisations offering assistance to women is to be welcomed. However there is a danger that simply presenting the information about the organisations in this way is potentially misleading. It is possible that the existence of these organisations will be interpreted as meaning that they are accessible to all women and that they are able to provide support and protection to everyone by whom they are approached. In the absence of any commentary about the effectiveness or otherwise of these organisations it is difficult to understand the purpose of their inclusion in the report.

COIS: Partly accepted. We have simply referred readers to the lists of organisations included (with their web addresses) on the websites of the South Asian Women's Network (SAWNET), the Delhi Directory and the Centre for Social Research. However, we will consider inserting a note to the effect that COIS cannot confirm the efficacy or accessibility of these organisations.

#### *Gender-based concerns affecting men and boys*

There is no information specifically on gender-based concerns affecting men and boys, with the exception of the discussion on gay and bisexual men and 'hijras', who are regarded as a 'third gender' in India, in section 22.01 of the report.

### *Sources of Information*

A wide range of sources have been used to inform the 'Women' section of the report. International sources include the CIO World FactBook, EuropaWorld, Freedom House, Human Rights Watch, Unifem South Asia and United Nations Population Fund (UNFPA). As with many COI reports, much of the information presented in the 'Women' section is drawn from the latest United States Department of State (USSD). National sources of information include Info Change India, the Government of India, Parliament of India, National Human Rights Commission and National Crime Records Bureau (NCRB). Sources provided by a number of national and international women's organisations are also drawn upon including International Women's Rights Action Watch (IWRAP), National Alliance of Women, the South Asian Women's Network (SAWNET), the Self-employed Women's Association (SEWA) and National Commission for Women (NCW) India. New sources include BBC News Online, The Guardian India and The Times of India. Although some academic sources have been used including the Social Science Research Network Centre for Social Research (New Delhi) There are a large range of academic sources (particularly journal articles) relating to the situation of women in India. These could usefully be incorporated into future versions of the COI report on India when it is updated (see references below).

In terms of currency, the main body of the report includes information available up to 16<sup>th</sup> July 2010. The report was issued on 21<sup>st</sup> September 2010. Although some of the sources used in the 'Women' section are from 2005 and 2006, the majority have been published (or made publicly available) much more recently.

### *Implementation of 2007 recommendations*

Whilst acknowledging that the section on 'Women' is extremely comprehensive and well-organised, the previous review suggested that the section was "*substantially* marred by a consistent use of old sources and a failure to update information, particularly with regard to the legislation and the implementation of legislation. This is pervasive across the report and needs to be addressed" (Allen 2007, 41 emphasis in original). The review pointed to specific examples where sources were utilised which were substantially outdated and superseded by more recent documents to which reference had not been made. It was also suggested that the legal rights section could be significantly improved by an overview of the religious and local systems which exist alongside the civil and criminal legal systems. More cross-referencing was also recommended. For the most part these recommendations have been implemented in the updated version of the Report. As noted above, the majority of the sources used are more recent and there is a greater use of cross-referencing than in the previous version. However the 'Legal rights' section remains very short and simply states the right of women that are guaranteed in the Constitution of India (24.10) and provides a link to the various Acts relating directly to women that can be found through the Ministry of Women and Child Development.

In addition Allen (2007) expressed concern about the failure to discuss health, particularly reproductive health and rights, sexually transmitted diseases including HIV / AIDs and women's access to medical care. There is now a section of 'Women's health' which includes information on ante and post natal care and maternal mortality. However there is no information on reproductive health and rights and only two sources referred to (Times of India Report and Human Rights Watch Report). This is surprising given the wide range of sources reporting on women's health in India.

COIS: Accepted. The 'Women's health' section will be broadened as appropriate.

#### *Summary of strengths and weaknesses*

The section on 'Women' provides a good introductory overview which notes the gap between the goals enunciated in the Constitution, legislation, policies, plans programmes and related mechanisms on the one hand and the situational reality of the status of women in India on the other. Sections on 'Women' in other COI reports would benefit from a similar approach (see concluding discussion). There is a good use of sources although more academic sources could be usefully be included. The inclusion of information about women's organisations is good, but there is a danger of misinterpretation because there is no comment or information on whether these organisations are able to provide meaningful protection or support for women.

#### *Additional sources of information*

BBC News Online 19<sup>th</sup> August 2008 Struggling with India's gender bias  
<http://news.bbc.co.uk/1/hi/7570192.stm>

Bhalotra, S. and Cochrane, T. (2011) *Where have all the young girls gone? Identifying sex selection in India*, CMPO Working Paper No. 10/254  
[www.bris.ac.uk/cmppo/publications/papers/2010/wp254.pdf](http://www.bris.ac.uk/cmppo/publications/papers/2010/wp254.pdf)

Bhan, G. (2001) *Indian Gender Profile*, BRIDGE Report No. 62  
[www.bridge.ids.ac.uk/reports/re62.pdf](http://www.bridge.ids.ac.uk/reports/re62.pdf)

Guardian 17<sup>th</sup> June 2011 'The plight of India's women'  
[www.guardian.co.uk/commentisfree/2011/jun/17/india-gender](http://www.guardian.co.uk/commentisfree/2011/jun/17/india-gender)

Kishor, S. and Gupta, K. (2009) *Gender Equality and Women's Empowerment in India*, Ministry of Health and Family Welfare, Government of India  
<http://www.measuredhs.com/pubs/pdf/OD57/OD57.pdf>

Menon, N. (2009) 'Sexuality, caste, governmentality: contests over 'gender' in India', *Feminist Review* 91(1), 94-112

Rocca, C.H., Rathod, S., Falle, T., Pande, R.P., and Krishnan, S., (2009) 'Challenging assumptions about women's empowerment: social and economic resources and domestic violence among young married women in urban South India', *International Journal of Epidemiology*, 38(2), 577-585

Telegraph 24<sup>th</sup> May 2011 Indian gender gap widens due to number of female foetus abortions [www.telegraph.co.uk/news/worldnews/asia/india/8533467/Indian-gender-gap-widens-due-to-number-of-female-foetus-abortions.html](http://www.telegraph.co.uk/news/worldnews/asia/india/8533467/Indian-gender-gap-widens-due-to-number-of-female-foetus-abortions.html)

Telegraph 27<sup>th</sup> June 2011 Indians pay surgeons to turn girls into boys [www.telegraph.co.uk/news/worldnews/asia/india/8601488/Indians-pay-surgeons-to-turn-girls-into-boys.html](http://www.telegraph.co.uk/news/worldnews/asia/india/8601488/Indians-pay-surgeons-to-turn-girls-into-boys.html)

Unnithan-Kumar, M. (2010) 'Female selective abortion - beyond 'culture': family making and gender inequality in a globalising India', *Culture, Health and Sexuality* 12(2), 153-166(14)

## Iran (August 2010)<sup>7</sup>

### *Completeness*

The section on 'Women' is more than 25 pages long and extremely comprehensive. It begins with a detailed overview of the situation of women in Iran, followed by sub-sections on legal rights, political rights and social and economic rights including in relation to abortion, marriage (including 'sigheh' and 'mehriyeh'), adultery, divorce (and child custody), dress code and gender segregation, women in the workplace and education. The section also includes information on violence against women (including so-called 'honour killings and the government's suppression of women's rights organisations) and health and welfare issues.

Overall, the section on women appears to be fairly complete. The report now includes some of the changes that happened after the elections of 2005, although it is clear that not all of the changes have been implemented. Despite the high indices of economic and human development in Iran, the situation of women has regressed, particularly since the election of 2005. The section on women explains well this regression including all aspects of violence and discrimination including temporary marriage or 'sigheh' which make women's rights of urgent concern because the practice is likely to associated with other issues such as forced prostitution and female smuggling and trafficking. Women's high participation to the demonstrations during the 2005 elections, braving violence by security forces dramatically illustrated the clash between a changing society and an increasingly repressive government. As a result, and with regards to mental health, women in Iran are definitely at a greater risk of developing mental disorders such as depression, somatoform, anxiousness or eating disorders, as well as suicidal behaviour (see Siamak Khodarahimi 2009). Furthermore, mentally affected women in Iran are stigmatized, have less access to care and suffer from social oppression.

Although the section on women provides in-depth information on most aspects of violence against women in Iran, the section on the impact of gender-based violence on women's well being and mental health care is not sufficiently detailed. Nor are the impacts on women from different religious and ethnic minority groups well considered. More information is needed, for instance, on minority groups, such as Kurdish, Baha'i and Ahwazi and their double plight as women belonging to a minority that is generally minority. The access of these women to secondary health care, employment, education and the discrimination against them when they attempt to access professional promotion, is neglected in the report. The sub-sections on political and legal rights do not mention discrimination against these women (see Tohidi 2010).

[COIS: Partly accepted. The sections on ethnic and religious minority groups including Kurds, Baha'is and Ahwazis were updated in the June 2011 COI Report and the](#)

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<sup>7</sup> It should be noted that an updated version of the COI Report on Iran was published in June 2011 after the research for this review had been completed.

Women's section will be cross referenced with the sections on ethnicity and religion in the next report to emphasize the double plight of women from these groups. The June 2011 report also included information on Sakineh Ashtiani, an Azeri woman sentenced to death by stoning (paragraphs 14.28, 20.39). The discrimination faced by women in general has also been updated in the June 2011 report. The Tohidi section on Iran in the 2010 Freedom House report "Women's Rights in the MENA" was used extensively as a source in both the August 2010 and updated June 2011 reports.

It is not accepted that the difficulties faced by women from minority groups in accessing certain services was "neglected" in the August 2010 report. Such detailed information was not found in the sources consulted at that time; sources mainly refer to Iranian women in general rather than differentiating between women from various groups. However, further efforts will be made to emphasize the difficulties experienced by women from minority groups.

It is also difficult to find sources explicitly stating the impact of gender-based violence on women, including those belonging to ethnic minority groups, although further efforts will be made to do so. The suggested source of Khodarahimi, S (2010) will be included in the next report. The Mental Health section of the updated June 2011 COI Report includes additional sources on mental health services and the Women's section is cross referenced to it.

There are references to the experiences of women in other sections of the COI report on Iran including in relation to the severe discrimination faced by women under the law and in practice (7.07), women's experiences in the court system (11.36), women's experiences in prison (13.09), the issue of stoning (12.22) and attacks on women human rights activists including those who operate on the internet (16.26). There is also some information on the situation and experiences of lesbian women in Section 21.

#### *Accuracy and balance*

The section on women is generally accurate. The purpose of the information included in some sub-sections is, however, unclear given the generally difficult situation of women in Iran, and the lack of determination from the Iranian regime to protect women from political violence, due to institutional practices. For example, it is noted in 23.19 that:

"A *Guardian* news article, dated 17 June 2009, observed that, despite the current "authoritarian backlash" in the country, there had been, over the past year: "...a series of small but significant victories: Iranian MPs have declined to enact laws that would have further facilitated men's ability to indulge in polygamy; new measures are presently under discussion to enhance women's inheritance rights; and reforms are also being put forward to end the insulting, discriminatory rule in compensation cases, where a family of a dead woman will be awarded literally half of the compensation paid for a man's death."

The inclusion of this information gives the impression that the situation is improving when other evidence suggests the contrary. Moreover there is no evidence presented in the report that these changes have been implemented.

COIS: Accepted. This source was removed from the June 2011 COI Report.

### *Gender-based concerns affecting men and boys*

The section on lesbian, gay, bisexual and transgender persons is lengthy and detailed. It is noted that in Iran a complex cultural system that controls people's bodies and sexualities means that there are highly gendered norms in relation to sexuality. Women who defy those norms and men who escape them are equally at risk. There is some reference to the experiences of men and boys in the section on children's rights and political rights for minorities.

### *Sources*

As with the earlier version of this report, the section on 'Women' draws on a wide range of sources including reports by Freedom House, OECD (Social Institutions and Gender Index), US Commission on International Religious Freedom, UN Population Fund, FCO, Amnesty International, US Department of State, Pew Forum on Religion and Public Life, World Bank, Norwegian Country of Origin Information Centre, UN Special Rapporteur on Violence Against Women, Human Rights Watch and the International Federation for Human Rights with the World Organisation Against Torture. It also draws on some human rights organisations as women's groups including the Women's United Nations Report Program and Network, The International Campaign for Human Rights in Iran, and the Women's Learning Partnership. The use of academic sources is limited but there is a quote from a Professor of Sociology and Women's Studies at Purdue University published by Payvand's Iran News website on the issue of 'mehriyeh'.

In terms of currency, the main body of the report includes information available up to 30<sup>th</sup> June 2010 and the report was published on 31 August 2010. Most of the sources referred to were published in the period 2008-2010.

### *Implementation of 2007 recommendations*

Regarding the update of sources, the 2010 report is well documented, and recommendation on researching more credible sources has been implemented. The majority of old sources has been removed and replaced, except in the section regarding mental health, where the literature dates back to the late 1990s. As is noted above, there is still no data on what facilities are available, and how women access mental health care. There is also a lack of information on how women who are suffering mental illness are stigmatized, and what consequences this has on their social lives. This is particularly true for women who are from different minority groups. Information on the situation of rural versus urban women, internally displaced populations, and the section on refugees are still weak throughout the report. The recommended restructuring of some sections has been made, but the report still repeats itself. The section from 23.19 to 23.31, which appeared on the previous report under the heading of 'honour killings', has now been removed. The information in 23.01, 23.11 and 23.12 has been changed as recommended. The recommendations on including further information from national women's organisations, referencing with dates and titles included in the text, have been implemented.



### *Summary of strengths and weaknesses*

The main issues affecting women in Iran are clearly mentioned with updated sources, and the section on 'Women' contains a considerable amount of information. The section on 'Children' also mentions the main issues affecting girls, including the hanging of young girls. Most aspects of women's lives are covered, including their participation in political and social life. However, the section on women does not emphasize the double oppression experienced by women from other religious and ethnic minority groups other than Muslim Shiite. More information is needed, for instance, on minority groups, such as Kurdish, Baha'i and Ahwazi and their double plight as women belonging to a minority that is generally a minority.

COIS: As stated above, most sources do not differentiate between women of different groups; however, further efforts will be made to emphasize the issue of double oppression.

### *Additional sources of information*

Azkhosh, M. (1999) *Mental Tests: Application and Clinical Diagnosis*, Tehran: Nashre Ravan

COIS: We were unable to access this source; however, as it is 12 years old, a more recent source would be preferred.

Khodarahimi ,S et al. (2010) *Women's Mental Health in The North of Fars, IRAN*, Islamic Azad University-Eghlid Branch 2 Islamic Azad University-Arsanajan Branch, [www.mjpsychiatry.org/index.php/mjp/article/viewFile/63/61](http://www.mjpsychiatry.org/index.php/mjp/article/viewFile/63/61)

COIS: Thank you. This will be included in the next COI Report.

Tohidi, N. (2010) *Women's Rights in MENA*, <http://freedomhouse.org/uploads/specialreports/womensrights/2010/womensrights2010.pdf>

COIS: This report was used extensively in the Women's section of the August 2010 report (source [112c]) and has been retained in the June 2011 update.

## **Iraq (April 2011)**

### *Completeness*

The section on 'Women' is 23 pages long. It begins with a brief overview of the situation for women in Iraq, followed by a discussion of their legal, political and socio-economic rights including in relation to marriage, divorce and guardianship, inheritance and property ownership, employment and freedom of movement. There is also a sub-section on vulnerable women-headed households which addresses many of the issues covered in the section on social and economic rights but specifically in relation to this group of women. The sub-section on violence against women that follows includes information on legal safeguards and a summary of types of violence and societal context, before turning to specific types of violence including domestic violence, sexual violence (including sectarian related sexual abuses), forced/early marriage, 'honour' crimes and Female Genital Mutilation (FGM). There is also a sub-section on assistance to women including the provision of shelters and insecurity and human rights abuses against NGO staff together with outreach work and campaigning on women's rights in Iraq.

Overall, the section on 'Women' provides a comprehensive and in-depth analysis of the situation of women in Iraq. There is information on violence against women, girls and lesbians varies both within the section and throughout the report as a whole providing a wide range of appropriate information related to the actual context within which violence occurs. Unlike any of the other COI reports which were reviewed, the section on 'Women' provides an explanatory commentary on the context at the beginning of some of the sub-sections, most notably the summary of types of violence and societal context and in the subsection on sexual violence where it is noted (at 26.55) that information about violence against women can only be understood in the context of the current insecurity in Iraq and the inter-play which exists between non-stated armed militia, political rivalries and the resultant sectarian based conflict which characterises the security situation in the country. This is also noted at the beginning of the sub-section on available assistance for women. These commentaries and the guidance given to the reader are extremely useful.

The subsections on political participation include government and community resistance to women's participation in the labour market, especially in rural areas and to women from minority groups. The report explains the impact of the new democratic process imposed by the allies' troops and how it disadvantages some of the women's political rights acquired under the Baathist regime.

Despite the considerable strengths of the report, some important issues related to women lack analyses, are missing or reported in other subsections than the section on women. For example, the issue of the 'daughter of Iraq' lacks analysis. The report would be more complete if it included information on the reason women are compelled become 'daughters of Iraq' and also on how this impacts on these women's families and on their relationships with their communities since people who joined the US troops are seen as traitors. The report explains that 'daughters of Iraq' are recruited and trained

under a determined contract but it does not explain the situation of these women when they return to a civilian life. The report also fails to provide any information on the reasons why women become suicide bombers. According to O'Rourke (2008), Iraqi women become suicide bombers out of despair, mental illness, social obligation to subordination to men, frustration with inequality and other factors specifically related to their gender. O'Rourke explains that there is something fundamentally different motivating men and women to become suicide attackers. She also suggest, contrary to various US and UN reports, that blaming Islamic fundamentalism and Al Qaida is wrongheaded since Muslim fundamentalists discourage and only grudgingly accept female suicide attackers (O'Rourke, 2008).

The issue of women's mental health and access to care is also neglected. Widows and other disabled women, as result of war, experience difficulties to accessing services if not sponsored or have permission from a male relative. Although these facts are well documented in the report, there is a lack of information on how women deal with those issues and most importantly, how it impacts upon their mental health. There are also some gaps in relation to the impact of women of displacement, lack of access to medical treatment for victims of violence, forced marriage and early pregnancy. More information is needed on the situation of internally displaced women, exiled returnees and the situation of those returned to northern Iraq. More information is needed on Turkmen women who seem to experience particular forms of hardship. There is information about women elsewhere in the report which generally covers the same areas as the women's section.

COIS: Partly accepted. We thank the reviewers for the positive comments and feedback. We note one of the reviewers' main concerns related to the lack of information to explain the motivation or reasons why a woman in Iraq may become a suicide bomber. We will consider to what extent we can and should cover this issue against the other competing demands to provide relevant COI and what our users demand, particularly given information from the USDoD report 2010, which notes the incidence of female bombers in Iraq to be low and attacks infrequent.

We will look to add further information on the issues raised by the reviewers.

#### *Accuracy and balance*

The section on 'Women' appears to be largely accurate and there is a good balance of information from a range of different sources (see below). It was however difficult to locate some of the sources identified. For example, paragraph 23.03 refers to a report by Brian Whitaker, entitled 'Pride and prejudice: The targeting of gay men in Iraq' dated November 2010. We were not able to locate this report or check its accuracy. In addition there some areas of the report which are rather unbalanced in their reporting of issues because they rely upon information sources produced by organisations which have an interest in the outcome of the conflict (see below). Future reports should include information provided by the Iraqi Bloggers and social media users inspired by

the Arab Spring uprisings. These sources often provide a different picture of the situation for women on the ground.

COIS: Partly accepted. We thank the reviewers for the positive comments concerning the balance and accuracy of the section.

Regarding paragraph 23.03, the article by Brian Whitaker, entitled *Pride and prejudice: The targeting of gay men in Iraq*, dated November 2010, the article is in fact cited in paragraph 23.04. Unfortunately the web link provided in Annex G now reverts to the latest edition of Near East Quarterly (dated August 2011). However the November 2010, as cited at both paragraph 23.04 and in Annex G, is available via a link on the webpage of the later edition.

The reviewers state the report is “rather unbalanced... because they rely upon information sources produced by organisations which have an interest in the outcome of the conflict (see below)” unfortunately there appears to be no explanation “below”. In fact the reviewers seem to be complimentary of the range of sources used.

Regarding the suggestion to use blogs and other social media, we recognise the unique potential such information can provide over other sources of COI however such sources need to be used with care. Such sources may be considered to provide “dubious” information because it is difficult to verify the accuracy of information or indeed the author’s identity.

#### *Gender-based concerns affecting men and boys*

In this report, the sub-sections on lesbian, gay, bisexual and transgender persons and on children’s rights and political rights for minorities (men and women included) are well documented and updated with recent information. However some aspects of patriarchal rules and its impact on men’s well-being and day-to-day lives lack analysis. Iraq is a patriarchal society in which women play a subservient role to men. But it is also a society in which men play subservient roles to other men. This issue and the gendered context within which violence impacts on men and boys could be made more explicit in the report.

#### *Sources*

The section on ‘Women’ draws on a wide range of international sources including reports produced by the US Department of State, Freedom House, Foreign and Commonwealth Office (FCO), OECD (Social Institutions and Gender Index), UNHCR, Central Intelligence Agency, Freedom House, UN Assistance Mission for Iraq (UNAMI), Fair Vote, International Organisation for Migration (IOM), Handicap International, Danish refugees Council/Danish Refugee Council/Land Info, Minority Rights Group International and Amnesty International. It also includes some academic sources including information from the Institute for International Law and Human Rights and the Heinrich Stiftung Institute and the authors Nadjie Al-Ali and Christina Asquith. Unlike many other sections on ‘Women’, the report on Iraq refers to information produced by

national and international women's organisations including Women Living Under Muslim Laws and the Organisation of Women's Freedom in Iraq.

In terms of currency, the main body of the report includes information available up to 1<sup>st</sup> February 2011 and the report was issued on 25<sup>th</sup> March 2011. Virtually all of the sources of information referred to in the 'Women' section were published in the two years prior to the report.

#### *Implementation of 2007 recommendations*

In her earlier review Allen (2007) noted that the section on 'Women' was strong on the context of insecurity and its effects on women as well as on the context of increasing conservatism and its relation to women's freedom of movement and dress. Some gaps were identified in relation to women's health (including reproductive health and rights) and it was suggested that cross-referencing between the information provided in the section on 'Women' and the report more generally might be improved. Although the report remains strong in terms of contextual information and cross-referencing has been improved, the recommendation to deepen the analyses on women's health in the context of HIV testing and counselling services have not been implemented. The section on returned refugees still makes little reference to the specific vulnerability of women and girls. There is still information about women in the report that generally cover the same areas as the women's section.

#### *Summary of strengths and weaknesses*

The strength of the section on 'Women' in the COI report on Iraq lies in the significant amount of information it contains from a wide range of sources. The section is particularly strong in terms of 'framing' and contextualising women's situation and experiences and there are introductory comments before some of the sub-sections which explain the need to understand the relationship between different aspects of the situation and the specific experiences of women. Other CIO reports would benefit from a similar approach. The only weaknesses identified are in relation to the absence of a gendered analysis of the situation of men and some specific gaps in terms in the information on the situation of women, particularly in relation to mental health issues, and the reasons why women are motivated to become 'daughters of Iraq' and suicide bombers.

