

Woman wins UK legal fight over unlawful deportation to Uganda

Court of appeal dismisses Home Office's case against lesbian asylum seeker known as PN.

By Diane Taylor

The Guardian (28.09.2020) – <https://bit.ly/3deq8CE> – The Home Office has lost a case in the court of appeal against a 27-year-old lesbian asylum seeker it was found to have unlawfully removed from the UK and was forced to fly back to the UK in the summer of 2019.

The ruling on Monday follows a seven-year battle for the woman in her search for a place of safety.

The Home Office removed the woman, known as PN, from the UK in December 2013 under a system that operated at the time called detained fast track. That system was subsequently found to be unlawful. More than 10,000 cases were decided in the period when this system was operational but PN was the only person the Home Office was ordered to fly back to the UK.

After returning PN to the UK the Home Office went to the court of appeal to argue that her removal to Uganda was not unlawful. Had the Home Office won its case PN would have

potentially been at risk of removal to Uganda for a second time. But Monday's ruling has given her the green light to continue with her asylum appeal.

The court also found, in response to an appeal lodged by PN, that most of the time she spent locked up in Yarl's Wood immigration removal centre in Bedfordshire was unlawful. As a result she will be in line for substantial damages from the Home Office.

PN welcomed the ruling. She said: "I feel so happy for this decision. When you are fighting so long for something it feels like you will never win and that is very frightening. This journey has not been easy and it is amazing to win against the Home Office who have put me through so much torture – I was waiting for this day to come."

Following her enforced return to Uganda PN was forced to live under the radar and conceal her sexuality. She said she was gang-raped in her home country, which led to her becoming pregnant and giving birth to a son who is now 18 months old.

She added: "When I remember what I went through in Yarl's Wood it makes me feel really bad – I don't want to think about it because it makes me so upset. Although I am so happy for this decision it cannot take those memories out of my mind; my mind is already damaged for life."

Karen Doyle of Movement for Justice, which has supported PN throughout her case, said: "This decision is the culmination

of almost seven years of struggle for PN, for our fight to bring her back after her unlawful removal under fast track.

“It is a victory for PN, for the movement, for all those who suffered under fast track and for LGBT asylum seekers who are routinely disbelieved. She has shown incredible courage and will to survive under the most difficult of circumstances, she is an inspiration to so many.”

Sulaiha Ali of Duncan Lewis solicitors, who represented PN, said: “The Detained fast track process saw the detention of thousands of vulnerable asylum seekers who were survivors of rape, torture and other serious harm.

“Despite their vulnerabilities, they were placed in an accelerated system which prevented them from having the necessary time to prepare their complex claims and were often disbelieved by those considering their claims because of this.

“Although the high court has repeatedly confirmed that this process was structurally unfair and unlawful, the secretary of state continues to challenge these findings in individual cases.

“We are pleased that the court of appeal has now rejected these arguments in PN’s case, and hope that the Home Office will now take steps to fairly process her asylum claim in the UK.”

A Home Office spokesperson said: “We are disappointed with the outcome of this case which relates to a removal almost seven years ago. As the Court of Appeal has acknowledged, this removal only happened following a number of legal challenges by the individual, all of which failed at the time. We will consider the judgment carefully, including whether or not to further appeal.”

UK gov't scraps key transgender rights reform

Britain's government has dropped plans to let transgender people change gender legally without a medical diagnosis, after two years of heated debate.

By Rachel Savage

Thomson Reuters Foundation (22.09.2020) – <https://bit.ly/3iburiQ> – Transgender people will not be allowed to legally change gender without a medical diagnosis, the British government said on Tuesday, scrapping a proposed reform that sparked furious debate between LGBT+ and women's rights campaigners.

The government launched a consultation two years ago on overhauling the 2004 Gender Recognition Act (GRA) to allow “self-ID” in England and Wales – a reform opponents said could allow predatory men access to women-only spaces such as toilets.

While the “self-ID” proposal was scrapped, the cost for trans people to change birth certificates will be cut from 140 pounds (\$180) to a “nominal amount” and the process will be moved online.

Trans rights advocates expressed disappointment at Tuesday’s announcement on the outcome of the consultation.

“It’s a shocking failure in leadership,” Nancy Kelley, the chief executive of Stonewall, Britain’s largest LGBT+ advocacy group, said in an emailed statement.

“While these moves will make the current process less costly and bureaucratic, they don’t go anywhere near far enough toward meaningfully reforming the Act to make it easier for all trans people to go about their daily life.”

Countries including Ireland, Portugal, Norway and Argentina have “self-ID”, allowing trans people to legally change gender via a legal declaration and without doctors’ involvement.

Almost two thirds of the 102,818 respondents to the British consultation said they backed removing the requirement for a diagnosis of gender dysphoria, a government report showed.

More than three quarters said they supported scrapping the need for trans people to show they had lived in their gender

for a specific time period – currently two years.

But women's rights activists who had opposed the introduction of "self-ID", welcomed the news.