#### *Additional Sources*

Al Azzawi, S.N. (2007) *Deterioration of Iraqi Women's Rights and Living Conditions under Occupation*, [www.brussellstribunal.org/pdf/WomenUnderOccupation.pdf](http://www.brussellstribunal.org/pdf/WomenUnderOccupation.pdf)

O'Rourke, L. (2008) *Behind the Woman behind the Bomb*  
[www.nytimes.com/2008/08/02/opinion/02orourke.html](http://www.nytimes.com/2008/08/02/opinion/02orourke.html)

Oliver, K (2007) *Women as Weapons of War: Iraq, Sex and the Media*. Columbia University Press

Al-Jawahri ,Y. (2008) *Women in Iraq: The Gender Impact of International Sanctions*,  
London: I.B Tauris and Co.

## **Jamaica (May 2011)**

### *Completeness*

The COI Report on Jamaica is one of the shorter reports produced by COIS and the section on 'Women' is just seven pages long. The section begins with an overview of the situation for women in the country. Although there is some information included in this section it does not adequately explain the overall context within which women's experiences take place and the gender roles and relations with which violence against women is associated. The paragraphs in this section do not relate particularly well to one another and some obvious sources – for example the last CEDAW report (2004) and, more recently, the overview of gender equality in Jamaica produced by the OECD (2010) and the National Gender Task Force (2010) – are not included. As is noted by CEDAW (2006), the Jamaican family provides an important context within which to situate women's experiences:

“13. The Committee remains deeply concerned about the persistence of strong patriarchal attitudes and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men in all spheres of life, which are discriminatory of women. The persistence of such values underpins discrimination against women in many spheres, and condones gender-based violence and promiscuous behaviour by men. The Committee regrets that no sustained, systematic action has yet been taken by the State party to modify or eliminate stereotypes and negative cultural values and practices that discriminate against women and prevent them from enjoying their human rights and continue to constitute a severe obstacle to the full implementation of the Convention.”

A similar point is made more recently by the OECD (2010) in relation to the domestic legislation:

“Jamaican legislation prohibits all discrimination based on race or religion, but does not make any reference to gender. The government is reviewing a draft charter on fundamental rights that would specify gender on the list of prohibited discriminations. Jamaica's Civil Code and Penal Code still contain numerous discriminatory measures, and the language used in the country's laws is not gender-neutral. Traditional gender stereotypes are institutionalised within Jamaica's education system, the media, religion and the family”

Neither is any reference to the work of the Association of Women's Organizations in Jamaica which in 2006 presented an alternative report to CEDAW on the position of women in the country. Although this report is now slightly out of date it provides a very good and detailed summary of the gendered context within which violence against women needs to be understood:

“[T]he social and cultural patterns of conduct of men and women in Jamaica, especially those relating to stereotyped sex roles, are a key element - a bedrock element - affecting the conditions of women in Jamaica. In 2005, an Evaluation of the Inter-Agency Campaign on Violence Against Women and Girls (November 1998 - November 2001) listed the following key components linked to violence against women in Jamaica, based on research and interviews:

1. The assumed superiority and dominance of males.
2. Breakdown of families and family values, perhaps one of the causes of sexual dependency by girls on older men.
3. Socialization of women to tolerate violence, a lack of socialization of boys towards healthy relationships with females, and the normalization of sexual harassment.
4. Cultural practices, including:
  - (a) The pattern of having multiple sexual partners;
  - (b) Myths and misconceptions such as sexual intercourse with virgin girls as a treatment for HIV/AIDS and other STIs, plus the practice of seeking young girls as sexual partners in the belief that they are less likely to be HIV/AIDS carriers.
5. Economic reliance by women on men, based on female poverty and women's lack of alternative sources of income.
6. Institutional factors such as:
  - (a) Lack of organized institutional support for women;
  - (b) An inefficient justice system, "where women are doubly victimized while the perpetrators of violence go home free." (Quote from a victim).
  - (c) Religious teachings which continue to oppress women.

The remainder of the section outlines social and economic rights, education and employment, health and reproductive rights and violence against women, including sexual violence and rape. There is also a short section on available assistance. Although most issues are covered, albeit briefly, all sections suffer from this lack of information on the gendered context of Jamaica. The section does not provide a 'feel' for the situation of women and it is therefore to ascertain the realities of protection available to women on the ground. The over-reliance on just three reports (noted below) reinforces this problem. There are, however, a number of other sources which could be referred to and which would improve the completeness of the section. These sources include the reports by CEDAW (2006), OECD (2010) and Association of Women's Organisations (2006) noted above, as well as the report by Amnesty International (2006) which was relied upon heavily in an earlier version of the CIO Report but has not been referred to in this version:

"The extent of sexual discrimination against women and impunity for sexual violence means that sexual assault is often not treated as a serious matter by society, the criminal justice system, or the offenders, but instead is perceived as "just a little sex". Investigations by the police are often inadequate, lengthy and cursory. Investigators are insufficiently trained. Women face the prospect of lengthy delays before cases reach a conclusion, and testifying in court often adds to their ordeal. Legislation relating to sexual offences is inadequate and discriminatory. High levels of community violence and the proliferation of small arms exacerbates the climate of lawlessness in which offenders can sexually assault women and girls with impunity" (Amnesty International 2006, 35)



A report by UNICEF (2008) similarly notes both the levels of violence against the unwillingness of victims to report what has happened to them:

“Girls are routinely victims of sexual violence. In 2006, girls under 16 accounted for 32% of all sexual offences in Jamaica. These girls suffer silently – in the same year, only 20% of rape cases were reported to the police”

The Jamaican Government’s own National Gender Task Force (2010, 30) acknowledges that violence against women, and in particular sexual violence, is endemic to Jamaican society and that such

“Boys and girls are more vulnerable to sexual violence and more likely to become abusers or violators themselves due to contributing factors such as poor parenting, child abuse, sub-standard living conditions, low levels of education, and lack of social services. Popular media images of super-aggressive men, alongside highly sexualized female bodies—as seen in music videos - affect young people’s behaviours and attitudes towards self and the opposite sex. These factors all intersect: they contribute to damaging gender relations and fuel sexual violence”

Royes et al (undated) also suggest that violence against women is not decreasing, but rather that it has taken a more sinister and criminal form, institutionalised in gang culture which uses women and children as part of their reprisal system.

COIS: Accepted. We accept that the Women section should be expanded, particularly in respect of societal attitudes/cultural values/gender stereotyping – which, in turn, would influence the protection available to victims of violence and discrimination. The list of sources used will be broadened as appropriate. Although COIS would normally regard the suggested sources published in 2004 or 2006 as being very dated, we accept that certain sections of the information in those sources (e.g. societal attitudes) may still be accurate. That said, COIS’ practice is to rely on sources published within the past 18/24 months as far as possible.

There is some reference to women / gender issues in other sections of the report, specifically in relation to conditions in prison (12.02-12.04), the experiences of lesbian (20.44), sexual violence against girls (23.18) and trafficking. Although the section on lesbian women includes two examples where women have been subject to sexual violence in an attempt to ‘set them straight’, no use is made of the terms ‘corrective rape’, the existence of which is well documented elsewhere (most notably South Africa). There is increasing evidence of the use of so-called ‘corrective rape’ including from Jamaica Forum of Lesbians, All Sexuals and Gays (J-FLAG) which is referenced elsewhere in this section (see for example <http://rjnnewsonline.com/news/local/j-flag-protests-against-%E2%80%99corrective%E2%80%99-rape-lesbians> and <http://madikazemi.blogspot.com/2010/10/corrective-rape-of-lesbians-in-jamaica.html>). A Jamaican woman has recently been granted refugee status in the UK as a result of her fear of ‘corrective rape’ (<http://the-voice.co.uk/article/jamaican-lesbian-threatened-%E2%80%99corrective-rape%E2%80%99>).

COIS: Accepted. The term “corrective rape” will be used

There is no reference made in this section to the detailed submission is made on behalf of seven NGOs in Jamaica dedicated to the defence and monitoring of human rights for Jamaican Lesbians, Gays, Bisexuals, Transsexuals and Intersex (LGBTI), Sex Workers (SW) and People Living with HIV/AIDS (PLWHIV) (LGBTI, Sex Workers and PLWHIV Coalition 2010). The report provides further examples of women who were raped ‘to set them straight’. The report by Tomlinson (2011) also refers to this issue:

“Even though Jamaica does not criminalize same-sex female intimacy, amongst the general population, the belief is that any form of homosexuality is outlawed. The result is that ‘corrective rapes; of lesbians to make them straight are not uncommon. In 2010, J-FLAG received reports of three (3) corrective rapes, two of which occurred within days of each other. In one instance, four men gang-raped a lesbian and used a knife to cut her so she can better ‘tek man’.

COIS: Accepted. We will refer to this source for the next update of the report.

Tomlinson (2011) also notes that Jamaica’s anti-buggery / gross-indecency law marginalize LGTI and inhibit them from seeking treatment for HIV and other sexually transmitted diseases that increase the risk of HIV transmission. The prevailing association of HIV and AIDS with homosexuality compounds the marginalization of many people living with HIV and AIDS, who face additional stigmatization through the presumption that they have engaged in illegal sex. It also keeps those at highest risk of the disease—including people who do not engage in homosexual sex—from seeking HIV-related information and health services. This issue is addressed in the section on ‘Health issues’ although there is no specific reference to the implications for women, for whom the combination of discrimination and sexual violence may be particularly profound.

COIS: Accepted. We agree on the relevance of Tomlinson’s main conclusion described above. (It may still be more appropriate to address this in the Medical Issues or LGBT section, rather than under Women.)

#### *Accuracy and balance*

The information presented in the report is accurate but not always balanced. For example, considerable use is made of the information produced by a government organisation, the Jamaican Information Source. By contract little or no use is made of information produced by women’s organisations including the Association of Women’s Organisations (noted above). This gives an unbalanced view of the situation facing women and girls in Jamaica. A clear example of this is the reference, in the section on ‘Social and economic rights’ (22.13) to the claims by the Jamaica Government in relation to the rights of women. Although this information is followed by a quote from the UPR WG Report which notes the continued existence of cultural and societal biases against women, there is no substantive discussion of the gap between the existence of

this legislation and realities of the gendered social context outlined by both CEDAW and the Association of Women's Organisation (as noted above).

COIS: Accepted. We will endeavour to address this imbalance for the next update.

#### *Gender-based concerns affecting men and boys*

Virtually all of the information on gender-based concerns affecting men and boys is that which is contained in Section 20 on 'Lesbian, Gay, Bisexual and Transgender Persons'. This section, which is longer than the section on 'Women', includes detailed and comprehensive information about the issue of male homosexuality which, it is noted, is one of the great sensitivities in Jamaican society for cultural, religious and moral reasons. The section outlines the legal and social sanctions directed at gay men specifically and includes information on violence against gay men and those who are HIV-positive (and are therefore assumed to be gay). It is noted that there are a lack of thorough investigations / prosecutions in most cases. It is mentioned elsewhere in the report that boys are increasingly subject to forced prostitution in urban and tourist areas (24.01) and that men who have sex with men (MSM) and gay men are unable to access appropriate health care especially in relation to HIV/AIDS because of the stigma associated with (and laws against) homosexuality (25.08). As with the section on 'Women', the linkages between the specific incidences of violence and discrimination against men and boys are not sufficiently explained through reference to the gendered norms and roles that dominate Jamaican society.

COIS: Accepted. We will do what we can to clarify this issue but it is not for COIS to 'explain' matters, but rather report sources that do this.

#### *Sources used*

The main body of the report includes information available up to 9<sup>th</sup> May 2011 and the report was issued on 27<sup>th</sup> May 2011. The section on women relies heavily on information available in a report published by the Royal Commonwealth Society (RCS) and Plan UK entitled *Because You're a Girl: Growing Up in the Commonwealth*, as well as the reports produced by the US State Department and the United Nations Human Rights Council (formerly Human Rights Committee). All three of these reports were published in 2011. It also includes information from a number of different international sources including Amnesty International, New World Encyclopaedia, United Nations Department of Economic and Social Affairs Population Division Ministry of Health. There is some information produced by local sources in Jamaica including the Inter-Parliamentary Union (IPU) and Ministry of Health. None of the information referred to has been provided by national or international women's organisations. It is unclear why the Amnesty International report entitled *Jamaica: Sexual violence against Women and Girls in Jamaica: "just a little sex"* which was relied upon so heavily in the earlier report (as noted by Allen 2007) is not reference *at all* in this report. Although published in 2006 it provides very important historical and contextual information about the situation of women and girls in Jamaica.

COIS: As discussed above.

### *Implementation of 2007 recommendations*

The previous review (Allen 2007) was critical of the 'Women' section of the COI Report on Jamaica, describing it as being of 'patchy' quality and confusing, and of not making best use of the existing, albeit limited, sources of information. The report was highly reliant upon media stories, the USSD report and an Amnesty International report on sexual violence against women and girls. It was suggested that some of the information on women / gender issues contained in other sections of the report – for example, on the experiences of lesbian women, trafficking and discrimination against seropositive women would be useful in the 'Women' section. There remain some gaps in relation to the information provided in these sections but it is not clear whether this is as a result of such information being unavailable. Some additional sources have been identified that are not included in the updated report (see references below).

### *Summary of strengths and weaknesses*

The section on 'Women' is strong in terms of individual incidents of violence against women, but fails adequately to explain the gendered context within which such violence occurs. This is despite the existence of information which could usefully be included (see below). The sources used are up-to-date but this is mainly because the section is heavily reliant on three reports published in 2011. No use is made of some older reports, most notably Amnesty International's (2006) report on sexual violence against women and girls which was drawn upon heavily in the previous iteration. With the exception of reference to publications by the Jamaica Forum for Lesbians, All-Sexuals and Gays (J-FLAG) J-FLAG in the section on 'Lesbian, Gay, Bisexual and Transgender Persons', there is no information produced by national or international women's organisations.

### *Additional sources of information*

Amnesty International 2006 *Jamaica: Sexual Violence against Women and Girls in Jamaica: 'just a little sex'*,

[www.amnesty.org/en/library/asset/AMR38/002/2006/en/d61bb513-d438-11dd-8743-d305bea2b2c7/amr380022006en.pdf](http://www.amnesty.org/en/library/asset/AMR38/002/2006/en/d61bb513-d438-11dd-8743-d305bea2b2c7/amr380022006en.pdf)

Association of Women's Organizations in Jamaica (AWOJA) (2006) *Jamaica and CEDAW: The NGO Perspective Alternative Country Report (Jamaica) to CEDAW*, presented at the 36th Session of the CEDAW Committee August 2006

CEDAW (2006) *Consideration of reports Submitted by States Parties Under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Jamaica, Fifth Periodic Report of States Parties*, CEDAW/C/JAM/5, New York  
<http://sim.law.uu.nl/SIM/CaseLaw/uncom.nsf/89e6367c3ac1ba6fc12567b70027d9fb/e5a0d4adfc62c305c12571e0002a92ae?OpenDocument>

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[http://198.170.76.2/jamspred/Impact\\_of\\_Gender\\_Based\\_Interventions\\_Jamaica.pdf](http://198.170.76.2/jamspred/Impact_of_Gender_Based_Interventions_Jamaica.pdf)
- Tomlinson, M. (2011) 'Jamaican law, Homophobia and HIV Aids-Free World',  
[www.aidsfreeworld.org/Our-Issues/Homophobia/~/\\_media/Files/Homophobia/Submission%20to%20Caribbean%20session%20of%20Global%20Commission%20on%20HIV%20and%20the%20Law.pdf](http://www.aidsfreeworld.org/Our-Issues/Homophobia/~/_media/Files/Homophobia/Submission%20to%20Caribbean%20session%20of%20Global%20Commission%20on%20HIV%20and%20the%20Law.pdf)
- White, R. and Carr, R. (2005) 'Homosexuality and HIV/AIDS stigma in Jamaica', *Culture, Health and Sexuality* 7(4), 347-359
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[www.unicef.org/jamaica/Violence\\_Key\\_Facts\\_Feb08\\_FINAL.pdf](http://www.unicef.org/jamaica/Violence_Key_Facts_Feb08_FINAL.pdf)

## Myanmar (Burma) (July 2010)<sup>8</sup>

COIS: To note, the latest edition of the Burma COI Report is dated 17 June 2011. The women's section has increased to approximately eight pages long.

### *Completeness*

The section on 'Women' is relatively short at just five pages long. It provides a short overview of the situation of women in Myanmar noting that a high proportion of households (14%) are headed by women and that they are often living in poverty and vulnerable. The section then looks at women's legal rights, political rights and social and economic rights before turning to violence against women.

The report recognises, by citing the US Department of State report for 2010 (6.02) that:

"Violence and societal discrimination against women continued, as did recruitment of child soldiers, discrimination against ethnic minorities, and trafficking in persons, particularly of women and girls. Workers' rights remained restricted. Forced labor, including that of children, also persisted".

The problem is that this is followed by the phrase: "The government took no significant actions to prosecute or punish those responsible for human rights abuses", which suggests that the government was not involved in the persecution in the first place. This undermines the balance of the report because there is evidence that the government not only actively fails to protect women but that its actions are tantamount to persecution, since it is clear (and is repeated several times in this report) that those persecuting or trafficking are primarily government and the armed forces, or those protected by them . There is evidence that this 'organised state crime' includes sexual and labour trafficking as well as recruitment of boy child soldiers. Some research has shown this in more detail, such as the report by Heaney (2009) from US Naval Postgraduate School.

COIS: Not accepted. We disagree that the phrase "The government took no significant actions to prosecute or punish those responsible for human rights abuses..." suggests the government is not involved in such abuses. It brings to the readers' attention that the authorities do not making anyone accountable, including their own security forces. However, the Heaney (2009) will be viewed and considered for inclusion in the next update.

The COI report stresses evidence of organised crime by the state, and this emphasis could be strengthened further as it could make a tangible difference to how a woman is viewed when claiming asylum on the grounds of trafficking, forced labour or sexual and gender violence by armed forces. As Heaney (2009, 5) states clearly:

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<sup>8</sup> It should be noted that an updated version of the COI Report on Myanmar (Burma) was published in June 2011 after the research for this review had been completed.

“Burma’s [i.e. government] counterinsurgency measures have been effective against multiple insurgent movements and the regime has maintained an aggressive program of relocation, intelligence gathering, and human trafficking to undermine the insurgents”

In other words, there are state crimes of commission as well as omission by the government of Burma.

COIS: Accepted. The Heaney (2009) report will be viewed and considered for inclusion in the next update.

The report pays attention to gender-based violence against lesbians, gays and transgender persons. Again, a lack of balance is created in the report by much less attention being paid to how gendered violence results from state policies of occupation, displacement and so-called counterinsurgency (see below). The overview in section 21 on Women is full and quite comprehensive, and notes in 21.17 that there is no law against domestic violence, and in 21.18 it is clear that no data is available on reported rapes. The Women’s League of Burma (WLB) is referred to in this report through a 2008 report, and the WLB in 2010 also held a People’s Tribunal with other women’s organisations in Japan in 2010 on Crimes against the Women of Burma. This is reported at <http://womenofburma.org/Statement&Release/Japan%20Tribunal%20Flier%20English%20.pdf> This Tribunal may have taken place after the COI report was completed. It would be very useful to include its findings when the report is next updated. In 2008 the WLB also “...joined by sixty four leading women's organizations sent a letter to the Secretary General and members of the United Nations Security Council calling for the prosecution of Senior General Than Shwe at the International Criminal Court (ICC), and an immediate end to the longstanding impunity that has been afforded to the...military junta in Burma”.

COIS: The reviewer is correct in stating that the WLB report Peoples’ Tribunal on the Crimes against Women of Burma (Japan)’ was published (on 27 June 2011) after the latest edition of the Burma COI Report, issued on 17 June 2011. However it will be reviewed and considered for inclusion in the next update.

#### *Accuracy and balance*

An interesting problem in relation to ‘balance’ is how much space to give to organised state violence or domestic violence, and how much attention to pay to the nexus between women’s gender oppression and the crimes of child recruitment into armed forces (mostly of boys) and of child sexual and labour trafficking and forced labour (mostly of girls, but also of boys). Since these can be defined as crimes against humanity, according to Human Rights Watch, they should also amount to persecution, especially when the trafficking is being organised in collusion – or by – the armed forces of the country. Sometimes quotations seem to be selected so as to give a semblance of balance, but this can be misleading. Consider the following quotation from an FCO report. The first line states baldly (with no supporting evidence quoted in the extract)

that: “The military remains the major perpetrator of human rights abuses in Burma”. This is unequivocal. Yet it is immediately followed by the following, which appears to dilute the force of the first line:

“However, other actors, including some ethnic militia, business corporations and illegal groups, for example, involved in drugs and people trafficking, form part of a broader landscape characterised by corruption and little or no accountability for human rights abuses. In this respect, it is telling that Burma has ratified few international human rights conventions. Abuses are particularly prevalent in areas where no ceasefire exists between ethnic groups and the military. We continue to receive credible reports of forced labour, land confiscation, the recruitment and use of child soldiers, rape and disappearance” (paragraph 6.08).

The problem with this kind of extract is that it appears balanced, but the evidence related to the first line, is then followed by a qualifying paragraph that tends to confuse the picture, and indeed does not corroborate, but confuses and contradicts, the first line. This is neither balanced nor accurate. The report in general suffers from this problem. However, it is good that a report is used in Section 7.8 to confirm abuses against civilians by the military in particular, by Partners Relief & Development and Free Burma Rangers, *Displaced Childhoods: Human Rights & International Crimes Against Burma’s Internally Displaced Children*, April 2010. The report should be included in the bibliography as with other sources.

COIS: Partly accepted. We do not accept that quotations have been selected to give a “semblance of balance”. We aim to provide a rounded perspective where possible but this is challenging given the range and bias of sources.

The two quotes are not necessarily contradictory: how countries are organised and abuses perpetrated are complex matters and sources will sometimes state different things – we need to make sure we bring together contradictions. Some of the contrariness of sources reflects the problems documenting a complex country on which there is little independent human rights monitoring. It is also perhaps worth noting that the Burma COI Report has recently been reviewed by the IAGCI, and the reviewer generally found the report to be balanced.

The quote from FCO 2009 Human Rights report at paragraph 6.07 of the July 2010 Burma COI report has not been included in the latest publication dated 17 June 2011.

#### *Gender-based concerns for men and boys*

Both girls and boys, but especially boys, are used by the army for forced labour, for fighting, and for ‘minesweeping’, where they are forced to walk through certain areas to check if they are clear of mines, and risk injury and maiming. This is described in section 7.10 in an extract from a 2009 UN Special Rapporteur on the situation of human rights in Burma. It is noted in 22.2 that no data or statistics are available on children’s forced labour and abuse. There is no disaggregated data available on the breakdown of forms of sexual abuse of children by gender, forced labour and trafficking by gender.



Data is not being collected except partially by NGOs through surveys. From all accounts, the problem is widespread and is more so in women-headed households where children are poorer and more vulnerable to abuse (mentioned in 21.03). Women-headed households have increased with problems of internal displacement, forced recruitment of men and boys into the military, flight in and around border areas and land-related displacement connected with military efforts to stop the insurgency against the government. Most women who head households are widows; their children, whether girls or boys will face considerable disadvantage from poverty and perhaps also from not being seen as a priority. Problems of sexual violence against boys and men are not mentioned in the report. A useful report by Alvarado and Paul (2008) emphasises the importance of including men in this kind of work on gender-based violence. Sexual violence cases are mapped and explained, and include gay men in particular, at the website of the Society for Threatened Peoples ([www.gfbv.it/3dossier/asia/burma/burma-shan-en.html](http://www.gfbv.it/3dossier/asia/burma/burma-shan-en.html))

COIS: Accepted. The Society for Threatened Peoples report will be reviewed and considered for inclusion in the next update.