"It's really good news and it acknowledges a fair balance between trans people and women's rights," Nicola Williams of Fair Play for Women, which campaigned against the reform, told the Thomson Reuters Foundation.

She said the group's priorities would now be looking at how to ensure "privacy, safety and fairness" when it came to trans people accessing women-only areas such as hospital wards, prisons and changing rooms.

In the United States, women's rights groups said in 2016 that 200 municipalities that allowed trans people to use rape crisis facilities and domestic violence shelters saw no rise in sexual violence or public safety issues as a result.

Some British trans rights campaigners expressed relief that the sometimes-toxic debate over the issue may now cool down.

Harry Potter author J.K. Rowling weighed into the issue earlier this year, saying she did not support "self-ID" as it would be "offering cover to predators", a view she said was informed by her experience of domestic violence.

“Hopefully it means that so much negative attention that has been sent our way as communities can be quietened,” said Cara English of advocacy group Gendered Intelligence.

She said that their focus would now be “things that affect us in a much more material way”, including healthcare and hate crime.

Disney, Google, Microsoft back trans rights amid fierce British debate

Trans rights have become a contentious issue in Britain as the government decides whether to ease the rules on legally changing gender.

By Rachel Savage

Thomson Reuters Foundation (14.09.2020) – <https://tmsnrt.rs/2E0YZpq> – Dozens of organisations including Disney, Google and Microsoft weighed into a fierce debate over transgender rights in Britain on Monday, writing to Prime Minister Boris Johnson to ask him to support making it easier for people to legally change gender.

Trans rights have become a contentious issue since the

government launched a consultation into reforming the Gender Recognition Act in 2018, with opponents saying easing the rules could potentially let predatory men into women-only spaces.

Multinational companies were joined by universities and trans advocacy groups in the open letter to Johnson, which drew 83 signatories. Dozens more, including BP and Unilever, pledged support for trans rights in an online statement.

“We wanted to get this public statement out that says no matter what you’re reading from certain sources, that’s not reality,” said Bobbi Pickard, a BP project manager who came out as trans in 2018 and who spearheaded the open letter initiative.

“Being trans is something that’s a naturally occurring form of human development,” she said. “We all want our employees to flourish in their careers and their lives and trans people should be allowed to do that as well.”

Britain’s government has repeatedly delayed its response to the trans law consultation, and in June local media reported that it was set to scrap plans to let trans people change their gender on birth certificates without a medical diagnosis.

A spokesman for the government’s Equalities Office said in an email that officials were working through the results of the consultation and “will be responding shortly”.

Countries including Ireland, Norway and Argentina allow trans people to change their legal gender without a medical diagnosis, known as "self-ID".

Prominent figures including "Harry Potter" author J.K. Rowling have expressed concern that "self-ID" could allow men into women-only spaces such as toilets and changing rooms, endangering women and girls.

Monday's letter, which was initially sent privately in July with fewer signatories, pledged support for trans staff and urged the government to support the consultation's findings.

"We all strive to be trans-inclusive organisations and believe that a diverse workforce, including trans employees, offers greater business success," it said.

"Failing to honour the government's commitment to implement the consultation findings, and even increasing restrictions on trans people's ability to live authentically, benefits no one," the letter added.

Robbie de Santos of Stonewall UK, an LGBT+ advocacy group that helped coordinate the campaign, said numerous companies had got in touch to say they wanted to show the British government that there was support for trans rights.

“Actually that support is not being heard in the mix of the often very toxic social media environment,” he told the Thomson Reuters Foundation.

UK: Half of LGBT+ women are outed at work

By Jamie Wareham

Forbes (20.04.2020) – <https://bit.ly/2RRI6k0> – Half of LGBT+ women are being outed at work, a new survey reveals.

Women are going back in the closet when they get their first job, feeling unable to report issues to HR and struggling in “male-dominated and heteronormative environments.”

Released ahead of Lesbian Visibility Week, the new research by DIVA Magazine and Kantar looked at the experiences of LGBT+ women’s work life, financial stability, well-being, relationships and their overall feelings of safety.

The survey shows that LGBT+ women are fed up of male-dominated LGBT+ spaces and campaigns, feel most safe at home due to the violence and uncertainty they face out in the world and are facing disproportionate problems at work.

Unsurprisingly the women surveyed, who already face a higher number of barriers in the workplace, feel they are a 'minority within a minority' because of their queer identity.

Although three in four respondents are open about their sexual orientation to most of their work colleagues, the youngest age group (16-24) are far less likely to be out at work.

Only one in three of those under the age of 24 feel able to be out at work, which Kantar concludes that with LGBT+ people coming out younger than ever, that many are 'going back into the closet' when they get their first job.

It's currently estimated in the graduate LGBT+ community, that six in ten, regardless of their gender identity, go back in the closet when they get their first job.

In a worrying statistic, the most common homophobic experience LGBT+ women face in the workplace is being outed. Half of the respondents saying they have been through this discriminatory ordeal.