#### *Sources used*

The report draws on a number of sources to discuss the situation of women including reports by Freedom House, The Office of the UN Resident / Humanitarian Coordinator in Myanmar, the US Department of State, the Women's League of Burma (WLB), the Committee on the Elimination of Discrimination Against Women (CEDAW) and the OECD's Social Institutions and Gender Index (SIGI). There is also reference to one news source (IRIN news).

A potentially useful source the COI report seems unaware of is the Legal Journal on Burma, published three times a year by the Burma Lawyers' Council, and in English. The journal contains academic articles relevant to legal and political issues in Burma including: constitutional reform, rule of law, federalism, refugees, judicial independence, martial law, and religious freedom. Articles are written by practising lawyers, academics, and experienced Burmese opposition activists (see for example [www.burmalibrary.org/docs08/LIOB\\_33.pdf#page=22](http://www.burmalibrary.org/docs08/LIOB_33.pdf#page=22)).

COIS: The Burma Lawyers Council has been cited in the June 2011 Burma COI Report with regards to the Penal Code, Criminal Code of Procedure and The Child Law. The BLC's Legal Journal on Burma will be reviewed and considered for inclusion in the next update.

In terms of currency, the main body of the report includes information available up to 1<sup>st</sup> July 2010 and the report was issued on 23<sup>rd</sup> July 2010. All of the sources referenced were published in the period 2008-2010. The COI report could usefully refer to some other sources of information in future updates including the information available on the website of the Society for Threatened Peoples, which provides regular news and updates, including on ethnic minorities in Burma who regularly experience persecution

at the hands of state officials and military: ([see www.gfbv.it/3dossier/asia/burma/burma-shan-en.html](http://www.gfbv.it/3dossier/asia/burma/burma-shan-en.html))

COIS: As noted above, this source will be considered for inclusion in the next update.

#### *Implementation of 2007 recommendations*

The Country of Origin Report on Myanmar (Burma) was not included in the previous review (Allen 2007).

#### *Strengths and weaknesses*

A significant strength of this report is that the quotations used fully acknowledge not that the government fails to protect most of the civilian population, including women, gay men and children, especially the non-Burmese minorities. It also fully acknowledges, through some of the quotations used, that the main violator of human rights in Burma today is the army and the government themselves. The report also exposes the appalling living conditions and widespread poverty in Burma, the lack of health care and clean water, and even of a clean environment and the impossibility for those working in civil society organisations, whether for women's development, for gay rights, for equal rights for minority groups, or for free expression, to function properly. They are systematically harassed, intimidated and also physically attacked – this the report documents. Where the report is weaker is in occasionally contradicting these central points, and in providing some qualifying or weakly-worded paragraphs which undermines the overall balance of the report.

#### *Additional sources*

Heaney, D. (2009) *Burma: Assessing Options for US Engagement*, [www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA501269&Location=U2&doc=GetTRDoc.pdf](http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA501269&Location=U2&doc=GetTRDoc.pdf)

Alvarado, M. and Benny, P. (2007) 'Involving men in work on gender based violence on the Thai-Burma border', [www.fmreview.org/FMRpdfs/FMR27/38.pdf](http://www.fmreview.org/FMRpdfs/FMR27/38.pdf)

Women of Burma (2010) People's Tribunal held with other women's organisations in Japan on Crimes against the Women of Burma: <http://womenofburma.org/Statement&Release/Japan%20Tribunal%20Flier%20English%20.pdf>

## **Nigeria (April 2011)**

### *Completeness*

The 'Women' section of the COI report on Nigeria is lengthy at 22 pages long. It begins with an overview of the situation on women, followed by sub-sections on legal rights, political rights and social and economic rights, including in relation to marriage, divorce, inheritance and child custody. The section then provides information on violence against women. It provides a lengthy subsection setting out the overall context of violence, which is clearly pervasive, and the availability or otherwise of government protection, followed by information relating to rape and sexual violence and Female Genital Mutilation (FGM). There are also subsections on freedom of movement and health and welfare.

The overview to the section provides a very detailed and clear picture of the situation facing women in Nigeria and emphasises the gap between women's rights as enshrined in the constitution and the reality of current practice, including discriminatory laws at state and federal levels. The information provided in the CEDAW report is reinforced in the shadow report produced by the Nigeria NGO Coalition (2008). The report acknowledges that some efforts have been made by government and NGOS to implement CEDAW in Nigeria. Much, however, remains to be done:

"The gains have been small and little improvement on the status of women has been achieved. The key reasons for this lack of progress are; entrenched patriarchal attitudes, ineffective enforcement/implementation machinery, and most vitally a lack of political will and as a result the absence of a concerted effort on the part of government. On the ground in Nigeria widowhood practices, early marriage, FGM, and forced marriage are still disturbingly regular occurrences. All forms of abuse and exploitation of women are on the increase. Policies and laws that fail to accord women equal rights as full citizens have not been reformed. Maternal mortality rates are scandalously high and rural women cannot access adequate health care. In the political terrain in Nigeria, the report has shown a low performance of women, issues like gender and cultural patterns, ideology, predetermined social roles, male dominance and control help to reinforce female subordination. Party politics and structures still remain overwhelmingly male. This has been due to a failure by the government to put concrete structures and policies on ground and most importantly to make enabling laws to increase women's participation and empowerment.

Tucker (2006) notes the historical context and suggests that prior to colonization women's situation was better than at the current time:

"The pre-colonial Nigerian economy was at a subsistence level and Nigerian women participated effectively. Women participated as mothers and wives and took charge of the domestic sector. They also contributed substantially to the production and distribution of goods and services. A woman had independent access to income and a woman without a craft or trade, and totally dependent on her husband, was not only rare but regarded with contempt. Women in pre-colonial Nigeria were an integral part of the political set up of their

communities. Colonialism affected Nigerian women adversely. [Today] Nigeria is a male dominated society and women are subordinate, whether they are rich or poor, urban or rural, educated or un-educated. Women face discrimination and oppression from males. Domestic violence has been reported as a matter of significant concern”

This situation is reflected in the information provided on women’s legal and political rights, which remain limited. The relationship between poverty and women’s non-participation in politics is also noted although the issue of women’s poverty in Nigeria is one about which more information could usefully be provided. According to Tucker (2006), the impact of the structural adjustment policies of the World Bank and IMF has fallen heavily on Nigerian women. The de-regulation of prices, devaluation of the currency and cuts to welfare services have resulted in deepening poverty for most social groups. Women are the most affected by poverty in Nigeria. This subsection is generally complete although there are some additional resources that could usefully be drawn upon to ‘set the scene’ within which women’s experiences should be understood (see for example Idyorough 2005; Tucker 2006; Okome).

The subsection on social and economic rights is much more extensive than previously and includes a far wider range of sources (see further below). The information on marriage differentiates between the experiences of Christian and Muslim women. The section on violence against women is very comprehensive. It is clear from the information provided in the report and from others sources (see, for example Amob 2010) that domestic violence is high and widely tolerated. Iroro Eze-Anaba, a member of the Nigerian bar who has 14 years experience as an attorney practicing in Nigeria, provides a particularly good overview of domestic violence in the country and the prospects and challenges for legal reform. It might be useful, for ease of reference, to include a section on domestic violence into which some of the existing information can be moved. There is some information on FGM in the section on ‘Women’ although this is much more limited than in the previous report (in which it was a focus). There is only one paragraph on FGM in the section on ‘Children’.

[COIS: Accepted. We will look to expand material on FGM.](#)

Reference is also made to women / gender issues in other parts of the report. At 7.03 it is noted that violence against women is endemic and at 8.16 that the police sometimes use the threat of rape and other forms of sexual assault as a means to extort money from women stopped at checkpoints. Elsewhere there is information on women as members of gangs or cult groups (11.06), on women’s experiences under Sharia law (including harsh punishments intended to control women’s sexuality, freedom of movement and independence) (12.07-12.11) and women in prisons (14.04). Section 23 on ‘Lesbian, gay, bisexual and transgender persons’ includes in-depth information on the situation of lesbian women and notes that although the laws are silent on female homosexuality, they still serve to stifle same-sex activity between women. Customary and religious laws also dictate and limit behaviour for both women and men (see below). Nigerian lesbians and bisexual women who break the rules of their patriarchal

boundaries are published as a result. Extortion and blackmail are often the weapons of choice (24.24). Some of the information on issues affecting women could usefully be included in the 'Women' section, or at least cross-referenced. Finally, Section 26 on 'Trafficking' notes that whilst trafficking is prohibited by law but remains a serious problem. This is a comment rather than a direct quote. It is not clear why some COI reports include comments of the kind whilst others do not. The section includes a sub-section specifically on the trafficking of women.

COIS: Accepted. Re the last point about trafficking, depending what was meant exactly, the information provided reflects what the source stated. To ensure transparency quotes are usually preferred over paraphrases, but sometimes paraphrasing is clearer.

#### *Accuracy and balance*

This is an accurate and well-balanced report that draws on a wide range of sources and provides a good overview of the position of women in Nigerian society and their experiences in relation to particular issues and types of violence. It is clear both that women are marginalised by the state and that the state fails to protect them against a range of human rights violations. The increased prevalence of Sharia law has served only to exacerbate this situation further.

#### *Gender-based concerns affecting men and boys*

The bulk of the information on gender-based concerns affecting men and boys provided in the report relates to the experiences of homosexual men. Section 22 provides a detailed account of the legal and social context within which homosexuality (and masculinity) is regulated and notes that men, as well as women, find their sexuality both regulated, and harshly punished under Sharia law. Reference is also made to gender-based concerns affecting boys elsewhere in the report. For example, it is noted in relation to trafficking that whilst women and girls are particularly affected by trafficking for commercial sexual exploitation and domestic servitude, boys are trafficked for labour in street trading, domestic servitude, mining and begging. It is also noted (in 25.38) that in the northern region of Nigeria it is traditional to send boys to Koranic teachers to receive an education. These boys are known as *almajirai* and often go without adequate food and shelter. Some reports suggest that these children may be deliberately scarred or injured to cause sympathy and thus encourage donations.

#### *Sources used*

The section on 'Women' draws on a wide range of sources including the US Department of State, Freedom House, CEDAW, Central Intelligence Agency (CIA), World Economic Forum, UNICEF, OECD Social Institutions and Gender Index, Canadian Immigration and Refugee Board (CIRB), Amnesty International, Human Rights Watch, UN Human Rights Council, the Nigerian Federal Ministry of Health and the Open Society Justice Initiative. News sources include the Inter Press News Agency, IRIN, the Daily Champion and the BBC. There is also reference to a report by the Institute of Policy Studies although this is the only academic source that is referred to. In

addition the section draws on some information from local women's organisations including the Nigeria NGO Committee on CEDAW, WACOL Nigeria and BAOBAB for Women's Rights. The majority of these sources were published in the period 2008-11 although some are considerably older, for example the CIRB reports published in 2000 and 2006.

There are only two very minor concerns regarding the sources used. Firstly it is not clear whether everyculture.com is a legitimate and verifiable source of information. Second, there is an over-reliance on some sources for some sub-sections of the section on 'Women'. For example, the information on divorce of both Christian and Muslim women and on inheritance and child custody is taken almost exclusively from reports produced by the CIRB.

COIS: Accepted. We shall try to diversify sources as far as possible. Note that CIRB sources often contain material not readily available to COIS since it was obtained by interview or originally in French.

Finally it should be noted that the section on 'Women' includes reference to the Home Office Border Agency / Danish Immigration Service fact-finding mission that was carried out in September 2007 and January 2008 (published in October 2008) and referred to in response to the recommendations of the earlier review (see below). Most of the references made to information collected during this exercise relate primarily to freedom of movement and internal relocation. There is also reference to an email from the British High Commission in Abudja to UKBA regarding customary marriage

#### *Implementation of 2007 recommendations*

The earlier review (Allen 2007) was highly critical of the section on 'Women' in the COI report on Nigeria. The information provided in the section focused primarily on violence against women and FGM. There was a lack of clarity in relation to women's legal rights, very limited information on political rights and an exclusive focus on employment in the subsection on social and economic rights. The report failed to make any mention of education, marriage, divorce, health and access to services. Nor did it make any distinctions between ethnic/regional groups and between rural and urban women. The section on violence against women was considered repetitive and contradictory. The section on FGM failed to include information on the physical and mental effects of the practice. Responding to these criticisms, the Home Office indicated that a thorough review of the information contained in the women's section of the COI report was intended, and that new information would be gathered during a forthcoming fact-finding mission to Nigeria. All of these recommendations appear to have been addressed. The fact-finding mission was undertaken jointly with the Danish Immigration Board and some of the information collected forms part of the section.

#### *Summary of strengths and weaknesses*

Overall, this is a very strong report drawing on a wide range of sources. Unlike the previous version which was reviewed by Allen (2007), there are very few information

gaps and the material is balanced, clear and up-to-date. The only weakness identified is in relation to cross-referencing, more of which could usefully be included.

*Additional sources of information*

- Amob, L. et al. (2010) Domestic Violence Rates Soar in Nigeria, Women Describe Culture of Silence, [www.globalpressinstitute.org/global-news/africa/nigeria/domestic-violence-rates-soar-nigeria-women-describe-culture-silence#ixzz1VrPm3BMR](http://www.globalpressinstitute.org/global-news/africa/nigeria/domestic-violence-rates-soar-nigeria-women-describe-culture-silence#ixzz1VrPm3BMR)
- Ademiluyi, I.A. and Adedamola, S.A. (2010) 'Gender analysis of political participation in Nigeria', *Journal of Law and Psychology* 55-60, [www.lit.az/ijar/pdf/jlp/1/JLP2010\(1-9\).pdf](http://www.lit.az/ijar/pdf/jlp/1/JLP2010(1-9).pdf)
- Amnesty International (2009) 'Nigeria: 'Same Gender Marriage (Prohibition) Bill' violates Constitution', [www.amnesty.org/en/library/asset/AFR44/001/2009/en/9c208c6e-eba6-11dd-8cf1-49437baee106/afr440012009en.pdf](http://www.amnesty.org/en/library/asset/AFR44/001/2009/en/9c208c6e-eba6-11dd-8cf1-49437baee106/afr440012009en.pdf)
- Eshiet, I *Gender Equality in Contemporary Nigeria: Problems and Prospects*, University of Lagos <http://iussp2009.princeton.edu/download.aspx?submissionId=91061>
- Eze-Anaba, I. (2010) 'Domestic violence and legal reforms in Nigeria: prospects and challenges', *Cardozo Journal of Law and Gender* 14, 21-59
- Idyorough, A.E. (2005) *Gender: Issues and Concepts in Nigeria*, Atoki Publishers, <http://dspace.unijos.edu.ng/bitstream/10485/606/1/Gender%20-%20Concepts%20and%20issues%20in%20Nigeria.pdf>
- Okome, M.O. 'Domestic, regional and international protection of Nigerian women against discrimination: constraints and possibilities', *African Studies Quarterly* 6 (3), <http://web.africa.ufl.edu/asq/v6/v6i3a2.htm>
- Tucker, W. (2006) *Contemporary Issues in Nigeria: The Status of Women*, [www.socsci.flinders.edu.au/global/africa/billtucker/index.htm](http://www.socsci.flinders.edu.au/global/africa/billtucker/index.htm)

## **Pakistan (January 2011)**

### *Completeness*

The section on 'Women' is 25 pages long and provides a well-structured and informative account of the situation and experiences of women living in Pakistan. The section begins with an overview of the situation of women followed by a discussion of legal rights (including the Women's Protection Act), Political rights and Social and economic rights (including Family laws: marriage, divorce and inheritance and women in the workplace). There are also sub-sections on socio-economic indicators and the position of single women. The subsection on violence against women includes information on 'honour killings' and rape. The section concludes with a discussion of the assistance available to women from the government assistance and NGOs and information on women's health.

The section is very comprehensive in its coverage and particularly strong on the issues of violence against women, honour killings, rape and assistance to women (including a useful section on trafficking with a reference to the main section). The section also covers the reasons for violence against women, the effects, government and police attitudes towards domestic violence, the reasons for underreporting and availability (or otherwise) of shelters and protection. The subsection on women's legal rights reports relevant information and covers all aspects of legal rights. It also contains a perhaps overly long but useful description of issues surrounding police brutality and religious opposition. The report also fairly informs on the situation of lesbians, gays, bisexuals, transsexuals and transgender known as Zenana communities in Pakistan. It explains the silences around sexuality orientation, and the closeted status of most gays and lesbians in Pakistan who prefer to live double lives in order to avoid revealing their sexual orientation. The report also explains how this makes it difficult to accurately assess their living conditions and human rights situation. Moreover, the subsection on LGB well explains that people who have left the country as a result of their sexual orientation have suffered persecution, fear, secrecy, isolation, suicide and forced marriage, family and community pressure to conform to heterosexual norms.

The section on women also informs of the barriers imposed by the Taliban barriers on women in the SWAT valley which prevent them from registering for new national identity cards. This has created difficulties for internally displaced women fleeing conflict-affected areas who are unable to register in order to receive government assistance. The Taliban bar for girls to access education in the SWAT valley is also mentioned.

The prevalence of depression is very high among adult women in Pakistan resulting in an increased number of self harmed women and girls. Subsection 23.108 reports the HRCP Report 2009 cited 563 cases of suicide and 253 attempted suicides. The Aurat Foundation recorded 683 suicides of women in 2009 and reported has reported that violence against women is the main driver behind female suicides. However, although women are mentioned in the subsection dedicated to mental health, the report is lacking a separate subsection on women's mental health issues which could usefully be



included in future updates (see, for example, Deeba 2004). It might be also useful to investigate the social factors that motivate the abandonment of girl babies and reduced medical access for girl children.

COIS: Accepted. We agree that more information could be provided on women's mental health and appreciate the citing of source Deeba 2004. However, ideally we'd prefer more recent sources and those that are accessible via the internet. Further consideration on this section will be given in the next update.

There is a good use of cross-referencing although the subsections on sectarian violence and violence against minorities need cross-referencing with the section on women.

#### *Accuracy and balance*

In general the section on 'Women' is accurate in its reporting of issues related to woman's human rights abuse in Pakistan. There are some minor points that could usefully be clarified. For example, 23.10 provides information on the Women's Protection Act (WPA) and the passage of the 2006 Protection of Women (Criminal Laws Amendment) Act. It states that cases of rape and adultery were heard under the Hudood Ordinance, which led to numerous abuses against women. The subsection also explains that the 2006 law treated these cases under a secular rather than Sharia laws. The subsection does not however explain how this was possible. This information should be clarified. To ensure that the report is balanced there should also be a deeper consideration of the causes and patterns that motivate continued exclusion of women and girls in Pakistan. It is noted in 23.05 that Pakistan is a patriarchal society with deep-rooted traditional and cultural stereotypes regarding women in the family, workplace and in society generally. Further discussion of this context would be helpful. Better use of information available from the growing number of women's organisations in the country would assist in this process (see below).

#### *Gender-based concerns affecting men and boys*

There is no information specifically on gender-based concerns affecting men and boys, with the exception of the discussion on gay and bisexual men in section 21 of the report.

#### *Sources used*

The section on 'Women' draws on a very wide range of sources including reports produced by the Human Rights Commission of Pakistan (HRCP), UNCRC, CEDAW, US Department of State, Amnesty International, International Federation for Human Rights, Asia Human Rights Commission, FCO, UNICEF, Immigration and Refugee Board (IRB) Canada, Freedom House, World Health Organisation, Anrat Foundation, Society for the Protection of the Rights of the Child, IRIN News, Human Rights Watch and Lawyers for Human Rights and Legal Aid.

The only anomaly relates to the secondary referencing of some important sources of information. For example the report by Siddiqui et al (2008) on Pakistani women, domestic violence and access to refugee protection which was a collaboration between

South Manchester Law Centre and Manchester Metropolitan University is referred to indirectly through a report published by the IRB Canada. It is not clear why the original source was not consulted. Similarly the section on 'Women' reports information provided to the IRB by various women's organisations based in Pakistan. The COIS should contact these organisations directly rather than relying upon information gathered by others.

COIS: Accepted. We will look to use sources directly from women's organisations (where available).

In terms of currency, the main body of the report includes information available up to 10<sup>th</sup> December 2010 and the report was issued on 17<sup>th</sup> January 2011. All of the sources consulted were published in the period 2007-2010.

#### *Implementation of 2007 recommendations*

The earlier review (Allen 2007) concluded that the section on 'Women' in the COI report on Pakistan is solid when it comes to issues of violence against women. The subsections on VAW, honour killings, rape and assistance to women cover the reasons for VAW, the effects, government and police attitudes, the reasons for underreporting and the availability (or otherwise) of shelters and protection. The section's treatment of legal rights is also relatively good as it covers the legal context of parallel laws as well as legal rights. It was suggested however that the section as a whole (including the subsections on violence against women) suffers from various structural problems, repetition and a certain amount of confusion, particularly with regard to the Hudood Ordinances. In this version of the report, all of the recommendations from the earlier review have been implemented, including the recommendation to add more information on women in prison, adultery-related offences, information on women imprisoned under zina, the rape of women by security forces and the settlement of feuds by giving away daughters in marriage. Discrimination against women by jirgas (parallel courts) is well explained. There is now a separate section on the Hudood Ordinances (11.45 onwards). This is now more clearly explained and there is clear information about the current situation in relation to implementation.

The arbitrary detention of women is explained in a section which provides crucial information on the woman human rights defender at the marathon who was beaten and stripped. Additional information is provided on Afghani women refugees, and other internally displaced women, particularly the vulnerability of single women and female-headed households abused and harassed by Taliban sympathizers in their community. The subsection on women's health has been expanded.

#### *Summary of strengths and weaknesses*

The report is very strong in terms of providing information about the gendered context within which violence against women in Pakistan occurs. The subsections on the legal and social rights of women are particularly clear and include information from a wide range of sources regarding new laws to protect women as well as their implementation.

The section on women also explains the lack of access to support and shelter for women who flee from domestic violence. It is clear from the report that gender-based violence remains a private matter in a patriarchal society such as Pakistan, and that this makes it difficult for women to complain or talk about it in public, particularly in the rural areas and in the SWAT Valley. The weakness of the report is that it doesn't include any information on the impact of the codes and conducts regulating the behaviour of women and girls on their mental health. Information on this aspect should be included in future updates. Greater use could also be made of information available from the growing number of women's organisations working in the country.

*Additional sources of information*

Deeba, F. (2004) *The Relationship between Depression and Gender Discrimination Against Women in Families*. Quaid-e-Azam University, Islamabad, National Institute of Psychology

Siddiqui, N. et al (2008) *Safe to Return? Pakistani Women, Domestic Violence and Access to Refugee Protection*, South Manchester Law Centre and Manchester Metropolitan University,  
[www.discourseunit.com/publications\\_pages/pdf/WASPreport.pdf](http://www.discourseunit.com/publications_pages/pdf/WASPreport.pdf)

## **Palestine (OPT) (December 2010)**

### *Completeness*

The section on 'Women' is 13 pages long and begins with an overview of the general situation, followed by a discussion of legal rights, political rights, and social and economic rights including in relation to education and employment, marriage, divorce, inheritance and economic independence. This section differentiates between the experiences of Muslim and Christian women. There is also a section on women's health and reproductive rights including abortion. The section on violence against women includes rape, 'honour' crimes and available assistance.