The research, which also looked at trans women's experiences found that one in four transgender people feel that they have faced barriers in their current workplace due to their gender identity.

Research reveals discrimination LGBT+ women face for Lesbian Visibility Week

“The DIVA research highlights the challenges that LGBTQI women face; feeling invisible and unsupported in key areas of their lives,” Linda Riley, Publisher of DIVA magazine, says.

The research is being launched as part of a week of events, extending the Lesbian Visibility Day on 26 April each year, into an extended celebration of queer and trans women’s experiences.

Claire Harvey, MBE, GB Paralympian, Diversity and Inclusion Consultant and DIVA Development Week Lead, believes with the current COVID-19 pandemic, now more than ever it is vital that there is a focus on women’s lives:

“We use the word community all too often, but what does it actually mean? For me, it means a sense of belonging, visibility and value.

“LGBTQI women are a diverse, talented and often unheard group – so now, more than ever, it’s important that we build up our community and help those who are most isolated feel connected.”

UK: Home Office refused thousands of LGBT asylum claims, figures reveal

Exclusive: 'culture of disbelief' excludes at least 3,100 nationals from countries outlawing same-sex acts

By Jamie Grierson

The Guardian (02.09.2019) – <https://bit.ly/2jSZx6I> – The UK Home Office has refused at least 3,100 asylum claims from lesbian, gay, bisexual and transgender (LGBT) nationals from countries where consensual same-sex acts are criminalised.

At least 1,197 LGBT Pakistanis were refused asylum after making a claim for protection on grounds of sexual orientation between 2016 and 2018, according to an analysis by the Liberal Democrats of figures published by the Home Office. A further 640 LGBT Bangladeshis and 389 Nigerians had their claims on the same grounds refused during the period.

In Pakistan, “carnal intercourse against the order of nature” is punishable with life in prison, while Amnesty reports that “transgender people continued to suffer harassment and violent attacks” there. In Bangladesh, Amnesty reports that “LGBTI activists continued to be routinely harassed and subject to arbitrary detention by state and non-state actors”.

In Nigeria, homosexual acts are punishable by up to 14 years in prison and displays of same-sex affection are also outlawed. After Pakistan and Bangladesh, Nigeria produces the largest number of asylum claims based on sexual orientation.

Using data from the International Lesbian, Gay, Bisexual, Trans and Intersex Association, the Lib Dems separated out countries where same-sex acts were criminalised. Applications for asylum on grounds of sexual orientation were also refused for nationals of Cameroon (136), Ghana (144), Iran (124) and Uganda (145) as well as Iraq, Jamaica and Malaysia.

Christine Jardine, the Lib Dems' spokesperson for home affairs, said: "This Conservative government is letting down every LGBT+ person and every individual in this country who cares about human rights. We should be leading the campaign across the world against homophobia and transphobia. Instead we have a government that is turning its back and looking the other way.

"These figures are a disturbing reminder that this Conservative government is failing to stand up for LGBT+ rights by refusing asylum to more than 1,000 people a year who face prosecution at home simply for who they are. The Liberal Democrats demand better for LGBT+ people wherever they live. We will establish a new, dedicated unit to handle asylum claims, free of political interference and without the Home Office's culture of disbelief."

In 2018, the Home Office refused 970 LGBT claims from nationals of countries where same-sex acts were criminalised,

down from 1,096 in 2017 and 1,043 in 2016.

Last year, LGBT asylum was brought into focus by the case of a Nigerian man who fled to Britain to avoid prosecution for being gay.

Adeniyi Raji, who was sacked for his sexuality, received threats on social media in Nigeria, which included comments such as, "I really wish you were killed that very day ...", "You know gay practice is an abomination in our land", and "You better stop your gay practice, if not you could get yourself killed in this country".

The Home Office rejected his claim, which was upheld by the first-tier immigration tribunal. He is appealing against the decision but faces deportation.

The challenges faced by LGBT asylum seekers were further highlighted by a case in which a first-tier immigration tribunal judge rejected the claim of a man because he did not have a gay "demeanour".

The judge said he did not accept the man applying to stay in the UK was gay and contrasted his appearance with that of a witness who "wore lipstick" and had an "effeminate" manner, who the judge accepted was gay.

In July, the high court ordered the Home Office to help a woman return to Britain after she was refused asylum on grounds

of sexuality and deported to Uganda. The judge on the case said it was “procedurally unfair”.

If the judgment stands, the woman would be the first deportee whose case was processed through fast-track rules operational between 2005 and 2015 to return to the UK and appeal against the decision to deport her.

The ruling could encourage similar appeals from thousands of people whose asylum claims were treated under the same system.

A Home Office spokesperson said: “Individuals are only returned to their country of origin when the Home Office and courts deem it is safe to do so.

“Each case is considered on its individual merits against relevant case law and published country information, and all decisions on claims based on sexual orientation are reviewed by an experienced caseworker.

“The UK has a proud record of providing protection to those fleeing persecution. Over 12 months, we gave protection to more than 18,500 people, the highest number since 2003.”