The section is generally complete and attention is given to gender-based violence against women and girls which is a feature of cultural life, especially under the Hamas Palestinian authority. There are, however, some gaps in the information provided. An important study by Human Rights Watch on violence against Palestinian women (which dates from 2005 but is still useful and relevant six years later) reports that a significant number of women and girls in the Occupied Palestinian Territories (OPT) are victims of violence perpetrated by family members and intimate partners:

“While there is increasing recognition of the problem and some Palestinian Authority (PA) officials have indicated their support for a more forceful response, little action has been taken to seriously address these abuses. Indeed, there is some evidence the level of violence is getting worse while the remedies available to victims are being further eroded”  
(Human Rights Watch 2006, 4)

The report also notes that Palestinian women and girls who report abuse to the authorities find themselves confronting a system that prioritises the reputations of their families in the community over their own well-being and lives. Accordingly, police officers and clan leaders regularly 'mediate' and 'resolve' these cases, typically by returning the abused women to the 'care and protection' of her attacker, without ever referring the case to the courts or the woman to social or other services she might need. Few cases of sexual violence are ever prosecuted in the West Bank and Gaza.

[COIS: Partly accepted. The subsection on Violence against women, we think, does provide a fair portrayal of these issues, including a recorded increase in recent years and during/since the conflict in Gaza \(December 2008-January 2009\), primarily relying on sources that are more recent than the suggested HRW report cited above.](#)

[Nevertheless, we will examine the existing material provided in the COI Report against sources that have become available since the last version was published in order to provide more detailed information.](#)

The gender dimensions of poverty could also have been emphasised especially with the separation of many married women from their families and the creation of 'new refugees' from marriage. Although the separation wall is mentioned (paragraphs 21.10 and 21.11), insufficient attention is paid to the impact of the wall on the lives of Palestinian women living in and around it. In areas where the wall cuts off towns and

families from each other, married women are especially likely to be cut off from their immediate families. The 'Electronic Intifada' newsletter reports the forms of persecution experienced in daily living by women in relation to the right to family life, as follows:

"Because all access through the gates in the wall is controlled by the Israeli military, Palestinian women are being denied the freedom of movement to work on their land, to shop for food for their families, to go to their child's school, to go to the university in a neighboring city, to go to the doctor or dentist, to visit family members and friends in other villages and cities"

The separation wall amounts to a form of collective persecution on several grounds – it restricts freedom of movement and limits access to services, markets and educational opportunities, especially for women and minority groups, and the poor. The position of women refugees in Gaza is probably worst of all.

COIS: Not accepted. Whilst the section on Women does only provide brief information on how the Separation Barrier adversely affects women, other sections in the COI Report do cover the impact of the Separation Barrier on the population of the West Bank as a whole. Additionally the suggested source was published in 2003, a document would generally consider too dated for inclusion in the COI Report.

Perhaps the most significant gap however, is in terms of information on women who are detained. There is no information on this issue either in the section on 'Women' or in the section on 'Arbitrary arrest and detention'. As is noted by the World Organisation Against Torture (OMCT), in its alternative report to the Committee on the Elimination of Discrimination Against Women (CEDAW):

"Palestinian female detainees and prisoners are often held in appalling, crowded conditions, suffer from severe punitive measures and are maltreated by prison authorities. Many detainees complain of being denied proper medical care, education, and regular family visits. Women have no access to psychologists or to social workers. Sometimes it is impossible for detainees to communicate with doctors because of language barriers" (OMCT 2005, 7).

COIS: Partly accepted. This reflects the availability of information. Unlike the treatment of adults and juveniles – other than whether men and women are held together or separately – sources do not generally differentiate the treatment of different sexes in detention.

Nevertheless, we will attempt to locate references to the treatment of women in detention in sources released since the last version of the COI Report was published.

The report also highlights the loss of life of Palestinian women in the period 2000-2005 as a result of military actions. Some 184 Palestinian women from the OPT were killed or died of causes related to the conflict, twenty-four sick Palestinian women died at checkpoints. Approximately 200 Israeli women were killed during this time in attacks by armed Palestinians. Moreover, the report presents cases of women who are forced to give birth at checkpoints because of delays or denial of passage. It would be helpful if

the COIS researcher responsible for the COI report on Palestine could obtain up-to-date statistics on the issue of how women are treated at checkpoints.

COIS: Partly accepted. The section on Women contains some information on the treatment of women at checkpoints, including difficulties in accessing healthcare. However, this is only brief and could possibly be expanded upon.

The addition of a subsection, perhaps under Violence against women, regarding Israeli actions, including death or injury as a result of the conflict, as well as treatment at checkpoints and during arrest/detention will be considered for the next report.

#### *Accuracy and balance*

Although the information in the section is generally accurate, the emphasis given to some issues and the neglect of others creates an impression of imbalance. There is very little information, for example, on how gendered violence results from occupation and the blockade itself, and on the violence carried out by Israeli forces.

COIS: Partly accepted. The section on Women is primarily concerned with treatment by the authorities and/or society within the West Bank and Gaza Strip, less Israel's activity. Nevertheless, as stated above, the addition of a subsection, perhaps under Violence against women, regarding Israeli actions, including death or injury as a result of the conflict, as well as treatment at checkpoints and during arrest/detention will be considered for the next report.

#### *Gender-based concerns affecting men and boys*

For the most part, sexual violence against men and boys is under-researched compared with sexual violence against women and girls, which itself is likely to be significantly under-reported. This is a problem of information rather than being an indication that the problem does not exist. Sexual violence is one of the methods of torture used in detention of Palestinians, including those who have committed no crimes, but are arrested to keep them quiet – such as religious leaders, journalists or students. A recent report from Islamonline.com was widely picked up and reports that 'The situation in men prisons is not less humiliating...' Palestinian men are held naked in front of each other and Israeli soldiers. Those who refuse to take off their clothes are brutally beaten."<sup>9</sup> Further information on the sexual abuse and humiliation of men and boys should be included when the report is next updated.

COIS: See general comments below.

#### *Sources used*

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<sup>9</sup> See

[http://laconscience.nuxit.net/site/situation%20openitientiaire/Israeli\\_Guards\\_Rape\\_Palestinian\\_Women\\_Freed\\_De\\_tainee.htm](http://laconscience.nuxit.net/site/situation%20openitientiaire/Israeli_Guards_Rape_Palestinian_Women_Freed_De_tainee.htm)

The 'Women' section of the report draws upon a very limited number of resources. It relies almost exclusively on a report produced by Freedom House, with additional information from the US State Department, the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and, to a lesser extent, Amnesty International and the International Commission for Human Rights (ICHR). All of these sources were published in the two years preceding the report's publication.

Although some information is drawn from local sources including the Palestinian Bureau of Statistics and a Palestinian organisation called SAWA, there is an over-reliance on sources that might be described as conservative in outlook. Other sources that might usefully be included are not referred to, most notably the Human Rights Watch (2006) entitled '*A Question of Security: Violence against Palestinian Women and Girls*' and an alternative report to the Committee on the Elimination of Discrimination Against Women (CEDAW) published by the World Organisation Against Torture in 2005. Although both of these reports are slightly outdated they provide extremely helpful insights into the situation and experiences of Palestinian women.

COIS: Partly accepted. We accept that there is only limited amount of recently published information available on the situation of women in the OPTs. However, it would be preferable to avoid the use of sources from the mid-2000s to ensure currency. We will look to include more recent reports, such as the December 2010 Report of the UN Secretary-General *Situation of and assistance to Palestinian women* <http://www.unhcr.org/refworld/docid/4e79a7fc2.html>

#### *Implementation of 2007 recommendations*

The Country of Origin report on Palestine was not included in the previous review (Allen 2007).

#### *Summary of strengths and weaknesses*

The strength of the report as a whole is that it exposes the extremely poor living conditions in Gaza even compared with the terrible situation in the rest of the OPT. This is important because it provides the context within which violence against women occurs. A further strength is the comprehensive overview which is provided on the longer-term historical context. The weaknesses of the section on 'Women' lie primarily in the failure to provide information on some of the key issues affecting women in the OPT, including arbitrary arrest and detention, domestic violence and the gendered impacts of the Separation Wall. The absence of information on these highly politically sensitive issues may reflect the fact that the section draws on a very limited number of sources and one report in particular. The lack of information from a wider range of sources is a significant issue in terms of the balance of the section and needs to be addressed in future updates.

#### *Additional sources of information*

Bloom, M. (2010) 'Death becomes her: women, occupation, and terrorist mobilization', *Political Science and Politics* 43, 445-450

Electronic Intifada 'The apartheid wall' <http://electronicintifada.net/content/palestinian-women-mobilising-resist-israels-apartheid-wall/1341>

Human Rights Watch (2006) *A Question of Security: Violence against Palestinian Women and Girls*, [www.hrw.org/reports/2006/11/06/question-security-0](http://www.hrw.org/reports/2006/11/06/question-security-0)

World Organisation Against Torture (OMCT) *Violence Against Women in Palestine: An Alternative Country Report to CEDAW*



## **Somalia (May 2011)**

### *Completeness*

The section on 'Women' is 14 pages long. It begins with an overview of the situation of women in Somalia pointing out that Somalia is not a signatory to CEDAW and that in the areas governed by Al Shabaab, freedoms women took for granted in traditional Somali culture "have been dramatically rolled back". The section then outlines women's legal rights, political rights and social and economic rights, including in relation to property, marriage, reproductive rights, dress codes and employment, prostitution and freedom of travel. The subsection on violence against women provides a clear and useful linking and cross-referencing paragraph before presenting the evidence in relation to rape, forced marriage, domestic violence and trafficking. The section concludes with information on the assistance available to women.

In terms of the report more generally, there is some information about the situation of women in different areas of the country (7.03 and 7.05), the number of female casualties as a result of the conflict (8.12), the use of rape as a tool of war (8.24), the nature of perceived threats in Somaliland (8.49), women in the police force (9.04), human rights violations by armed group (10.14), punishment by Al Shabaab for adulterous behaviour (14.03) marriage between minority groups and clans, trafficked women (23.21) and sexual violence against women who are internally displaced (27.21)

Although Somalia is a difficult country about which to obtain direct reliable country of origin information, the section on 'Women' shows a good level of awareness on the impact of harsh patriarchal rules imposed on women within Somali society regardless of the different ethnic and religious groups. The section on women also reflects the impact on women of conflict in Somalia, and pre-conflicts in Somaliland. The only significant gap is in relation to Female Genital Mutilation (FGM). Whilst there is information on FGM in the section on 'Children', and this is appropriately cross-referenced, there is no information specifically on the consequences for women if they refuse to allow their girl children to be subjected to the practice or on the longer term health implications for women themselves. The absence of any information on women's health, including mental health issues was also noted.

[COIS: Accepted. There will be a sub-section on women's health in the next update to include more information. There are only limited statistics at paragraph 21.12.](#)

[With regard to FGM, information on the long term health implications of FGM will be included in the next update. Information on the societal consequences of refusing FGM for a child will be included if it can be found.](#)

It should be noted that there is some duplication within the section on the issue of forced marriage. Paragraph 21.16 in the subsection on contains a very lengthy extract from a report by the Immigration and Refugee Board of Canada which includes reference to a 2004 report by the Danish Refugee Council. This information is repeated

in the subsection on forced marriage (21.34). It is recommended that the information in these two sections is combined.

COIS: Not accepted. The two sections deal with different matters – marriage in its normal context and forced marriage as a form of violence against women. We consider it clearer for readers if these two sections are kept distinct.

#### *Accuracy and balance*

Given the difficulties in obtaining information on the situation and experiences of women, the section presents an accurate and well-balanced account. The only issue of note in terms of balance is in relation to the use of sources. Many of the sources relied upon are from the US, which has an ongoing role in the conflict.

COIS: Not accepted. We endeavour to use a variety of sources to achieve balance but we are limited by what is available. It would also seem to be a generalisation to state that because many sources, government and non-government, are US-based, and the US is involved in the conflict, they may lack balance. International NGOs are not necessarily linked to or support US government policy or action. In addition, there are many non-US based sources, including sources from Canada, Scandinavia and Somalia, as well as various parts of the UN used in the report.

#### *Gender-based concerns affecting men and boys*

The report includes information on the implications for men and boys of Islamic rules imposed by the movement Al Shabaab, such as the obligation to all men not to shave or to dress in a particular way. It is noted (in 14.03) that men as well as women are lashed or stoned to death by Al Shabaab for adulterous behaviour. As homosexuality remains illegal in Somalia men and boys (as well as women) may be punished harshly if they are found to be having same-sex relationships. The information provided in the section on lesbian, gay, bisexual and transgender persons is, however, very short and somewhat limited.

COIS: It is difficult to find information on LGBT issues in Somalia as it is considered a taboo topic. Any source suggestions for this would be welcome. Efforts have been made to add to this section, however the information available is dated.

#### *Sources used*

The previous review (Allen 2007) was critical of the limited range of sources on which the section on 'Women' was based and the fact that there was no reference to any local or international women's NGOs or women's rights groups. This updated version draws on a much wider range of sources including Freedom House, Human Rights Watch, The US Department of State, Danish Refugee Council and Danish Immigration Service, World Bank and UNDP, UNICEF, UN Women, UN Human Rights Council, the Immigration and Refugee Board of Canada, Minority Rights Group International and Danish JFFMR. The women's NGO SAACID is referred to in relation to the issue of

assistance for women but the section does not otherwise draw on resources produced by local NGOs and women's groups.

In terms of currency, many of the resources referred to were published in the two years prior to the publication of the report in May 2011. The exceptions are the reports by the Danish JFFMR and Canadian Immigration and Refugee Board which were published in 2007, and a socio-economic survey of Somalia by the World Bank and UNDP carried out in 2002 and published in 2004.

It should be noted that the report on forced marriage in Somalia by the Canadian Immigration and Refugee Board is referred to extensively (see, for example, paragraph 2.16) but the original sources of the information have not been directly included. This includes what appear to be a significant number of academic articles on the topic. It would be helpful if these articles could be directly referenced as otherwise the source is unclear.

[COIS: As we do not routinely have access to academic articles, we are limited in how we refer to sources such as the Canadian Immigration and Refugee Board, who do have access to these documents.](#)

#### *Implementation of 2007 recommendations*

The earlier review (Allen 2007) noted that the section on 'Women' in earlier reports was short and relatively restricted and lacked information on a wide range of issues affecting women in Somalia. The focus was primarily on violence against women and FGM. It was suggested that the section did not sufficiently address the impacts of the conflict on women and that there were a number of gaps in relations to health issues, education, displacement and poverty. The limited range of references was also noted together with the absence of any direct reference to the work of international women's NGOs or women's rights groups.

Overall, there have been significant improvements in the information of women and gender issues since the last review although many of the recommendations which refer to issues prior to 2006, are now harder to implement given the large displacements of population in central and south Somalia. The sub-section on political rights deals adequately with both participation and rights and includes an overview of political participation as well as the existence of women's organizations as recommended. As noted elsewhere however, it is not clear why this information is useful unless the resources produced by the organisation are drawn upon for information or there is specific targeting of women involved in the group. The subsection on legal rights now refers to laws issued under the former government and indicates the current situation, in terms of both the existence and the lack of laws. Reference is made to customary and Sharia law. The section now mentions the effect of the conflict on women, although some of the information is still contradictory. It would perhaps be useful to have a subsection on women participating in the conflict if there is information available on this issue.

COIS: Accepted. We will look for information on women involved in the conflict and cross-reference to the information on the security situation.

The recommendations regarding issues such as, reproductive health, freedom of movement, displacement, employment, assets and poverty, have been implemented. The recommendation to distinguish, when relevant to women, between situation in Somalia, Somaliland and Puntland, as well as between ethnic groups, is not implemented in the section on 'Women' but is addressed elsewhere in the report. Cross-referencing would be helpful. Additional references to women occur elsewhere in the report, indicating that more information on the above issues can be found. This information adds significantly to that in the women's section and should arguably be included in the section itself.

#### *Summary of strengths and weaknesses*

The section on 'Women' has been significantly improved and updated since the last review and many of the recommendations have been implemented. There is good cross-referencing within the section itself although there could be improvements in the cross-referencing to information on women in other sections. Some of this material could usefully be included in the section.

#### *Additional sources of information*

Sircar, O. (2006), 'Can the Women Flee? Gender-Based Persecution, Forced Migration and Asylum Law in South Asia in N.C. Behera, N. C. *Gender Conflict and Migration*. London: Sage Publications, pp 256-258

COIS: This sources appears to refer to South Asia, not Somalia. Additionally, we do not have access to it as an academic paper.

## **Sri Lanka (November 2010)<sup>10</sup>**

### *Completeness*

The section on 'Women' is twelve pages long and begins with an overview of the situation of women in Sri Lanka which is cross-referenced to the situation of girls in the section on 'Children'. The section then discusses women's legal rights, political rights and social and economic rights (including employment, the position of single widows/mothers and mixed marriages) before considering violence against women, including legal rights, rape/domestic violence, gender based violence during and after the conflict and the assistance available to women.

[COIS: As noted in the footnote, the most recent Sri Lanka report was released in June 2011. Comments following are made in relation to that report.](#)

The section has been considerably revised and updated since the last review (see below) and some sections are much more complete than previously. However some aspects remain vague and unspecified. Although reference is made (in 23.03) to the overall context of gender roles and relations in Sri Lanka, insufficient attention is paid to the effects of patriarchal rules affecting women from different religions and ethnic minority groups. Although section 20.03 notes that "Customs and traditions vary across Sri Lanka's various regions and religions, affecting women in different ways", there is no elaboration of what is meant by this.

The report also fails to consider differences between rural and urban women in terms of universal access to information on education, health and other social services. Also absent is any information also neglects information on female suicide bombers, forced conscription and female combatants (although the role of women in the conflict is now noted). The section does not refer to the high risk of sexual and physical violence from family members related to dowry (see Jayasinghe and Foster in 2008). There is no reference to Sri Lanka's attempts to implement UN Security Council Resolution 1325 on Women, Peace and Security.

There are also gaps in the coverage of women/gender issues in other sections of the report. The section on disabilities is very brief and does not refer to the impact of the conflict effect on women's physical and mental health. The section PTSD is too brief. Despite the high number of women committing suicide, in particular through the increasingly well documented use of pesticides (see, for example, Gunnell et al. 2007; Jayasinghe and Foster 2008; Konradsen et al. 2005), the report does not give sufficient attention to this issue including whether there have been any government measures to prevent access to these chemicals. The report does not mention that the pesticides used for self-harm and suicide of under 16 (mainly girls) are generally available in the domestic environment (Jayasinghe and Foster 2008). There is also a lack of

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<sup>10</sup> It should be noted that an updated version of the COI Report on Sri Lanka was published in July 2011 after the research for this review had been completed.

information on women's access to mental health care particularly in the context of PTSD.

Information on the efficient implementation of the legislation related to violence against women in rural areas is still vague. The section also does not refer to issues regarding elderly women returnees (see [www.unhcr.org/refworld/country,COI,,LKA,,4d9572a514,0.html](http://www.unhcr.org/refworld/country,COI,,LKA,,4d9572a514,0.html)).

COIS: Partly accepted. We will review and look to expand this section. Some of information may be difficult to obtain – rural/urban variation, for example – while other subjects seem less relevant – the role of female suicide bombers is no longer an issue with the end of the war. Regarding female suicide, the texts referred are academic articles which we generally don't have access and the connection to pesticides seems a very specific matter.

#### *Accuracy and balance*

The inclusion of information about gender roles and relations within Sri Lanka (23.03) is to be welcomed. However the statement drawn from the Social Institutions and Gender Index that “Sri Lanka has achieved a greater degree of gender equality than many other developing countries” is potentially misleading given the more detailed information that follows (which clearly suggests that gender qualities are persistent in the country). This statement could be quoted out of context to suggest that the situation for women is better than it is in reality.

COIS: Partly accepted. We will make sure there is context to this quote – the section overall paints a much more nuanced picture - but it is faithful to the source and accurate in as far as it goes.

The issue of selective quoting by decision makers is something beyond our control.

A further example can be seen in the section on mental health issues (26.19). Although studies have shown Sri Lanka to have one of the highest rates of suicide in the world, the report does not look at prevalence, motivation or suicidal mentality. Nor does it consider the context within which this high rate of suicide among women takes place. Referring to *Daily News*, it is reported that “Sri Lanka's progress in the mental health sector is commendable and Sri Lanka has achieved a significant improvement in human resources development and expansion of resources and facilities. Sri Lanka is on the right track when it comes to improving mental health care”, said WHO Representative Dr. Firdosi Rustom Mehta... “Sri Lanka is doing much better in the field of mental health when comparing with the world's status”. There is no differentiation made between women and men with regard to these achievements in terms of mental health provision and access or the stigma attached to mental health issues affecting women. In addition there is some confusion / inaccuracy concerning marriage law and the way in which it is applied to different religious groups.

COIS: Accepted. We will review this subject in the next review.

### *Gender-based concerns affecting men and boys*

According to Samarasinghe (2006), relationships between alcohol consumption, suicide and deliberate self-harm are complex in Sri Lanka and there are many gaps in the knowledge base. A figure given by the local police shows that between the ages of 08 Yrs-16 Yrs, the number of suicide is 2 times higher amongst girls (mainly drinking insecticides & pesticides, strangling or jumping into water). From the age of 16 to 71, males are more likely to commit suicide. During the last semester of 2010, the figures show a total of 1,531 men and 4,92 women (statistics are likely to be from major cities). According to the same source, the majority of those who committed suicide are working-age men. Males from the same group are affected by alcoholism.

### *Sources used*

The section on women draws on a good range of sources, many of which are produced by international organisations. These include UNIFEM, OECD's Social Institutions and Gender Index, Freedom House, UNICEF, the US Department of State, UNDP, UNHCR and the International Crisis Group for Sri Lanka (IGC). In addition the report includes some (albeit limited) information available from international and national human rights and women's organisations including the Centre for Reproductive Rights, Sri Lanka NGO Home for Human Rights (HHR) and South Asian Women's Network (SAWNET). Additional sources include a letter from the British High Commission (dated March 2009), information from the Ministry of Justice and Law Reforms of Sri Lanka. IRIN and *Daily News* are the only news source to which reference is made. This is perhaps surprising given the developments in the conflict which have occurred between the COI reports on Sri Lanka.

In terms of currency, the main body of the report includes information available up to 20<sup>th</sup> September 2010 and the report was issued on 11<sup>th</sup> November 2010. With the exception of the UNIFEM *Gender Profile* (2008), all of the sources which are referred to in the section on women used were published in 2009 and 2010.

### *Implementation of 2007 recommendations*

The earlier review of gender issues (Allen 2007) was critical of the section on women in the Sri Lanka report, which was considered brief and neglectful of many important aspects. The context of conflict and insecurity was barely mentioned and, as a consequence, the possible effects of this context were largely ignored. The report was criticised for failing to adequately consider women's mental or psychological health (despite very high rates of female suicide) and it was recommended that the section on violence against women be expanded to include not only conflict-related violence but also more information on female genital mutilation and the extent to which legislation is implemented. It was also noted that the sources used were limited in scope and somewhat outdated. It was agreed that these issues would be considered in the next review of the Sri Lanka COI Report.

A review of the 'Women' section of the COI Report for Sri Lanka indicates that more attention has been given to a range of sources although there is perhaps an over-reliance on UN sources to the neglect of information produced by academic commentators and NGOs based within and outside the country. There is considerably more information on the context of conflict within Sri Lanka and its impact on women. It is noted, for example, not only that women have been affected by gender-based violence associated with the conflict but that they have also been combatants and have been affected as a result of the absence of male breadwinners. Similarly there is a significant improvement in the information presented on women's legal rights. The report now differentiates between the experiences of single women / widows and other women although it does not differentiate between women living in urban and rural areas (as recommended). Although female circumcision is not an issue commonly raised in asylum applications from Sri Lanka, the recommendation to provide information on this issue has not been implemented. It would be useful to include some additional information on the legislation which currently exists in relation to this practice in future updates.

#### *Summary of strengths and weaknesses*

The report provides considerably more information on the context of conflict within Sri Lanka and its impact on women than the previous version and it is clear that in Sri Lanka the use of pesticides, drugs and alcohol is a very important issue. The report does not, however, provide sufficient information about the impact of these issues on women's physical and mental health. Research shows that pesticides are available and improved through safe storage in houses of farmers. Consequently, rural women are the mostly affected. The report is not clear on how legislation prevent dealers of agro-chemicals to sale pesticides to under-aged and intoxicated persons.

#### *Additional sources of information*

Neloufer de Mel (2007) *Militarizing Sri Lanka: Popular Culture, Memory and Narrative in the Armed Conflict*, Sage, Los Angeles

Gunnell, D., Fernando, R., Hewagama, M. (2007) 'The impact of pesticide regulations on suicide in Sri Lanka', *International Journal of Epidemiology* 27, 1–8

Jayasinghe, N. and Foster, J.H. (2008) 'Acute poisoning and suicide trends in Sri Lanka: alcohol a cause for concern', *Australian and New Zealand Journal of Public Health* 3 (32), 290

Konradsen, F., Hoek, W.V.D., Peiris, P. (2005) 'Reaching for the bottle of pesticide—a cry for help. Self-inflicted poisoning in Sri Lanka', *Social Science and Medicine* 62, 1710–1719

Kottegoda, S., Samuel, K. and Emmanuel, S. (2008) 'Reproductive health concerns in six conflict-affected areas of Sri Lanka', *Reproductive Health Matters* 16 (31) 75-8



Olsson, P. and Wijewardena, K. (2010) 'Unmarried women's decisions on pregnancy termination: qualitative interviews in Colombo, Sri Lanka', *Sexual and Reproductive Healthcare* 1(4), 135-41

COIS: Thank, we have limited access to academic sources. s there any open source information?

## **Sudan (April 2010)**

### *Completeness*

The section on 'Women' in the COI report on Sudan is just over nine pages long. It begins with a short overview of the situation of women, followed by subsections on legal rights, political rights and social and economic rights (including marriage, family rights and customs, ownership rights, civil liberties freedom to travel and access to employment. Many of these subsections are extremely short, in many cases consisting of just one paragraph. The subsection on violence against women is similarly divided and looks at domestic violence, prostitution and sexual violence and harassment. The information on domestic violence is extremely limited at just two paragraphs. The subsection on prostitution (25.24) consists of just one sentence. The subsection on sexual violence begins with a general overview but provides more detailed and in-depth information in relation to sexual violence against women in Darfur and southern Sudan, including the extent to which protection is available. There is also some information relating to forced marriage and FGM.

Although the report provides detailed information on sexual violence against women in Darfur, in many other respects it is incomplete. As noted above there is very limited information in relation to some issues, whilst information on other issues is entirely absent. There is nothing for example, on employment, women's organisations, poverty, single women and widows, rural versus urban women, access to healthcare and reproductive rights. These gaps were noted in the previous review. It is not clear whether research has been undertaken on these issues but even a cursory search for additional information revealed a number of relevant and useful sources (see below).

COIS: Partly accepted. We thank the author for noting that the section on sexual violence against women in Darfur was detailed together with information on protection for victims of sexual violence in Darfur. Although the UK Border Agency lacks quantitative data on claim types, claims relating to Darfur account for a significant aspect of enquiries we receive on Sudan. We agree the section on women would benefit from some historical context and greater reference to the legal instruments used to discriminate against women.

We disagree with the conclusion that information on employment and poverty related issues is entirely absent. We would also point out that information on women's

organisations is mentioned in relation to Darfur, therefore also disagree with the reviewers comments that information on women's organisations is entirely absent.

We have some reservations over the "cursory search" for additional information which resulted in a number of relevant and useful sources being identified. In our view these sources require further investigation as they seem a mix of dated, possibly unreliable COI, or information which was produced after the narrative cut off date of the report of 1 March 2010 (see relevant comments below).

Most importantly however the section on 'Women' wholly fails to capture or reflect the gendered context within which violence and discrimination against women takes place. Although the section begins with an overview of the situation of women in Sudan, it would benefit from a much more detailed explanation of gender roles and relations. According to the report by Sudan Update:

"Social turbulence in Sudan has had a particularly acute impact on the lives of women, not only among disadvantaged minorities but also among the middle and upper classes. There have been many reversals since 1974, when women gained the constitutional right to representation in all public institutions. The political freedoms won by bodies such as the Sudan Women's Union and decades of progress towards social equality now face a backlash under the guise of religious law. Although some women from the elite classes still hold public office, strategic dismissals have ensured that the few who are allowed to remain in their posts are sympathizers with the regime. In major northern towns displaced Southern and non-Arab families, where the women are often the heads of households, have encountered unprecedented harassment. In the west and south women play a major role in agriculture, which has been disrupted by war. The introduction of mechanized farming has also altered female economic roles and imposed new constraints, for example in areas where it is unacceptable for women to work alongside migrant male labourers. In the war zones, women have suffered rape and abduction by all sides in the conflict, to the extent that the ending of hostilities between the factions of the SPLA will depend in part on the return of "wives" seized in raids on villages".

The same report also explains the impacts of the introduction of Sharia law in 1983, not least in the way it allowed law enforcers to exercise prejudice against women and other minorities. One of its measures forbade women to be seen in public with men other than family members or approved 'muharram' guardians. There was outrage among the educated classes when respectable married couples travelling by car between the three towns of the capital were repeatedly stopped at police checkpoints and accused of immoral behaviour. Although the overthrow of Nimeiri in 1985 brought a temporary suspension of the penalties, the Sharia laws were never revoked, and in 1989 the military-Islamist regime of Lt Gen al-Bashir introduced dramatic and systematic attacks on all elements of women's lives in Sudan. The 1991 Public Order Act, part of the regime's new penal code, is framed so widely that it allows almost any mixed social gathering to be considered a setting for fornication, and enables the virtual exclusion of women from the male-dominated public sphere. According to Amnesty International

(2010), Article 152 allows for the flogging of women, hands a disproportionate amount of power to the enforcer, rendering him judge, jury and executioner all at once. Anyone from policemen to plainclothes security officers can take matters into their own hands by invoking the vague and generous allowance in the law, which states:

"Whoever commits, in a public place, an act, or conducts himself in an indecent manner, or a manner contrary to public morality, or wears an indecent, or immoral dress, which causes annoyance to public feelings, shall be punished, with whipping, not exceeding 40 lashes, or with fine, or with both. The act shall be deemed contrary to public morality, if it is so considered in the religion of the doer, or the custom of the country where the act occurs."

As Amnesty International (2010) suggests, the power given to the public order police to evaluate what is immoral and indecent has resulted in widespread breaches and abuses over the years. There have been many cases where officers have taken advantage of their position to blackmail women or men and to abuse them verbally and even physically.

None of this important historical context is included in the section on 'Women' although it explains much of what is currently experienced, particularly in the north of the country where Sharia laws are more strongly enforced. The National Islamic Front claims that Islam is incompatible with female economic activity outside the home and this creates poverty particularly among female-headed households. The laws are also associated with very significant restrictions on women's movement, dress and sexuality, and harsh punishments are imposed on those who resist or refuse to conform. For example, a female Sudanese journalist was jailed for a month in September 2009 after being convicted of "dressing indecently" by wearing trousers. She had faced a penalty of up to 40 lashes but was released after one day when the Sudanese Union of Journalists paid a fine of about \$200 (£122). Although the incident is noted in the report (at 25.19), it is not reported correctly and there is no explanation of the wider context within which it occurred.

There have been other more recent incidents which suggest that the imposition of Sharia law is leading to harsh treatment for women, including by the police. For example there was a public outcry recently when a video was posted on YouTube which shows men in powder-blue uniforms as worn by Sudanese police whipping a woman all over her body as she kneels, crying and moaning. Responding to this incident the Khartoum state Governor Abder Rahman al-Khidir of the ruling National Congress Party said that "[t]his woman was punished under Sharia, Islamic law, but there was a mistake in the way the punishment was carried out." (see [www.telegraph.co.uk/news/worldnews/africaandindianocean/sudan/8200266/Sudan-probes-whipping-video-of-woman-by-police.html](http://www.telegraph.co.uk/news/worldnews/africaandindianocean/sudan/8200266/Sudan-probes-whipping-video-of-woman-by-police.html)). About 30 Sudanese women were subsequently arrested for holding a protest march over a video. The women were detained as they tried to hand a petition to the justice ministry in Khartoum ([www.bbc.co.uk/news/world-africa-11991558](http://www.bbc.co.uk/news/world-africa-11991558)). The indecency laws affect men as much as women (see below). These issues are currently included in a very short sub-section

on 'civil liberties'. This section needs to be renamed and considerably expanded and updated.

The section provides some information on the practice of FGM but again the broader context within which this practice continues, and in some areas has increased, is not explained. Nor are the physical consequences for women made clear:

"Female genital mutilation, already practised comprehensively in northern Sudan, has also spread to the non-Muslim community in the South and West, and among urban migrants responding to social pressure to conform. It is mistakenly regarded as an Islamic practice, and as a safeguard against immorality and AIDS, although it has been suggested by medical experts that the opposite is true. Medical complications regularly result from the practice, which always involves the excision of the clitoris and the outer vaginal labia, and in the severe form most widely carried out includes infibulation - the sewing up of the vaginal orifice leaving only a small outlet for menstrual flow. Keloid formation in the scar tissue, pain on sexual intercourse, retention of menstrual blood and the need for extensive cutting to permit childbirth are commonplace" (Sudan Update, undated).

There are other references to issues affecting women throughout the report. For example, in relation to military service (11.03), trials (13.09), prison conditions (15.11), women's political participation (18.03) and violations of religious freedom (21.13). The sections on 'Children' and 'Trafficking' repeatedly refer to the experiences of women and girls. However without a broader context within which to locate this information it is not clear to the readers why such violence occurs or what the protection options are for women. One of the consequences is that the situation for women often appears better than it is. For example, although the section on prison conditions acknowledges that women are forced to cook for the prison leading to physical exhaustion, no mention is made of other issues including sexual violence. According to Sudan Update:

"In prison the women are often raped. Prison warders demand sexual favours in return for small essentials like soap or when they wish to be visited by relatives. Little shelter is available to protect them from extremes of heat and cold. The quality of food and water is poor, even by local standards, and cases of malnourishment and dysentery are common, especially among the babies and children who are taken into prison with their mothers. About 75 per cent of the women in detention are either pregnant, suckling babies or caring for small children. Two-thirds of them are married; one in five are widows. The number of detained women has grown so rapidly that prison facilities have become insufficient to accommodate them, and the authorities have been obliged to release some to make room for new detainees".

The section concludes with a short subsection on South Sudan which will need to be updated in light of the recent elections and the fact that the newly recognised South Sudan plans to introduce a law against gender-based violence (see [www.peacewomen.org/news\\_article.php?id=3108&type=news](http://www.peacewomen.org/news_article.php?id=3108&type=news)). This development occurred after a report came to light about a girl who was beaten to death in Lakes

State (one of the states of South Sudan) over a marital gift dispute.<sup>11</sup> The report by the Enough Project (2011) which looks at gender-based violence in Southern Sudan should be included in any future updates.

COIS: Partly accepted. We agree the section on women can be improved and would benefit from additional information on violence against women, including female genital mutilation, together with greater material on women's organisations; rural versus urban women; access to healthcare and reproductive rights.

We do not agree with the conclusion that the section on women "wholly fails to capture or reflect the gendered context within which violence and discrimination against women takes place". Or, therefore, the subsequent conclusion that references made to women, both in the section on women and in other parts of the report, lack a context.

We note the reviewers suggest providing further information from an undated article from Sudan Update which provides analysis on the situation for women in Sudan. Whilst we appreciate that the source provides context and wider understanding for the reader, the currency and author of the source is unclear. We aim to produce balanced and impartial synthesis of available COI, and need to exercise caution when referring to individual articles, produced by a single author and which provide analysis on any given topic. Such material can, very easily, overshadow or distort the overall balance of a report (see our comments under additional sources concerning the Sudan Update source).

We contend that the overview section of the Sudan report, although brief, refers to several sources which provide a useful outline on the gendered nature of Sudanese society, albeit without reference to an analytical source. For example, the US State Department report illustrates clearly that violence against women and discrimination is a serious issue in Sudan (25.01); whilst the OECD's gender index, which provides a measure on gender discrimination using various composite measures, lists Sudan as 102<sup>nd</sup> out of 102 states assessed and states that Sudan has a "high degree of gender discrimination" (25.02). The report also notes that Sudan has neither signed nor ratified key international legal instruments related to equality for women, namely the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and Protocol to the Charter on Human and Peoples' Rights of Women in Africa (25.04), which provides a useful context or benchmark against which to understand Sudan's position on women's rights.

Several of the issues relating to impact of Sharia law on the rights of women are clearly outlined in the report. For example under legal rights subsection, the report states that in the North the shari'a system needs considerable reform and that consequently the legal system is particularly biased against women (25.05 – 25.06), especially in relation to divorce proceedings (25.12). Similarly the section under social and economic rights sets

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<sup>11</sup> See Ngor Arol Garang, 'South Sudan plans law against gender based violence', in *Sudan Tribune* February 22<sup>nd</sup> 2011 <http://tinyurl.com/4l2mjt3>

out how women in Sudan have virtually no legal right to ownership (25.16), and that under Shari'a women defer to husbands or male guardians in administering their assets (25.16). The report goes on to illustrate other examples of how women are economically discriminated against in Sudan. For example, widows are unable to manage their own financial assets and must defer to a male figure (25.16). The report also explains that women have no access to bank accounts or forms of credit, which are reserved for men (25.16). We therefore feel the COI report provides an some information upon which to understand the economic and social status of women and how concepts of ownership and poverty are inter-relatedness with Shari'a, albeit the report could be improved.

We also query the accuracy of comments concerning how freedom of movement and freedom of dress for women are covered in the report. The report provides information which sets out that women face a wide range of restrictions in their civil liberties (25.17); acknowledges restrictions in dress and how this is policed (25.18) and goes on to cite briefly an example in which a journalist was convicted of indecent clothing in 2009 following her arrest by the Public Order Police, along with several other women who were charged with dressing inappropriately. The report additionally provides a snapshot of societal attitudes reflected during this case, illustrated by the fact that opponents of the woman who was arrested had demanded that she be flogged, denouncing those who wear trousers as 'prostitutes'. (25.19). Similarly, there is some information on freedom for movement (25.17), including details on travel and employment opportunities which are compromised due to the patriarchal nature of society and the role of women in the family (25.20 – 25.21). It seems to us unfair to say there is only very limited information on these areas – there is some, though there could be more. Equally, we think it overly critical to say there is no context to societal discrimination in relation to either freedom of movement or dress.

While the section can undoubtedly be improved, if read in it's entirely we'd contend it provides users with some understanding of the gendered context of society and the way in which violence and discrimination against women are manifest in Sudan.

Last, the reviewers make several references to sources/incidents which occurred after the publication date of the Sudan COI report. Thank you for this and we will include this information, where still relevant, in the next update. However, we are concerned that review and some of the criticisms seem are based on material not available at the time the report was drafted. This seems unreasonable.

### *Accuracy and balance*

As far as it is possible to ascertain, the information in the section on 'Women' is accurate although some parts are now rather out of date given developments in relation to Southern Sudan. The balance of the report would be enhanced through the inclusion of information produced by some of the non-governmental organisations currently operating in Sudan. For example Sudan Update provides an information and referral

service for individuals and organisations seeking a politically non-aligned briefing on the situation in Sudan, and has gained international respect and recognition for its role in networking hard-to-obtain news. Its news review draws on a broad spectrum of sources, ranging from the Sudan government's media and the output of the Sudanese opposition groups to international analysts and commentators. The organisation has become the first point of reference for a broad variety of inquiries relating to Sudan from all over the world. It also produces a regularly updated summary of the position of women in the country. There are also a number of women's organisations in the UK that may be able to assist in the provision of information regarding the current situation for women in Sudan (for example the Sudan Women's Association [www.sudanwomen.org.uk](http://www.sudanwomen.org.uk)).

COIS: Accepted. We welcome the conclusion that the section on women is accurate, although note the limits upon which the reviewers feel able to comment on this and as outlined in the methodology. We agree further balance would be provided with greater reference to NGO sources.

We will look for more information from local sources. We are unfamiliar with the Sudan Update source; see comments below re the other suggested sources.

#### *Gender-based concerns affecting men and boys*

There is some information on the ways in which men and boys are affected by laws and social norms regarding sexuality. This information can be found predominantly in the section on lesbian, gay, bisexual and transsexual persons. There is insufficient information however about the implications of Sudan's indecency laws for men and boys as well as women. For example, in December 2010 seven Sudan male models fined for make-up 'indecency' Seven Sudanese male models have been fined for wearing make-up by judges in northern Sudan ([see www.bbc.co.uk/news/world-africa-11951200](http://www.bbc.co.uk/news/world-africa-11951200)). And in August 2010 a group of young Muslim men were been publicly flogged in Sudan after they were convicted of wearing women's clothes and make-up. The court said the 19 men had broken Sudan's strict public morality codes. Police arrested them at a party where they were found dancing 'in a womanly fashion', the judge said. The men were not represented in court and said nothing in their defence, some hid their faces from the hundreds of people who watched as they were lashed. They must also pay fines of as much as 1,000 Sudanese pounds (\$400, £252) ([see www.bbc.co.uk/news/world-africa-10871494](http://www.bbc.co.uk/news/world-africa-10871494)).

COIS: Accepted. We agree that further information on local laws relating to Sharia and public decency would benefit the section on women. We will add further information and sources on LGBT persons in the next update; thank you for the sources suggested.

However we would point out all the incidents referred to above relate to events after the narrative cut off of 1 March 2010, and therefore we are concerned that exclusively referring to material and incidents post 1 March 2010 is unfair for the purpose of this review.

### *Sources used*

The section on 'Women' draws on reports published by the US Department of State Report, OECD (Social Institutions and Gender Index - SIGI), DFID, Freedom House, UN Panel of Experts, Human Rights Watch, UNICEF, Medicine sans Frontieres, World Plus and Amnesty International. It also refers to the website of the US embassy in Khartoum, two articles in the Sudan Tribune and a joint report by Physicians for Human Rights and the Harvard Humanitarian Initiative. Although this represents a reasonable range of sources, they are limited in number and there are many other sources that are not referred to or included in the report (see below). In terms of currency, the main body of the report includes information available up to 1 March 2010 and the report was issued on 16<sup>th</sup> April 2010. All of the sources referred to were published in the preceding two years.

### *Implementation of 2007 recommendations*

In her earlier review, Allen (2007) noted that the section on 'Women' in the COI report for Sudan (dated July 2007) was relatively brief but covered a reasonable range of issues including information on violence against women and the socio-cultural reasons for discrimination and violence. The report also differentiated between the experiences of women in South Sudan and Darfur, although the section on the South was very short and simply repeated some of the information provided elsewhere. The review also identified a number of gaps in the previous report including in relation to employment, freedom of movement (particularly in the context of conflict), women's organisations, forced marriage and tribal differences. It was noted that information on poverty, single women and widows, rural versus urban women, access to healthcare and reproductive rights. It was recommended that some of the information on women and gender issues in other parts of the report could usefully be moved, or at least cross-referenced to the section on women.

### *Summary of strengths and weaknesses*

Although the report provides detailed information on sexual violence against women in Darfur, in many other respects it is incomplete. As noted above there is very limited information in relation to some issues, whilst information on other issues is entirely absent. There is nothing for example, on employment, women's organisations, poverty, single women and widows, rural versus urban women, access to healthcare and reproductive rights. These gaps were noted in the previous review. It is not clear whether research has been undertaken on these issues but even a cursory search for additional information revealed a number of relevant and useful sources. The most significant weakness of the section on 'Women' however is that it fails to capture or reflect the gendered context within which violence and discrimination against women takes place. This is reflected in a lack of information on gender-based concerns for men and boys even though these are increasingly well document.



COIS: see comments under the section on 'Completeness' above.

*Additional sources of information*

Afrol News (n.d.), Gender Profile: Sudan,

[www.afrol.com/Categories/Women/profiles/sudan\\_women.htm](http://www.afrol.com/Categories/Women/profiles/sudan_women.htm)

Amnesty International (2010) 'Sudan: Abolish the flogging of women'

[www.amnesty.org/en/library/asset/AFR54/005/2010/en/6652ea12-7bbb-498f-b09e-ab27ef8d7e9b/afr540052010en.pdf](http://www.amnesty.org/en/library/asset/AFR54/005/2010/en/6652ea12-7bbb-498f-b09e-ab27ef8d7e9b/afr540052010en.pdf)

Elia, L. 'Fighting gender-based violence in South Sudan', *Forced Migration Review* 27,

[www.fmreview.org/FMRpdfs/FMR27/25.pdf](http://www.fmreview.org/FMRpdfs/FMR27/25.pdf)

Elmusharaf, K. and Hoffmann, A. (2006) 'A case-control study on the association between female genital mutilation and sexually transmitted infections in Sudan', *BJOG: An International Journal of Obstetrics & Gynaecology* 113(4), 469-474

Enough Project (2011) *Gender-Based Violence in Southern Sudan: Justice for Women Long Overdue*, A Study for the Enough Project by the Allard K. Lowenstein International Human Rights Clinic at Yale Law School,

[www.enoughproject.org/files/Lowenstein%20Study%20-%20Sudan.pdf](http://www.enoughproject.org/files/Lowenstein%20Study%20-%20Sudan.pdf)

Gruenbaum, E. (2009) 'Honorable mutilation? Changing responses to Female Genital Cutting in Sudan', *Anthropology and Public Health* July 2009, 307-42

Sudan Update (nd) *Report on Women in Sudan*,

[www.sudanupdate.org/REPORTS/WOMEN/WOMEN.HTM](http://www.sudanupdate.org/REPORTS/WOMEN/WOMEN.HTM)

USAID (2010) USAID / Southern Sudan Gender Assessment,

[http://www.usaid.gov/our\\_work/cross-cutting\\_programs/wid/pubs/Southern\\_Sudan\\_Gender\\_Assessment.pdf](http://www.usaid.gov/our_work/cross-cutting_programs/wid/pubs/Southern_Sudan_Gender_Assessment.pdf)

COIS: Thank you for the suggested sources.

We have some reservations about the documents on Afrolnews and Sudan Update. Both are undated but appear to be circa 1990s, now dated COI. Additionally, neither provides detail of the authors' identity and whilst the Afrol News article provided some reference to its main sources (US Department of State, CIA and Mundo negro) the Sudan Update article provides no reference to the sources relied on. Additionally the Sudan Update website appears to be no longer active (the home page displayed a message requesting users to visit the webpage later, whilst the news headlines page was under construction).

We do not have access academic material including *Anthropology and Public Health* or *BJOG: An International Journal of Obstetrics & Gynaecology*.

To note: the next Sudan COI Report will not cover the position of women in South Sudan, which is a separate country and may or may not merit a COI Report in its own right.

## **Uganda (April 2011)**

### *Completeness*

The section on 'Women' is 13 pages long and begins with short overview which includes social and economic statistics on the position of women in Uganda. The section then turns to legal rights including international obligations and domestic law and policy, cultural/societal attitudes, political rights and social and economic rights, limited to family law (marriage, divorced and inheritance). The subsection on women includes information on domestic violence, rape and Female Genital Mutilation (FGM). The section refers to other parts of the report for information on lesbian and bisexual women and on trafficking. There are also short sections on assistance for women (both government assistance and NGOs) and health issues, subtitled as maternal and child health but actually including information on abortion laws.

The information provided in the section is generally complete but there are several gaps which are worthy of note and where the inclusion of additional sources would be beneficial in terms of understanding the situation of women. The section would benefit from a general explanation at the outset about the patriarchal context within which violence occurs. There is some information on this in a subsection on cultural / societal attitudes towards women (20.13-20.14). This information could usefully be moved forward to the beginning of the section on 'Women' and bolstered through the inclusion of other information. For example, the Uganda Women's Network (UWONET) published an alternative report on Uganda's implementation of CEDAW in September 2001. The report notes (at paragraphs 48 and 49 respectively) that:

48. "The role of culture and religion in predisposing women to perceptions of subordination to men cannot be overstated. There are several areas where gender roles and stereotypes lead to discrimination between men and women, and the family continues to be one of the main structures that enhance sex roles and stereotypes. The PEAP identified factors that undermine women's equality with men, including harmful traditional practices such as bride price and the occurrence of domestic violence.

49. Women are still perceived as weak, poor, illiterate and properties of men. Some cultural practices like FGM, widow inheritance, early marriages, and neglect of the girl child and the payment of bride price which is evidenced in most cultures in Uganda have contributed to women's subordinate status to men. The National Gender Policy 2007 notes the high incidence of early marriages; 53 % marriages occur by the age of 18."

The section on women's political rights currently consists of just a single paragraph. Again, the UWONET (2010) report has something to say on this issue:

“Women’s effective participation at all levels of politics and decision making positions leaves a lot to be desired in Uganda. Despite the numerous legal provisions that support women’s participation in politics and decision-making positions and processes, women still face enormous barriers in doing so. Some of the challenges are entrenched in society’s conception of the roles women should play and others are seen in more formal structures within the political arena. There are several organizations dedicated to tackling the barriers that women face in actively engaging in the politics, democratization and leadership in general.”

Although the report includes a fairly comprehensive overview of violence against women, it does not make any reference at all to the National Gender Policy (Government of Uganda 2007) noted above, which refers directly to this issue:

“Gender based violence in its various forms (domestic violence, sexual harassment, trafficking, rape and defilement) is a critical concern. UN data reveals that more than 40% of Ugandan women have suffered domestic violence. The 2006 Uganda Demographic and Health Survey indicates that 60% of women and 53% of men aged 15-49 years experience physical violence, 39% of the women sexual violence while 16% experience violence during pregnancy. 48% of ever married women reported physical violence by their husband or former husband. Violence against women has serious consequences for their mental and physical well being including reducing their productivity” (paragraph 2.10)

The section would also benefit from more explicit consideration of the impact of the conflict on women, including on women and girls who were directly involved. According to the Government of Uganda (2007):

“Gender based violence intensifies in situations of armed conflict. There are 1.5 million IDPs in Uganda, 80% of whom are women and children (PEAP 2004). Conflict has a differential impact on women and men, with critical gender specific (often grave) consequences for women. Ending conflict and insecurity is a key land mark in the achievement of gender equality”

Okella and Hovil (2007) similarly conclude that two decades of conflict in northern Uganda have had a devastating impact on the lives of thousands of civilians, and particularly women. Their paper is based on research undertaken to look at issues of gender-based violence (GBV) in four camps for the internally displaced in Northern Uganda in order to provide insight into the nature and prevalence of GBV within a specific context. In addition there is currently no information on the experience of women and girls who have been directly involved in the conflict. McKay (2005) looks at girl’s roles and experiences as part of the Lord’s Resistance Army. As well as discussing the role of girls during the conflict, McKay notes that girls are rarely thought of as ex-combatants or as having held responsible positions within the rebel force. A consequence of ‘not seeing’ girls as actors and perpetrators is that girls are seldom included in disarmament, demobilization, and reintegration (DDR) programs. Instead, boys and men are privileged in receiving DDR benefits, which typically include opportunities to enrol in skills training, attend school, or participate in rehabilitation

programs. Many of these girls, particularly those with children conceived and born in a rebel force, are stigmatized. The presence of these children makes explicit, regardless of forced maternity, that they have violated traditional gender norms that mandate girls should be virgins before they marry. Annan et al (2008, 2011) also look at the experiences of boys and girls in Northern Uganda and through estimating the impacts of the war on both females and males are able to and assess how war experiences affect reintegration success.

Although there is some information on women's health included in the report currently, there is nothing specifically on women's mental health and the section is currently reliant on one single government source (discussed below). According to the Uganda Demographic Health Survey Report (2006), equality and access to appropriate health care remains a serious challenge for most women. Overall, 86% of women say they encounter at least one serious problem in gaining access. The most common problems mentioned are getting money for treatment (65%), living too far from a health facility (55%), and obtaining transportation (49%). 17% of women express concern that no female health provider is available, while 8% say they face problems getting permission to go for treatment. Maternal mortality remains very high at 435 deaths per 100,000 live births. This means that 6,000 women in Uganda die every year due to pregnancy related causes. Information should also be included on the relationship between gender-based violence and HIV transmission. Lifshay et al. (2009) suggest that gender-power inequities (sometimes manifesting in forced sex), pain experienced by women while using condoms, decreased pleasure for men while using condoms, lack of social support, and desire for children have resulted in increased risk for uninfected women.

Turning to the report as a whole, the impact of the conflict on women is noted (4.02), together with provisions for women in Regional Government (5.03 and 6.05), police attacks against female demonstrators (7.05) and the situation of female prisoners (11.05). Not surprisingly given the general situation in Uganda in relation to homosexuality, there is detailed information on the situation of lesbian and bisexual women in the section on lesbian, gay bisexual and transgender persons. As is noted in the report, the gendered dimensions of sexuality are very clear when looking at the implicit erasure of lesbian identity in Ugandan society. It is noted that "even the law seems to be more preoccupied with male-on-male sex when it criminalises intercourse 'against the order of nature'." However whilst there is no explicit law against lesbian and bisexual women they nonetheless face persecution, harassment and social stigma. In this context it would be helpful to note the comments of the Civil Society Coalition on Human Rights and Constitutional Law (2008) which points out that Anti-Homosexuality Bill is not just about sexuality but about gender and familial relations in the Ugandan context:

The object of this Bill is to establish a comprehensive consolidated legislation to protect the traditional family by prohibiting (i) any form of sexual relations between persons of the same sex; and (ii) the promotion or recognition of such sexual relations in public institutions

and other places through or with the support of any Government entity in Uganda or any nongovernmental organization inside or outside the country. This Bill aims at strengthening the nation's capacity to deal with emerging internal and external threats to the traditional heterosexual family”.

COIS: this is a quote from the preamble to the bill which is cited in the COI Report (paragraph 19.14).

The focus on the importance of the heterosexual family provides an important context within which the experiences of women in Uganda should be understood. This issue is explored by Muhanguzi (2011) who draws on qualitative research conducted in 14 selected secondary schools in Central and Western Uganda, to illuminate gendered sexual vulnerability within patterns of social interaction and young girls' gendered experiences and negotiation of their sexuality. The study reveals that through social and discursive practices, students construct complex gendered relations of domination and subordination that position boys and girls differently, often creating gender inequalities and sexual vulnerability for those gendered as girls. Girls' vulnerability is characterised by confusing and traumatic experiences fraught with double standards and silences. Typical of these experiences are complex tensions and contradictions surrounding constructions of sexuality that are predicated upon unequal power and gender relations characterised by homophobia, misogyny, control of female sexuality and sexual abuse and exploitation, all which work against girls' expression of sexuality. Again, the report would be more complete if this information was included.

Finally, there is some (minor) duplication of information in relation to FGM. The section on 'Children' is cross-referenced to the section on 'Women' at 21.10 and 21.15. The information in the paragraphs is identical and one paragraph should be removed.

COIS: Accepted.

We will review the report in light of the above comments, with a view to improve coverage of matters in the Women section. The armed conflict between the Government and the Lord's Resistance Army ended (in Uganda) in 2006/7 and its occurrence and relevance to asylum casework is relatively low, hence the limited reference to it.

Some of the sources referred are a little dated – older than our own two year cut-off – which may explain in part why no reference was made to them.

#### *Accuracy and balance*

The information presented in the section on 'Women' is generally accurate but it is not very well balanced. The latest version relies very heavily on reports from CEDAW, Amnesty International and the US Department of State as well as African Online News (AFROL). For example, the subsection on health issues relies almost exclusively upon a report produced by the Ugandan Government. At the same time some key documents produced by the government, such as the Uganda Gender Policy, are not referred to at all. There are some excellent alternative sources of information produced at the national

level which the author of the report appears unaware of. Most notable among these is the internationally renowned Refugee Legal Project (RLP) Refugee Law Project based at the Faculty of Law, Makerere University ([www.refugeelawproject.org](http://www.refugeelawproject.org)). The RLP produces detailed information on the situation in Uganda with a recent focus on sexual and gender-based violence against men (see below). The RLP produce a working paper series which presents in depth analyses of specific situations that have been investigated or recorded by RLP research trips (available at [www.refugeelawproject.org/working\\_papers.php](http://www.refugeelawproject.org/working_papers.php)). Many of the reports look at the security situation facing refugees and internally placed persons in different districts of Uganda or affecting particular groups (particularly children). RLP also produce briefing papers ([www.refugeelawproject.org/briefing\\_papers.php](http://www.refugeelawproject.org/briefing_papers.php)).

COIS: Partly accepted.

We agree we can improve the range of sources and include more Ugandan source material where available. However we do not think it fair to say that the report is “not very well balanced”. The perspectives provided are reasonably diverse – US State Department, CEDAW and Amnesty International having quite different view points - with the exception of local sources, of which there are not many with detailed information. It is also worth noting that the CEDAW report includes consideration of comments made by local and international NGOs.

The RLP is an interesting source, which we are aware, however most of its reports are relatively dated – the latest being June 2010. The most recent working paper series is dated May 2007, the remainder produced between then and circa 2000. On the whole we use material less than two years old to ensure currency.

There is also a lack of engagement with information produced by locally-based NGOs especially women’s organisations. One example is the Uganda Women’s Network (UWONET), an advocacy and lobbying network of national women's NGO's and individuals, operating in Uganda (see [www.uwonet.or.ug](http://www.uwonet.or.ug) for further information). It was born out of the East African Women's Conference held in Kampala in 1993 in preparation for the UN World Conference on Women in Beijing, China in 1995. Uganda Women's Network membership is comprised of national Women's organizations and individuals. UWONET’s vision is for a Ugandan society free of all forms of gender based discrimination. It coordinates collective action among members and other stakeholders through networking, capacity building, resource mobilization and policy research. Further Information can be found at UWONET (2010) has recently produced an alternative CEDAW report ([www.uwonet.or.ug/wp-content/uploads/downloads/2011/05/CEDAW-REPORT.pdf](http://www.uwonet.or.ug/wp-content/uploads/downloads/2011/05/CEDAW-REPORT.pdf)). The inclusion of information from sources such as these would improve the balance of the report.

COIS: Accepted. We will look to expand the range of sources in the next update. The reliance of some sources, such as the government paper on health, reflects the relatively limited information on these subjects. .

UWONET's alternative CEDAW report was released after the publication of the COI Report.

#### *Gender-based concerns affecting men and boys*

The focus of the report in relation to gender-based concerns affecting men and boys is very much on the issue of homosexuality and the well-publicised Anti-Homosexuality Bill. The information provided on this issue is very detailed. There is, however, no reference made to other issues of concern, most obviously that of sexual violence against men in Uganda which has been well documented by the Refugee Legal Project (RLP). The RLP have a specific project on this issue and have produced a film entitled 'Gender Against Men' which exposes the hidden world of sexual and gender-based violence against men in the conflicts of the Great Lakes Region. The film demonstrates how male identities are under attack and how rape when used as a weapon of war affects husbands, fathers, brothers and the community. The film was the winner of best documentary at the Kenya International Film Festival 2009 and is available on the Forced Migration Online website ([www.forcedmigration.org/video/gender-against-men](http://www.forcedmigration.org/video/gender-against-men)).

COIS: see general comments re gender below.

We do not, as a rule, reference non-written media in reports but will explore ways of doing this.

#### *Sources used*

The section on 'Women' relies heavily on reports by CEDAW, Amnesty International and the US Department of State. There is also a heavy reliance on African Online News (AFROL) although this source is not frequently used in the other COI reports included in this review. Other sources of information include the World Economic Forum, Freedom House, World Food Programme, ChartistBin, Measure DHS (Demographic and Health Surveys), African Peer Review Mechanism (APRM), Refugee Documentation Centre of Ireland and the Ugandan Ministry of Health. There is some use of news sources including the Inter Press Service News Agency, Daily Monitor and BBC Online. As noted above there is no reference made to information produced by the very well known Refugee Legal Project or by locally-based women's organisations and networks including UWONET.

COIS: see comments above about RLP and UWONET. If the reviewers know of any other NGOs, we would be interested in seeing these.

In terms of currency, the main text of the most recent CIO report contains the most publicly available information as at 2<sup>nd</sup> February 2011. The report was made public in April 2011. All of the sources referenced in the section on 'Women' were published in 2009 and 2010.

#### *Summary of strengths and weaknesses*

The report is very strong on the situation of lesbian, gay, bisexual and transgender persons in Uganda and many of the recommendations made in the earlier review (Allen 2007) have been implemented. There remain, however, significant gaps in relation to the general situation facing women in Uganda both in terms of the conflict and in terms of other types of violence. This is despite the existence of relevant information on these issues (see additional sources of information listed below). There is nothing on gender-based violence against men despite the existence of an internationally renowned project on this issue undertaken by the RLP. And no reference is made to the information produced by locally-based NGOs and women's organisations, including UWONET which has produced an alternative report on the Ugandan government's implementation of CEDAW. The absence of these sources and reliance on information produced by the government itself (for example, in relation to the health of women) makes the report unbalanced.

COIS: See comments above.

Thank you for the sources below – however some are academic journals, which we cannot access. The UWONET alternative CEDAW report was posted on the internet after the cut off of the COI Report.

While we accept we could improve the range and balance of the report with a wider variety of sources, we'd contend that it is not "unbalanced". The sources we do use represent a range of views.

#### *Additional sources of information*

Annan, J., Blattman, C., Mazurana, D. and Carlson, K. (2011) 'Civil war, reintegration, and gender in northern Uganda', *Journal of Conflict Resolution*

Annan, J., Blattman, C., Carlson, K., and Mazurana, D. (2008) *The State of Female Youth in Northern Uganda: Findings from the Survey of State-Affected Youth (SWAY)*,  
<http://chrisblattman.com/documents/policy/sway/SWAY.Phase2.FinalReport.pdf>

Centre on Housing Rights and Evictions (COHRE) (2010) *Uganda: Women's Land Rights – The Gap between Policy and Practice*,  
[www.cohre.org/sites/default/files/uganda\\_-\\_the\\_impact\\_of\\_national\\_land\\_policy\\_and\\_land\\_reform\\_on\\_women\\_october\\_2010.pdf](http://www.cohre.org/sites/default/files/uganda_-_the_impact_of_national_land_policy_and_land_reform_on_women_october_2010.pdf)

Civil Society Coalition on Human Rights and Constitutional Law (2009) *Uganda's Anti-Homosexuality Bill: The Great Divide*,  
[www.refugeelawproject.org/others/09\\_12\\_18\\_Anti-homosexuality\\_Bill\\_Compilation.pdf](http://www.refugeelawproject.org/others/09_12_18_Anti-homosexuality_Bill_Compilation.pdf)

Hayer, M. K. (2010) 'Perceptions of sexual coercion among young women in Uganda', *Journal of Health, Organisation and Management* 24(5), 498-504



- Government of Uganda (2007) *The Uganda Gender Policy* [www.mglsd.go.ug/wp-content/uploads/2009/09/Uganda-Gender-Policy.pdf](http://www.mglsd.go.ug/wp-content/uploads/2009/09/Uganda-Gender-Policy.pdf)
- Lifshay, J. et al. (2009) 'Partners at risk: motivations, strategies, and challenges to HIV transmission risk reduction among HIV-infected men and women in Uganda', *AIDS Care* 21(6), 715-724
- McKay, S. (2005) 'Girls as 'weapons of terror' in Northern Uganda and Sierra Leonean rebel fighting forces', *Studies in Conflict and Terrorism* 28(5), 385-397
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- OECD (2010) *Atlas of Gender and Development: How Social Norms Affect Gender Equality in Non-OECD Countries*, [www.oecd.org/document/50/0,3746,en\\_2649\\_33935\\_44810034\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/50/0,3746,en_2649_33935_44810034_1_1_1_1,00.html)
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- Refugee Law Project (RLP) (2007) "Giving Out their Daughters for Survival": Refugee Self-Reliance, 'Vulnerability', and the Paradox of Early Marriage', *RLP Working Paper No. 20* [www.refugeelawproject.org/working\\_papers/RLP.WP20.pdf](http://www.refugeelawproject.org/working_papers/RLP.WP20.pdf)

## Vietnam (April 2011)

### *Completeness*

The section on 'Women' in the COI report on Vietnam is just four pages long. There is no overview of the general situation facing women or of the international conventions regarding women's rights and discrimination as there is in virtually all of the other reports in this review. There are short sections (two paragraphs each) on women's legal rights, political rights and social and economic rights. The report contains some information on violence against women including domestic violence although this is limited. There is a sub-section on assistance available to women.

COIS: Accepted. We intend that all our reports, where possible, should have a similar layout and basic content, and it is accepted that the section on women does not have the same sub-headings and depth of other reports. This is partly because historically women's issues in Vietnam have not been raised frequently in asylum and human rights applications and the information in the report reflected the needs of COI report users. However we will now look at expanding this section to include an overview as well as subdividing the sections on social and economic rights and violence against women to give a more comprehensive view of the issues facing women in Vietnam.

Although the report contains some useful information it is generally incomplete. There is no information on the general situation for women in Vietnam or the context within which gender-based violence takes place. This is despite the existence of a World Bank gender assessment of Vietnam published in 2006 and a number of other reports (see below). The World Bank (2006) notes that whilst Vietnam has made good progress in improving gender equality, four issues require particular attention. First, ethnic minority women and girls lag behind ethnic minority men and Kinh and Chinese women in accessing health and education services and economic opportunities. Second, there is persistent gender stereotyping in textbooks, which perpetuates gender inequalities. Third, greater recognition is needed regarding the increasingly important role played by women in the agriculture sector, recognizing the sheer numbers of women involved. Fourth, progress in increasing the number of women in decision making has been slow and inconsistent. The report notes a significant gap between policy and practice, an issue also identified by Women in Politics:

"While there is no legal discrimination, women face deeply ingrained societal discrimination. Despite extensive provisions in the Constitution, in legislation, and in regulations that mandate equal treatment, and although some women occupy high government posts, few women compete effectively for higher status positions. The Government has ratified ILO conventions on Equal Remuneration and Discrimination in Employment. The Constitution provides that women and men must receive equal pay for equal work; however, the Government does not enforce this provision. Very poor women, especially in rural areas but also in cities, perform menial work in construction, waste removal, and other jobs for extremely low wages. Despite the large body of legislation and regulations devoted to the protection of women's rights in marriage as well as in the

workplace, and Labor Law provisions that call for preferential treatment of women, women do not always receive equal treatment”

Although it is slightly outdated now, the World Organisation Against Torture (2001) has produced a report for CEDAW on violence against women in Vietnam which sets out detailed information on the legal, political and socio-economic context. Knodel et al (2004) document the nature and extent of change in gender relations within the Vietnamese family over the last 40 years based on systematically collected data from an innovative and representative survey of three marriage cohorts in the Red River Delta. Attention is given to selected factors that potentially influence domestic gender relations and their trends including the influence of urban versus rural residence, the role of others besides the married couple in the household, and the wife’s educational attainment. A report by Hoang Ba Thinh (2009) also examines the drastic changes in the lives of Vietnamese farmers – and particularly women – as a result of the rapid process of agricultural - rural urbanization and industrialization over recent years.

Information from these reports could also be used to address some of the current gaps that exist in the report, including in relation to specific types of violence. For example, in relation to domestic violence – which is a separate sub-section in virtually all of the other CIO reports – there is no detailed information about the impacts of this violence. According to statistics over 20% of households suffer from domestic violence. The United Nations Development Fund for Women (UNIFEM) believes the figure to be higher (IPS 2010). Hanoi, with a population of over three million, has only two centres for victims of domestic violence. Women are unable to leave abusive relationships because of the social stigma associated with divorce:

“International NGO workers and many women reported that domestic violence against women was common. The law addresses the problem of domestic violence, and officials increasingly acknowledge the problem; however, authorities do not enforce the law effectively. Many divorces reportedly are due to domestic violence, but many women likely remain in abusive marriages rather than confront the stigma and economic uncertainty of divorce” (Women in Politics, undated)

A similar point is made in the OECD’s Social Institutions and Gender Index (SIGI), which, for reasons that are unclear, is not referred to in the report on Vietnam:

“The physical integrity of women in Vietnam is insufficiently protected. Violence against women is widespread, particularly in the family context. Approximately two-thirds of divorces in Vietnam are reportedly due, in part, to domestic violence. Although data on the prevalence of violence against women are not yet readily available, some studies suggest that the issue is discussed more openly than in the past. The US Department of State reports that although the divorce rate has risen in recent years, there is evidence that many women remain in abusive marriages rather than confront the social and family stigma – as well as the economic uncertainty – that can follow divorce.

COIS: Accepted. As already mentioned the section on violence against women will be sub-divided to include a separate section on domestic violence – although three reports containing information about domestic violence are included in the report under the umbrella of violence against women.

The experiences of women are rarely cited in the COI report more generally. Subsections on minority groups, including religious groups, do not, for instance, mention the impact of discrimination against these different groups on women and girls. The two children policy reported in subsection 22.03 does not mention its impact on women's health. Although legal and safe-induced abortion services are available on request in Vietnam, women are still recourse to second-trimester abortions. Given the increased risks and higher costs associated with these later-term abortions, the determinants of delaying abortions until the second trimester should be investigated and mentioned under a separated subsection. According to Gallo and Nghia (2007), the three factors influencing delays for abortions are: firstly, that most women failed to recognize their pregnancy during the first Trimester, due to the lack of sexual education; secondly, that women described institutional barriers to accessing services earlier which clearly demonstrate the lack of access to family planning and other health care services; and finally, that some women either needed time to make a decision or only decided to abort after other social events had happened. Vietnam has one of the world's highest abortion rates, with an estimated 1 million performed annually. Up to a third are carried out on unmarried women aged 25 or under. Vietnam's legalisation of abortion in the 1960s has meant fewer of its citizens die from the backstreet abortions that kill around 200 women a day globally, nearly all in developing countries. Those who have abortions in Vietnam can, however, face intense prejudice. An article in The Guardian newspaper published in November 2010 notes that Poverty and cultural attitudes in Vietnam mean many women still die in childbirth, female foetuses are aborted and sex is a taboo subject. The article notes that whilst Vietnam has had an impressive rate of development since its communist government adopted a market economy in 1986, low-income pregnant women in remote areas remain at risk. Urban women are also experiencing sexual and reproductive health problems, despite the country's rapid economic development. Vietnam enjoys a 'population bonus', with twice as many working-age citizens as children and elderly people. However, its large, young workforce often find themselves torn between global culture and traditional values (see [www.guardian.co.uk/journalismcompetition/gender-inequality-in-vietnam](http://www.guardian.co.uk/journalismcompetition/gender-inequality-in-vietnam)). Despite this context, there is no information specific to women in the section on medical issues. The section on mental health is very poor and short and there is no specific subsection for women's mental health. There is also a lack of cross-referencing.

COIS: Accepted. Information on the impact of the 'two children policy' on women's health will be included in the next report with appropriate cross-referencing.

Although the report contains some information on women in the section on 'Trafficking', it fails to report the trafficking of Vietnamese women for forced marriage purposes and the steps the Vietnamese government has taken to protect women and girls from these

human rights violations. Trafficking in women for the purpose of forced prostitution, both domestically and internationally, is a serious problem. Women and girls are trafficked from southern delta and highland provinces to Cambodia, and from northern provinces into China. There are reports that some women from Ho Chi Minh City and the Mekong Delta who married men from Taiwan were forced into prostitution after their arrival in Taiwan. Women and girls frequently are misled by promises of well-paying jobs in those places (Women in Politics, undated). There is also evidence that many women are compelled to work as prostitutes because of poverty, a lack of other employment opportunities, or because they are victimized by false promises of lucrative work. The Vietnam Women's Union and Youth Union, as well as international and domestic NGO's, are engaged actively in education and rehabilitation programs to combat these abuses.

[COIS: Accepted. Consideration will be given to including information on forced marriage and prostitution in the next COI report on Vietnam.](#)

[The COI Report on China, published August 2011, contains some information on women being trafficked from Vietnam into China.](#)

#### *Accuracy and balance*

The information on women in Vietnam is lacking substance and balance. The main issues affecting women, such as domestic violence, human trafficking, and access to education are simply not explored. In particular, the report lacks analyses of sexual trafficking as a cultural phenomenon in its own rights. The whole report mentions several human rights abuse due to restrictions of freedom of association, on labour rights, poverty and lack of access to social services but it fails to explain how these affect women. Since women are considered the poorest of the poor, it might be useful to widen the section on women by adding subsections mentioning women's human rights abuse, women's poverty, and the situation of women from different ethnic and religious groups. In particular, more information needs to be researched on the situation of women from The Montagnards or the Degar groups.

[COIS: Accepted. Research will be conducted into, and consideration will be given to, providing information specifically on women from minority groups.](#)

#### *Gender-based concerns affecting men and boys*

There is very little information on gender-based concerns affecting men and boys, although some information is included in the sections on gay men and trafficking.

#### *Sources used*

The report draws on a very limited number and range of sources in order to explain the situation of women. The principle source is the US Department of State Country Report on Human Rights Practices There is also some information from reports produced by Freedom House and the Canadian Immigration and Refugee Board. All of these reports

were published in 2010. There is no information from other sources although some were found to exist (see additional sources of information below).

COIS: Accepted. We will endeavour to expand the range of sources, though as the reviewers implicitly admit above, information about Vietnam is often difficult to obtain.

#### *Implementation of 2007 recommendations*

Allen (2007) noted in her previous review that the section on 'Women' was extremely short and that it failed to deal with any of the issues affecting women in any depth. It was also noted that there is very little information on women elsewhere in the report. Although the section on women is now more informative and the recommendation to introduce a section on women's political rights and participation has been implemented, most of the recommendations have been ignored. Disparities between rural and urban women have not been investigated. The section on women is still lacking in-depth information on reproductive health and rights and HIV/AIDS; education; the disparities between rural and urban women; poverty; the informal labour sector/sweatshops/labour conditions; ethnic/regional differences. Similarly the recommendations on additional sources of information that might be drawn upon have also been ignored.

#### *Summary of strengths and weaknesses*

The section on 'Women' is wholly inadequate given that Vietnam is one of the top 20 refugee asylum application producing countries. The report in general and the information on women and gender issues in particular needs to be urgently updated so that it reflects the issues discussed above.

COIS: Thank you for this useful review. We will look to include the recommendations in forthcoming updates.

It is, perhaps, worth noting that the previous Vietnam report received a very good review by the IAGCI in May 2010 and the only specific recommendation for the section on women was "It might be more useful to have some recent data on Vietnamese women's income and labour participation."

#### *Additional sources of information*

Gallo, M.F and Nghia, N.C (2007) *Real Life is Different: A Qualitative Study of Why Women Delay Abortion Until the Second Trimester in Vietnam*  
[www.ipas.org/Library/Other/Real life is different.pdf](http://www.ipas.org/Library/Other/Real_life_is_different.pdf)

Inter Press Service New Agency (November 2010) 'Gender Equality Far Off Despite Political Will', <http://ipsnews.net/news.asp?idnews=46036>

Knodel, J., Loi, V-H., Jayakody R., and Huy, V-T. (2004) *Gender Roles in the Family: Change and Stability in Vietnam*, Policy Studies Center Research Report No. 04-559, University of Michigan

OECD (2010) *Social Institutions and Gender Index*

Thinh, H.B. (2009) 'Rural employment and life: Challenges to gender roles in Vietnam's agriculture at present', paper presented at the FAO-IFAD-ILO Workshop on Gaps, trends and current research in gender dimensions of agricultural and rural employment: differentiated pathways out of poverty, Rome, 31 March - 2 April 2009, [www.fao-ilo.org/fileadmin/user\\_upload/fao\\_ilo/pdf/Papers/16\\_march/Thinh\\_final.pdf](http://www.fao-ilo.org/fileadmin/user_upload/fao_ilo/pdf/Papers/16_march/Thinh_final.pdf)

World Bank (2006) *Vietnam Gender Assessment*, <http://bit.ly/pOyCFA>

World Organisation Against Torture (2001) *Violence Against Women in Vietnam: Report Prepared for the Committee Against the Discrimination Against Women (CEDAW)*, <http://old.omct.org/pdf/VAW/VietnamEng2001.pdf>

Women in Politics (undated) *Women's Situation in Vietnam*, [www.onlinewomeninpolitics.org/womensit/vn-w-sit.pdf](http://www.onlinewomeninpolitics.org/womensit/vn-w-sit.pdf)

## **Zimbabwe (March 2011)**

### *Completeness*

The section on women in Zimbabwe is just 10 pages long but covers a wide range of issues including legal rights, political rights, social and economic rights (including family law: marriage divorce and inheritance, prostitution, reproduction rights and access to abortion), violence against women (including politically-motivated violence, domestic violence and rape) and assistance to women. As is noted in the earlier review (Allen 2007), there is a good level of cross-referencing between the 'Women' section and other sections of the report, and reference is made to the lack of implementation / meaningful protection where laws exist. It is not clear however why the third paragraph in 22.01 is included here rather than in the section on reproductive rights and/or medical issues affecting women and girls, nor what has happened to the separate section on cultural norms / consequences of violence which seems to have disappeared.

In terms of the completeness or otherwise of the section, there are some gaps which might usefully be addressed in further updates. As with many other COI reports, it is difficult to get a sense of the overall context of gendered social norms, roles and relationships within which women's (and men's) experiences need to be understood. The 'Overview' section outlines the ratification of various international conventions and describes a generally deteriorating situation in terms of societal discrimination and violence but does not explain the context within which this has occurred. The report produced by UNICEF (2011) is helpful in this regard, and notes that "the protective environment for women and children is cracking". The baseline report on gender in Zimbabwe (SADC 2009) should also be included as a key source of information.

COIS: Accepted. This will be considered for inclusion in the next update.

In terms of violence against women, the focus on politically-motivated violence is useful but there is currently insufficient information in the section on other kinds of violence. Most of the information on domestic violence and spousal rape comes from the USSD despite the existence of other information sources (see below). It is noted in the report (at 22.23) that that infibulations, the most extreme form of FGM, is practiced by the Remba (or Lemba) ethnic group but no further information is provided on this. The practice of female genital mutilation (FGM) among the Ndebele is not mentioned but is not to exist (see, for example, the report available at [www.unhcr.org/refworld/topic,463af2212,469f2fae2,403dd22710,0.html](http://www.unhcr.org/refworld/topic,463af2212,469f2fae2,403dd22710,0.html)). It is important that information about assistance to women experiencing violence is included (22.35) but as with some other CIO reports the inclusion of information about the existence of women's organisations can imply that this assistance is available to all women and that it is an appropriate form of surrogate protection. Neither is true.

COIS: Accepted. FGM is a relatively obscure subject in Zimbabwean claims, which is why there is little on this in reports. We will provide some information on this in the next update. The focus on politically motivated violence reflects the prevailing issues in claims.

We will clarify that because an organisation is listed is not a comment on its effectiveness.

In terms of health, it is important to include information on the declining life expectancy of women in Zimbabwe which is an increasing cause of concern and not discussed in the current report (see, for example, news reports in [The Independent](http://TheIndependent.com) [www.independent.co.uk/news/world/africa/dead-by-34-how-aids-and-starvation-condemn-zimbabwes-women-to-early-grave-424669.html](http://www.independent.co.uk/news/world/africa/dead-by-34-how-aids-and-starvation-condemn-zimbabwes-women-to-early-grave-424669.html) and Radio VOP [www.zimbabwesituation.org/?p=21922](http://www.zimbabwesituation.org/?p=21922)). This is partly due to HIV/AIDS but also poverty/starvation and inequitable access to health care:

“Health indicators like maternal mortality have suffered serious setbacks coupled with the feminisation of the HIV pandemic. The Perinatal Report notes that many of the instances of maternal mortality can be avoided with effective mechanisms. Although Zimbabwe has witnessed a decline in the country's HIV prevalence rate (which presently stands at 15.6%), regrettably women still present more of the population who live with the virus. There is need to address some issues that predispose women to HIV infection and make more use of the National Plan of Action for women and girls seeking to prevent new infections and alleviate the burden of care in the areas of HIV/AIDS on women and girls” (SADC 2009)

There are additional references to women / gender issues throughout the report. For the most part these are sufficiently cross-referenced to the 'Women' section of the report. There are a few exceptions, for example the reference to FGM in the section on 'Ethnic Minorities' (19.16).

COIS: Accepted. We will review the section in light of the above.



The cross-references will be added.

### *Accuracy and balance*

The information presented in this section is generally accurate. There are, however, some issues regarding the balance of the section on 'Women', both in terms of the content and the sources used. As noted above, it is difficult to get a sense of the overall context of gendered social norms, roles and relationships within which women's (and men's) experiences need to be understood. This problem is common to many of the sections on 'Women' which were reviewed. In addition there is perhaps an over-emphasis on politically-motivated violence against women. Other forms of violence, particularly domestic violence, are somewhat neglected as is the issue of health in a context where women's mortality is in decline.

This imbalance could be addressed relatively easily through the inclusion of information produced by national women's organisations (see additional resources below). The Zimbabwe Women's Resource Centre and Network ([www.zwrcn.org.zw](http://www.zwrcn.org.zw)) was founded in 1990 by two women working for the Ministry of Community Development and Women's Affairs. The main objective is to improve the position of women in Zimbabwe through collecting and disseminating material on gender and development. The centre houses about 5,000 documents, as well as other material such as journals and videotapes. ZWRCN also publishes a newsletter and organises debates, workshops and trainings on gender-related issues. The Research and Advocacy Programme identifies key issues on women and gender in Zimbabwe society and publishes discussion papers (in addition to the one cited in the report). Gays And Lesbians Of Zimbabwe (GALZ) was formed in 1989 to provide gay men and lesbians in Zimbabwe with a network to facilitate communication within the gay community. The organisation is mentioned in the report (16.07) but its resources are not drawn upon. Similarly whilst there is a discussion of the persecution and harassment of activists associated with WOZA (Women of Zimbabwe Arise) in 16.10-16.16 of the report, insufficient use of made of the information they produce. For example, the report refers to the existence of reports on politically motivated violence against women (22.31) but does not quote from the reports directly. Instead a link is provided to the website where the reports can be downloaded. This relies upon case owners having the time and inclination to undertake their own research in the face of impending deadlines and workload pressures.

COIS: Partly accepted. In terms of balance, this is specifically to providing more local source material, of which there is some reference. However the sources that are used do provide a range of views so there is balance to this extent (no single view dominates). We do aim to use local NGO sources – for example GALZ, or its personnel, is referenced a number of times in the LGBT persons section – and will look to add further material. In practice the information available on the websites of these organisations is sometimes limited.

The emphasis on politically motivated violence is because the overwhelming issue in Zimbabwe asylum claims is that of persecution because of political opinion. The report

focuses on the main human rights issues that prevail in asylum and human rights claims.

#### *Gender-based concerns affecting men and boys*

There is some evidence of the gang rape of Zimbabwean men for ritual purposes which is not included in the report ([http://articles.timesofindia.indiatimes.com/2010-10-09/rest-of-world/28266281\\_1\\_three-women-police-spokesman-victims](http://articles.timesofindia.indiatimes.com/2010-10-09/rest-of-world/28266281_1_three-women-police-spokesman-victims)). Evidence on this is however limited, not least because victims are often too embarrassed to report the crime.

COIS. See general comments below.

#### *Sources used*

Allen (2007) noted in her earlier review that there was a slight over-reliance on newspaper reporting evident in the 'Women' section of the Zimbabwe COI Report, and suggested that the section might benefit from the increased use of UN sources and of women's rights organisation's information. The section now draws on a much wider range of sources including Freedom House, USSD, UNDP, DFiD, UNICEF, Amnesty International, Research and Advocacy Unit, Zimbabwe Association of Doctors for Human Rights and the African Democracy Institute. News sources are limited to a few relevant extracts from The Herald and IRIN News. Most importantly the section draws upon information produced by international women's organisations including Africa for Women's Rights, although the use of information produced by local NGOs and women's organisations could be expanded further (as discussed above).

In terms of currency, the main body of the report includes information available up to 21<sup>st</sup> February 2011 and the report was published in March 2011. Virtually all of the sources which are reference in the 'Women' section were published in 2010/2011, with the exception of an article on abortion published by IRIN News in 2005. There are some slightly older reports which could usefully be included in future update to improve the quality of contextual information on the situation of women (see additional sources below).

#### *Implementation of 2007 recommendations*

The recommendations made in the previous review (Allen 2007) have, for the most part, been implemented. The organisational problems identified have been addressed and there is now a separate section on violence against women's organisations (specifically WOZA). The review identified a significant gap with regard to information on women's health, including access to health services and information on reproductive health and rights, and in terms of information about women who are internally displaced. The women's section now includes a section on 'Reproductive rights – access to abortion' (22.19) and Section 25 on 'Medical issues' also includes specific reference to women and girls (25.41-25.44). As noted above, the section draws on a much broader range of information sources previously although there is still some scope for further

improvement in this regard given the wide range of reports and publications produced by women's organisations in Zimbabwe.

#### *Summary of strengths and weaknesses*

The section on 'Women' is generally comprehensive, particularly in relation to violence against politically active women, and draws upon a wide range of sources. There are, however, gaps in situating the experiences of women in Zimbabwe and in terms of the deteriorating health situation. Both the content of this section and its balance could be improved by engaging more fully with the women's organisations on the ground in Zimbabwe.

COIS. See comments above.

#### *Additional sources of information*

Hammett, D. (2011) 'Resistance, power and geopolitics in Zimbabwe', *Area* 43 (2), 202–210

Hindin, M.J. (2003) 'Understanding women's attitudes towards wife beating in Zimbabwe', *Bulletin of the World Health Organization* 81 (7), [www.who.int/bulletin/volumes/81/7/Hindin0703.pdf](http://www.who.int/bulletin/volumes/81/7/Hindin0703.pdf)

Kambarami, M. (2006) *Femininity, Sexuality and Culture: Patriarchy and Female Subordination in Zimbabwe*, University of Fort Hare, [www.arsrc.org/downloads/uhsess/kmabarami.pdf](http://www.arsrc.org/downloads/uhsess/kmabarami.pdf)

National Constitutional Assembly (December 2009) *Fighting for a New Constitution: Human Rights Violations experienced by Female Members of the National Constitutional Assembly*. <http://akcampaign.files.wordpress.com/2011/03/fighting-for-a-new-constitution-human-rights-violations-experienced-by-female-members-of-the-national-constititional-assembly.pdf>

Research and Advocacy Unit (2010) *Women, Politics and the Zimbabwe Crisis* <http://ictj.org/sites/default/files/ICTJ-RAU-Zimbabwe-Women-Politics-2010-English.pdf>

Research and Advocacy Unit (2009) *Putting it Right: Addressing Human Rights Violations against Zimbabwean Women*, [http://hub.witness.org/sites/hub.witness.org/files/Putting\\_it\\_Right.pdf](http://hub.witness.org/sites/hub.witness.org/files/Putting_it_Right.pdf)

SADC (2009) *Gender Protocol Barometer Baseline Study: Zimbabwe*, [www.safaid.net/files/10142\\_zimbabwebarometerreport\\_nw\\_0909.pdf](http://www.safaid.net/files/10142_zimbabwebarometerreport_nw_0909.pdf)

UNICEF (2011) *A Situational Analysis on the Status of Women's and Children's Rights in Zimbabwe, 2005 – 2010 A Call for Reducing Disparities and Improving Equity* [www.unicef.org/infobycountry/files/SitAn\\_2010-FINAL\\_FINAL\\_01-02-2011.pdf](http://www.unicef.org/infobycountry/files/SitAn_2010-FINAL_FINAL_01-02-2011.pdf)

WOZA (2008) *The Traumatic Consequences of Gross Human Rights Violations Suffered by WOZA Women*, Harare

Zimbabwe Human Rights NGO Forum (2006) *A Woman's Place is in the Home? Gender Based Violence and Opposition Politics in Zimbabwe*, Harare

Zimbabwe Human Rights NGO Forum (2009) *Only Bruises on the Soles of their Feet? Torture and Falanga in Zimbabwe*, Harare

COIS: [Thank you for these suggestions.](#)

## Cross-cutting issues and recommendations

This review has considered the extent to which information on 'Women' in the Country of Origin reports for the top-20 asylum producing countries meet the standards for the production of COI established by ACCORD and the Austrian Red Cross (2006) and provide decision makers with the information needed for good decision making in cases involving gender issues. The report concludes with an overview of the cross-cutting themes and issues that have been identified as part of this review and our recommendations for improving information on the situation and experiences of women in future updates.

### Completeness

The first set of observations and recommendations relates to *completeness* and the way in which issues relating to women and gender issues are currently approached in COI reports.

Although the section on 'Women' often includes information on legal rights, political rights and social and economic rights, the review has identified significant variations in the titles of subsections and in the information contained within these sections. Some of the sections on 'Women' are extremely comprehensive (for example, India, Iran and Pakistan); others are very thin and neglect many issues of potential relevance to claims made by women from those countries (for example, Gambia, Eritrea, Myanmar, Sudan and Vietnam). In some cases (for example, China) there is virtually no information in the section on 'Women' and instead the focus is on family planning issues. There are also some inconsistencies in where information about women and gender issues is located. For example, information on FGM is sometimes included in the section on women, and sometimes not. Consistency would be helpful. Women may be persecuted because protecting children from FGM. Opposition may also be interpreted as political.

It is not currently stipulated exactly what COI reports should contain in relation to women and gender issues and the structure and organisation of the section on 'Women' appears largely to be driven by the availability of material rather than the most significant issues. In order to ensure consistency within and between COI reports, **it is recommended that all of the sections on 'Women' should include the same section and, where possible, subsection headings.** This would reduce the possibility that the content of the sections is determined by the information that can readily be found, which risks leaving out major issues of significance for women where these issues are less well documented. Where information does not exist or cannot be found this should be noted (see also below). Collier (2007) provides a useful contextual framework which could be used to structure the sections on 'Women' in all COI reports and to ensure consistency in the way in which information is presented:

- The position of women before the law
- Protection of women in practice
- Incidences of failure of the state to provide protection

- Political and civil rights of women
- Social and economic rights of women
- Status of women within society and family
- Concepts of family honour
- Consequences for women who challenge social/cultural norms
- Forms of violence against women in private and public sphere
- Attitudes to same sex relationships
- Livelihoods accessible to women
- Consequences for women on return

Consideration should be given to this and other frameworks (see, for example, ACCORD and Austrian Red Cross 2006) in order to establish a mechanism for systematically gathering and presenting information on the situation and experiences of women.

COIS: Accepted. We already have a standard template for the section on women, most of the reports have applied this in principle but adapted it in practice - the template is set out in pages 7-8 of this review. Variation has occurred as reports have been adapted to reflect the prevailing or most relevant issues affecting asylum claims for the respective countries.

However, we accept we need to improve consistency. We also need to review the template in light of this review's comments. Collier's proposed framework above looks to be a useful approach, and one we will consider implementing. We will also take into account other sources, such as the framework adopted by the [UN Committee on Eliminating Discrimination Against Women](#) (CEDAW) in assessing women's rights in signatories to the Convention to Eliminate All Discrimination Against Women.

We are already familiar with ACCORD's training manual on COI (indeed all researchers are trained by ACCORD) though this is not gender specific but remains useful a general approach to providing COI. Additionally we also refer to and will consider the [EU Common Guidelines for Processing Country of Origin Information](#).

Secondly, many of the reports include core baseline information on the situation of women – most usually in the 'Overview' at the beginning of the 'Women' section. Many of these reports draw upon the OECD's Social Institutions and Gender Index (SIGI). It is clear from the review however that not all of the reports include this information and some do not have an 'Overview' section at all. Moreover whilst most refer to SIGI, some do not. **It is recommended that in future updates all COI reports should systematically include basic information on gender equality in the country concerned.** This will set the context within which violence against women takes place.

In addition to SIGI, a number of key reports should be drawn upon including The Global Gender Gap Report which is produced by the World Economic Forum (2010). The Global Gender Gap Index introduced by the World Economic Forum in 2006, is a framework for capturing the magnitude and scope of gender-based disparities and tracking their progress. The Index benchmarks national gender gaps on economic,

political, education- and health based criteria, and provides country rankings that allow for effective comparisons across regions and income groups, and over time. A further useful resource is the data sheet on the world's women and girls produced annually by the Population Reference Bureau (2011). The factsheet includes information on the percentage of women and men who agree that wife beating is acceptable, household decisions made by men alone, the prevalence of early marriage, reproductive health, education and work and public life. Once the sources are agreed information from these sources should systematically be included in the section on 'Women' for every COI report.

COIS: Accepted. We agree that it would be useful to provide basic statistical data on women across all Reports – this is something we have been gradually applying in practice across Reports. Both the SIGI and Gender Gap are useful but neither are comprehensive (they do not cover all countries). Additionally the SIGI is a composite of other sources, so will also look at the primary sources for the data. The Population Reference Bureau looks to be useful.

Perhaps the best source for statistics is the UN and its various agencies, which collect data on women and children. For example the annual report, State of the World's Children, has detailed statistical information. We will endeavour to make more use of it.

Thirdly, each COI report needs to explain why gender matters in the particular country concerned. As Collier (2007) suggests, it is important that attention is paid to the cultural and social context of gender based harm and the nature of patriarchal societies and the values that facilitate or condone violence against women. Some of the reports do an excellent job in this regard. Most notable are the reports on India, Iran and Pakistan. Unlike the other reports, the section on 'Women' in the COI report on Iraq also provides a commentary to enable the reader to make sense of this context within which violence against women occurs and links the information provided in each subsection to other parts of the main report. **It is recommended that the sections on 'Women' in all the COI reports should explicitly describe the gendered context within which violence against women occurs at the outset, and that consideration is given to implementing the approach taken in relation to Iraq in all COI reports.**

COIS: Partly accepted. To clarify, COI Service cannot provide commentary or analysis, this must ultimately come from sources themselves. Although we can assist readers by providing 'context' and pointing them in the direction of sources/other sections of the report. To this end, we agree that it would be useful to provide context and explain to readers that they need to look at in the country as a whole.

As a related point, it is clear from the review that the COI reports currently contain very limited information on gender-based concerns affecting men and boys. In virtually all of the reports the only section in which these issues are considered is in relation to sexual orientation. And even where other issues are identified these are rarely contextualised through reference to gender roles and relations more generally and the legal and social norms that regulate masculinity. **Further efforts should be undertaken to ensure that**

**COI reports consider the ways in which legal and social norms regarding gendered roles, responsibilities and behaviours impact on all of those living in that country, including men and boys.**

COIS: Accepted. We note that this review's initial remit, as we understood it to be, was to cover the thematic subject of women. The reviewers have expanded this to gender, a much broader and more complex subject. We point this out since the review has assessed the COI Reports against a criterion – the inclusion on gendered roles - not previously identified and not something we have directly considered.

That said, we recognise that gender is factor we need to consider it in the round in reports, including how it relates to men and boys. We will give this subject some further thought and consider how we may be able to implement in future COI products.

Finally, the review has identified a number of gaps in the information on women and gender issues that is common to many of the COI reports and which, in our view, make it difficult for decision makers to ascertain the risks to women in those contexts. Allen (2007) identified women's health issues as a major missing element in her earlier thematic review. Although this gap has been addressed in some of the COI reports, it remains in others with women's mental health issues particularly neglected. There is little or no information in any of the COI reports which were reviewed on the risks that a woman might face on her return to her country of origin after making a claim for refugee status (as recommended in UNHCR Gender Guidelines 2002, para. 36x). And there is generally not enough information on the on internal/ regional differences within country of origin or whether the conditions that are being described apply to the whole country. This information is needed by decision makers when considering whether there is an internal relocation alternative available to asylum applicants.

As is noted in the Gender API (Home Office 2007), a decision about whether internal relocation is reasonable requires the decision maker to have regard to the individual circumstances of the applicant and the objective country of origin information. This means taking account of factors relevant to the individual and the country concerned, for example the means of travel and communication, cultural traditions, religious beliefs and customs, ethnic or linguistic differences, health facilities, employment opportunities, supporting family or other ties (including childcare responsibilities and the effect of relocation upon dependent children), and the presence and ability of civil society (e.g. non-governmental organisations) to provide practical support (see also Accord and Austrian Red Cross 2006; IAS 2009). **It is recommended that COIS researchers should specifically look for information on these issues (health, internal / regional difference, relocation and the risks on return) when they are undertaking research for the section on 'Women'.** If this information is not available then there should be a note in the report that appropriate searches and/or enquiries were made but that no information could be found (discussed further below).

COIS: Accepted. We agree that it would be useful for decision makers to have more information on matters such as internal relocation or regional variation. There is limited



information on returns, be it of women or men. Where it is available it is likely to be provided in the sections that relate to returns and freedom of movement.

The reports have inconsistently applied our guidelines – this partly reflects a need to focus on issues that dominate asylum casework for those countries where this has occurred – and will look to improve coverage on these matters.

### **Accuracy and balance**

As noted in the introduction to this report, our review is *not* based on in-depth or detailed research on each of the countries concerned which would be impossible with the limited time and resources available. It has not been possible to check that every source of information has been correctly referenced and properly represented. It is important to note however that on very few occasions did the excerpts cited in the COI reports which were reviewed misrepresent the original source although we did occasionally come across examples where the choice of excerpts undermined the clarity of the situation (the report on Palestine is the clearest example).

We also found the reports to be extremely transparent in terms of the information presented on women. In all of the COI reports that were reviewed, information on women and gender issues is presented in a way that enables case owners and other users to independently verify and assess the information provided. This includes a transparent method of referencing of information i.e. source, date of information and Internet address. It is possible to understand how the COI researcher found the information, which sources were consulted and which sources produced results. Very few of the links to internet sources were broken. It is less clear however what sources were consulted but did not produce relevant information (see below).

The main issues in terms of the accuracy and balance of material presented in the reports is in relation to the sources from which the information is drawn (discussed further below). Tsangarides (2010) suggests that there is a hierarchy of information used within COI reports and that a limited number of sources are more commonly used and relied upon. We also found this to be the case with particularly heavy reliance on reports by the US Department of State, Freedom House, Amnesty International and Human Rights Watch. By contrast, reports from little known NGOs or individual testimonies are used less frequently and are subject to higher scrutiny. In some cases this was because no such information existed but often we identified alternative sources of information – particularly from local human rights and women’s organisations – that simply was not included. This undermines the balance of the report, particularly where the international community has an interest in a certain representation of events in the country concerned (Afghanistan, Iraq and Somalia are the clearest examples). **It is recommended that efforts are made by COIS to find further reliable sources of information, for example, from recognised country specialists and local sources, such as representatives of political organisations, human rights organisations, women’s groups and professionals such as lawyers or academics.**

COIS: Accepted – we aim to do this since it is COI research good practice.

If there is a hierarchy it is because sources like the US State Department, Amnesty or Freedom House have a specific remit to document human rights generally and specifically, and produce large, comprehensive body of information (or ranges of products) which are considered generally reliable sources because of the relative transparency of information gathering process. Given this scope and range, these sources invariably feature in COI Reports which have a similar function to document human rights in general terms. It is our view that when combined together these sources usually provide a relevant and balanced picture of human rights in countries.

However we always look to provide a rounded picture of a theme or subject in a country using a wide range of sources, including local sources and experts, wherever possible. In practice this can be difficult because of a number of reasons. For example local sources may not publish information on the internet or English, or locally produced information is limited because freedom of speech is severely compromised. The challenge is, also, to some extent one of resource: to undertake, in effect original research from local sources, which is relevant, detailed and robust can be highly resource intensive.

A further issue of note concerns the reliance on certain types of information, most notably information available in English and information available on the internet. Both of these factors can undermine the balance of the report because other types of information are excluded. This is particularly problematic for countries such as Algeria where most information on human rights and women's rights is published in French or Arabic and where the neglect of this information leads to an inaccurate and imbalanced description of the situation facing women, for example in relation to the reality of life under the new Family Laws. **It is recommended that for countries where information is more readily available in languages other than English, additional resources should be made available to translate the information or to employ researchers with the appropriate language skills to search for possible information sources.**

COIS: Partly accepted. As discussed with regard to Algeria – though this does not seem to have been an issue in other countries reviewed – we agree that it would be useful to obtain information from foreign language sources. However we face two difficulties: i) identifying source material (for example we do not have many French speakers) and ii) limits on funds to pay for an 'official' translation into English.

With regard to comments on Algeria, these are discussed in the section of the review on that country, but we have not agreed with all those made by the reviewers.

We also wish to point out that it is not "neglect" that has led us to miss out French or Arabic language material; it is limits in our ability/resources to access this information.

We do have a budget for translating foreign language material into English and will translate material where appropriate. However the issue of resources is something that presents a challenge for COIS and the UKBA in the present financial climate.

Finally, in terms of accuracy and balance it is important to be absolutely clear about the sources that were consulted and whether they did, or did not provide useful and relevant information. It is unclear what the current methodology is for locating information in a systematic way. Where there is inadequate information on a particular issue affecting women, it is not clear whether this is due to a lack of information being found, or a decision being taken to exclude the information because it was not considered relevant. To ensure that the information presented in the report is balanced and that the absence of information is not misinterpreted, **it is recommended that where an issue has been identified as of relevance to asylum claims and there is an evident lack of information available on the subject in public domain materials, this should be explicitly noted in the relevant section of the COI Report. In addition decision makers should be cautioned against drawing speculative conclusions based on an absence of information.** This is particularly important in cases involving women and gender issues because it is often difficult to obtain information on these issues.

COIS: Accepted. Our approach to undertaking COI research is consistent with ACCORD's training manual (all our staff undergo ACCORD training) and the *EU Common Guidelines on Processing Country of Origin Information*.

It is worth clarifying, since there may be different points of view on what a report is or should be, that reports are designed to be practical tools to assist decision makers. They are more a database of useful, available sources than an encyclopaedia. They are not intended to be comprehensive, covering every issue that might arise in a claim – something it is not possible or practical to achieve. The preface to reports states this, and that an absence of information on a subject in a report does not necessarily mean something did not occur/happens. Additionally, it is rare that we cannot find anything a relevant subject in reports, and where we can usually approach the Foreign and Commonwealth Office or our European partners to investigate further.

However, we accept that there may be occasions where no information is available on a subject that is considered relevant to decision makers and that users might find it useful to know that we have not been able to find any information. We consider that stating that there is no information is not straightforward, and will need to be carefully qualified. We will give some thought how we will do this.

The issue of decision makers drawing speculative conclusions is, mostly, out of our control. It is largely one of decision maker training and casework quality assurance. To the extent that we can caution against this, we already do. The preface to reports states that the absence of information does not necessarily mean something does not/did not happen. It would be cumbersome to have to repeat this statement throughout reports.

## Sources of information

Allen (2007) found that the COI reports are of varying quality in terms of the information presented on issues affecting women. Some are substantial, others less so. To a certain extent this reflects the amount of information available in relation to women and gender issues for each country. However it also reflects the thoroughness of the search for information and the range of sources consulted. For example, for some countries there may be very little information on these issues in the most commonly used sources but other information may be available from women's organisations and groups 'on the ground' or in the primary language of the country concerned.

COIS: While we accept there should be common standards in our products, variation in country reports also reflects demand for information from decision makers and the focus of asylum claims. For example, the Pakistan COI Report is relatively comprehensive partly because we receive many claims and many of these are from women claiming to fear persecution because they are women.

In general, our review of the information on women has found that there is a good use of sources that can be considered as core, or standard, sources in COI research. They meet certain methodological requirements and, while some of them have restricted thematic mandates, most of them cover the human rights issues relevant for COI research and provide important and current background information on the country situation. This includes, for example, governmental and non-governmental human rights and humanitarian reports produced by Amnesty International, Human Rights Watch, Freedom House, US State Department and Canadian Immigration and Refugee Board, Canada (IRB). In addition there is a good use of news sources including BBC, IRIN, news agencies and international/national newspapers.

There are, however some core sources which do not appear to be routinely and systematically consulted in all of the sections on 'Women'. These include reports produced by the Council of Europe (COE), European Committee for the Prevention of Torture (CPT), European Commission against Racism and Intolerance (ECRI), International Federation for Human Rights (FIDH), World Organisation Against Torture (OMCT), United Nations High Commissioner for Refugees (UNHCR), UN High Commissioner for Human Rights (UNCHR).

COIS: Regarding these recommended sources, we note that three are associated with the Council of Europe or the European Commission, whose focus does not include most of our Report countries (Africa, the Middle East and South and East Asia). FIDH and OMCT are useful but are comparable to Freedom House and Amnesty, and we do make reference to them on occasion. We also use (but could make more use of) the UN and its agencies – for example we refer to the UN CEDAW and the UN reviews of countries against the convention in almost all reports.

The review has also identified some inconsistencies in the use of key sources of information both across and within reports. This is particularly clear where a series of

reports exists for several countries but the report is referred to in relation to one country but not another. For example, the Women for Women International *Stronger Women' Stronger Nations* Report Series<sup>12</sup> is referred to in the COI report on Afghanistan but not the COI report on Iraq. Many reports, for example, the one on Uganda, use AFROL (African Online News) as a key source of information, others do not. In addition it is sometimes surprising to find that key reports relating to women gender issues produced by core organisations have not been considered. Where these have been identified they have been included in this review. The Refugee Women's Resource Project (RWRP) at Asylum Aid has produced a guidance note which lists resources that can be used to find country of origin information (COI) in support of an asylum or human rights claim (Asylum Aid 2007b).<sup>13</sup> **It is recommended that a core list of sources is generated by COIS on sources of information about the situation and experiences of women and that these sources should be systematically consulted each time the section on 'Women' is updated.**

COIS: Accepted. We agree that it would be useful to have a standard source list – in as far as this provides a starting point for all Reports and will assist in ensuring consistency. We have already begun a standard source list for human rights generally (*Useful sources*) – available on the [UK Border Agency website](#). However, in practice there is considerable variation between countries in information available, even from large sources such as Amnesty or the UN.

On the sources, we think it worth explaining a little more about the sources we do regularly use – which seems to differ from the reviewers (many of these are set out in the Useful sources documents referred above). Regarding the sources in the appendix we are familiar with most but they are generally no more comprehensive or human rights focussed, and mostly less current, than the sources available in UNHCR COI database, [refworld](#), or ACCORD's COI database, [ecoi.net](#). All our researchers use [refworld](#) and/or [ecoi.net](#) which collate information from a variety of sources, including most of those listed above and below.

Regarding the apparent inconsistent use of sources between countries, there may be explanations for this. Taking the example above of the Women for Women (WfW) reports on Iraq and Afghanistan, noting the age of the WfW reports – 2008 and 2009 respectively, and currency of the COI Reports, (Afghanistan) November 2010 and (Iraq) March 2011, if we apply our stated cut-off period of 18months, then the WfW Iraq report

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<sup>12</sup> Available at [www.womenforwomen.org/news-women-for-women/reports-on-helping-women-survivors.php](http://www.womenforwomen.org/news-women-for-women/reports-on-helping-women-survivors.php)

<sup>13</sup> The list covers the main resources which adjudicators have access to, as well as lists of other sources of information and gender-specific resources. It also lists sources of COI by subject, including: Armed Conflict and Women, Domestic Violence, Economic and Social Rights of Women, FGM, Health and Women, HIV and AIDs, Honour Crimes, Marriage, Mental Health, Political Rights of Women, Refugee & internally displaced women's rights, Reproductive Health and Rights, Restrictive Social/Religious Norms, Sexual Orientation, Sexual Violence, Trafficking, Women in state custody, Women's Legal Status, and Locating NGOs.

would be excluded from the Iraq COI Report. Additionally, there may be other considerations – the same or similar information is provided in a more recent or authoritative source, etc.

The point is that variation may occur for good reason but this is perhaps only evident to the country researcher. That the reviewers were, as they concede, not country experts may have had some bearing on their knowledge of the range of country-specific sources available.

A second issue is the collaboration of sources. As was noted in the introduction to this report, the most common method to ensure accuracy of information is corroboration. Researchers should identify a number of reliable sources of different type that report on a specific issue and compare the information. The less reliable a source is considered to be, the more work needs to be done in terms of corroboration. According to the ACCORD and Austrian Red Cross (2006) ideally, every piece of information should be corroborated by at least three different types of sources (UN report, international or local human rights organizations, international or local media, expert opinion) that do not quote each other. Where this is not possible – and it often will not be – the researcher should still provide the information that was found and in addition list the sources that were unsuccessfully consulted.

In many of the COI reports we found that information on women and/or gender issues is not corroborated. In some cases only a single source is provided. And as was noted above, no information is provided about the sources that were unsuccessfully consulted. In some of the reports there was also an over-reliance on one particular type of source, and in some sections, an overreliance on one particular named source. In some cases this was despite the existence of other relevant sources which could have been used to corroborate / expand upon the information provided. In addition there appears to be little or no use of specialised human rights and forced migration websites.<sup>14</sup> In addition there is a tendency to rely on sources available on the internet at the expense of more academic research (journal articles and books), even though the latter are likely to be more reliable and based on a clearer and more systematic methodology. **Given the difficulties in finding information about the situation and experiences of women, we recommend that COIS researchers should make better use of local resources and organisations (including human rights groups and women’s groups).** The section on ‘Women’ in the report on Zimbabwe does a particularly good job in terms of drawing on local resources, By contrast the report on Uganda fails to make use of research undertaken by the Refugee Law Project (RLP) including in relation to sexual and gender-based violence and the sexual violence experienced by men.

COIS: Accepted. We agree that it is important to use a variety of sources wherever possible, and try to do so.

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<sup>14</sup> Some suggested sites are provided in Appendix 1

Regarding the specialised or forced migration websites, most seem to aggregate source material or provide links to other sources, a number of which we do use. And, as stated above, we do make use of the UNHCR's and ACCORD's country information databases, that are specifically designed to collate information/policy and law relevant to the RSD process.

The issue of access to academic texts arose throughout the review of the Reports, the reviewers commonly referred to academic articles. As pointed out in the country sections, we do not have access to academic literature besides those articles which are open source. Additionally, though academic work may be methodologically sound it is often not as current as other source material, particularly relevant when issues are unfolding. It is also a different type of information, though complementary, from standard human rights material/reports.

Taking the example of Zimbabwe and Uganda, we'd contend that it is not straightforward to compare countries in terms of available information – they are rarely like for like. Civic society in Zimbabwe is relatively more developed, and surprisingly outspoken, than that in Uganda. And, as set out in the response to the review on Uganda, using RLP needs some qualifying – most of the material is quite dated (i.e. more than 2 years old).

Thirdly, it is unclear what the timeframe is for information to be included or excluded from the COI report. It is understood that the timeframe for including information is that it should have been published in the two years preceding publication. Although this was the case for many of the reports reviewed, in some reports this timeframe was not used. Again, there is some inconsistency. Some reports have relied on sources that are very old (more than ten years in some cases). Others have left out references to key resources on the basis that they are old. This can be seen most clearly in the case of Jamaica where a key report was included in an earlier version but subsequently left out when the report was updated. **It is recommended that there is greater consistency in the use of resources and that where older sources of information are included or excluded the reasons for this decision should be made clear.**

COIS: Accepted. This is a mostly matter of applying our practice more consistently. As the preface to reports state, we aim to source information of two years or less old. However there may be occasions where there is no more recent information or the information is not time-relevant (for example in the History section) and which we will use. But generally, we aim to provide the most recent information available to ensure that reports reflect the current situation, older sources should be removed and substitute sources or information found.

We can explain why an older source has been used.

Finally, it is perhaps worth making a more general point about the use of COI and the links to source information which are provided in the reports to enable case owners to look at the information on which the report is based and undertake further research if

necessary. It has been noted elsewhere that case owners do not always consider that they gave sufficient time available to consult COI (Morgan et al. 2003; Tsangarides 2010). This reinforces the need for all relevant information to be included in the COI report itself rather than simply the inclusion of a link to the relevant source (as is the case in some of the reports that were reviewed). It also reflects broader concerns about the extent to which COI is currently used in procedures for refugee status determination (Chief Inspector, 2011).

COIS: thank you for these observations.

We would also like to thank the reviewers for the considerable effort they have put into the review and the constructive criticism and practical suggestions provided.



## Summary of recommendations

1. In order to ensure consistency within and between COI reports, it is recommended that all of the sections on 'Women' should include the same section and, where possible, subsection headings.
2. A framework and check-list should be established so that there is a mechanism across the COI reports for systematically gathering and presenting information on the situation and experiences of women.
3. All COI reports should systematically include basic information on gender equality in the country concerned.
4. The section on 'Women' should explicitly describe the gendered context within which violence against women occurs at the outset. Consideration should be given to implementing the approach taken in relation to Iraq across all COI reports.
5. Further efforts should be undertaken to ensure that the COI reports consider the ways in which legal and social norms regarding gendered roles, responsibilities and behaviours impact on all of those living in that country, including men and boys.
6. COIS researchers should specifically look for information on health, internal / regional difference, relocation and the risks on return when they are undertaking research for the section on 'Women'.
7. Efforts should be made to find further reliable sources of information, for example, from recognised country specialists and local sources, such as representatives of political organisations, human rights organisations, women's groups and professionals such as lawyers or academics.
8. For countries where information is more readily available in languages other than English, additional resources should be made available to translate the information or to employ researchers with the appropriate language skills to search for possible information sources.
9. Where an issue has been identified as of relevance to asylum claims and there is an evident lack of information available on the subject in public domain materials, this should be explicitly noted in the relevant section of the COI Report. In addition decision makers should be cautioned against drawing speculative conclusions based on an absence of information.
10. It is recommended that a core list of sources is generated by COIS on sources of information about the situation and experiences of women and that these sources should be systematically consulted each time the section on 'Women' is updated.
11. Given the difficulties in finding information about the situation and experiences of women, COIS researchers make better use of local resources and organisations (including human rights groups and women's groups).
12. It is recommended that there is greater consistency in the use of resources and that where older sources of information are included or excluded the reasons for this decision should be made clear.

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## **Appendix 1 Additional sources of information**

All websites accessed 1<sup>st</sup> August 2011

### **General information**

Derechos Human Rights

[www.derechos.net/links](http://www.derechos.net/links)

Forced Migration Online

[www.forcedmigration.org/browse/regional/](http://www.forcedmigration.org/browse/regional/) (regional resources)

[www.forcedmigration.org/browse/thematic/](http://www.forcedmigration.org/browse/thematic/) (thematic resources)

Human Rights around the World

[www.derechos.org/human-rights/world.html](http://www.derechos.org/human-rights/world.html) (by country)

[www.derechos.org/human-rights](http://www.derechos.org/human-rights) (by issue)

HURIDOCS - Human Rights Information and Documentation Systems, International

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

INCORE Conflict Data Service

[www.incore.ulst.ac.uk/services/cds/countries/](http://www.incore.ulst.ac.uk/services/cds/countries/) (country guides)

[www.incore.ulst.ac.uk/services/cds/themes/](http://www.incore.ulst.ac.uk/services/cds/themes/) (thematic guides)

Migration Information Source (hosted by the Migration Policy Institute)

[www.migrationinformation.org/Resources/](http://www.migrationinformation.org/Resources/) (country resources)

Refugee Research Network

[www.refugeereseach.net/](http://www.refugeereseach.net/)

### **Information on gender issues** (see also Asylum Aid 2007b)

Afrol Online News - Gender Profiles

[www.afrol.com/categories/gender\\_women](http://www.afrol.com/categories/gender_women)

Center for Gender and Refugee Studies

<http://w3.uchastings.edu/cgrs/>

Commission on the Status of Women

[www.un.org/womenwatch/daw/csw/](http://www.un.org/womenwatch/daw/csw/)

Division for the Advancement of Women (CEDAW)

[www.un.org/womenwatch/daw/cedaw](http://www.un.org/womenwatch/daw/cedaw)

Center for Reproductive Rights

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

FORWARD (Foundation for women's health research and development – focus on FGM)

[www.forwarduk.org.uk](http://www.forwarduk.org.uk)

International Gay and Lesbian Human Rights Commission (IGLHRC)

[www.iglhrc.org/site/iglhrc/](http://www.iglhrc.org/site/iglhrc/)

International Planned Parenthood Foundation

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

UN Women

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

UNIFEM

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

UNFPA

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

UN-INSTRAW

[www.un-instraw.org](http://www.un-instraw.org)

World Bank Group GenderStats

<http://genderstats.worldbank.org/home.asp>

Women Living Under Muslim Laws

[www.wluml.org/english/index.shtml](http://www.wluml.org/english/index.shtml)

Women for Women

<http://www.womenforwomen.org/news-women-for-women/research-publications-supporting-women.php> (research and publications)

Women's Commission for Refugee Women and Children

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