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A MATTER OF HUMAN RIGHTS:

Protecting female refugees

By Jean Bartlett



Karen Musalo founded the Refugee and Human Rights Clinic in 2005

PHOTO BY JIM BLOCK

In 1995, Karen Musalo and her husband were visiting professors at American University in Washington DC, when a law student sought Musalo's expertise to assist a refugee asylum seeker who had just been denied protection by an immigration judge and ordered deported.

The case was *Matter of Kasinga*, involving Fauziya Kassindja, a Togolese teenager seeking asylum in the United States in order to escape a cultural practice of female genital cutting (FGC). The daughter of a man who disagreed with FGC, Kassindja was protected until her father died and her mother was banished. Kassindja was then sold to a man three times her age, with FGC being

became an internationally important landmark decision," says Musalo.

Working as lead attorney on *Matter of Kasinga*, Musalo established binding legal precedent that a woman fleeing gender harms such as FGC are entitled to refugee protection under U.S. laws.

Inspired by this case, in 1999, Musalo founded the Center for Gender and Refugee Studies (CGRS), and later the Refugee and Human Rights Clinic (2005), at the University of California, Hastings College of the Law in San Francisco. Supported by foundation grants and individual donors, CGRS helps women seeking gender asylum by supporting their attorneys.

"Many of the attorneys we

before immigration judges or the federal courts of appeals. In fact this Phi Beta Kappa graduate, with a BA in Comparative Literature from Brooklyn College, began her professional life as a journalist.

"Working in journalism and focusing on environmental and other issues, I saw what an impact lawyers could have and began to see what a powerful tool law could be for social justice," says Musalo. This knowledge sent the journalist to law school.

Receiving her JD from the University of California, Boalt Hall School of Law, Musalo says her leap into refugee advocacy happened like most significant things in her life — serendipitously. "In the early

gender-sensitive asylum laws, helping advocates successfully represent women in need of protection, and preventing these refugees from being forcibly returned to the countries from which they have fled," she says. "Asylum law, as it relates to gender, governs the protection of women who are forced to flee their home countries due to harms that are inflicted upon them specifically because they are women. Examples of gender-based persecution include FGC, domestic violence, honor killings (a punitive murder where a family kills a female member for her dishonoring her family), human trafficking, rape, forced abortion, and forced reproductive sterilization, among other harms."

The greatest obstacles they encounter in their work, notes Bartow, are often rooted in the general resistance to recognizing and accepting women who have experienced gender-based persecution as refugees. "Decision makers frequently cite a fear of opening the 'floodgates' to millions of women from around the world if protection is granted to an individual asylum seeker," she says. "Based on the experiences of countries like Canada, that have accepted gender persecution as a

basis for asylum, this fear has been proven to be completely unfounded."

In order to provide their services, however, financial support for CGRS's programs via individual or corporate contributions is critically needed. Additionally, individuals can contact their representatives in Congress and ask them to support legislation and other initiatives that help advance critical rights and protections for women refugees.

"There is also a national effort underway to garner support in the Senate for the International Violence Against Women Act, groundbreaking legislation that incorporates solutions to gender violence into US foreign assistance programs," says Bartow.

Both women feel very privileged to do the work they do. "When you can really make a positive outcome in the life of a human being," says Musalo. "You don't want to walk away from that."

For additional information on the Center for Gender and Refugee Studies, visit <http://cgrs.uchastings.edu>.

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a condition of their arranged marriage.

"Due to the courage of her mother and sisters, Fauziya escaped that fate," says Musalo. "She ended up in the U.S. seeking asylum — in jail for almost a year and a half." Musalo notes that "even though they have committed no crime," many individuals seeking safe haven in the U.S. await their immigration fate behind bars.

"I became involved and as a result of a number of factors, including my decision to use the media to bring attention to the asylum seeker's plight, the case became a cause célèbre, and the resulting decision

assist are on the staff of small nonprofit organizations or are taking the cases pro bono," says Musalo, who serves as director. "We provide assistance through expertise and a range of concrete resources."

An internationally recognized expert, her litigation of benchmark asylum law cases has put refugee law issues on the front pages of jurisprudence. Musalo has been featured in the *New York Times* and *Washington Post*, and has appeared on CNN International, "Talk of the Nation" and "Nightline".

Musalo did not begin her career representing clients

'80s, I represented a number of asylum seekers on a pro bono basis, and was so touched and compelled by the issues and the people seeking asylum that I switched from the environmental law that I had been engaged in, to refugee advocacy."

Felecia Bartow, MSW, is associate director for CGRS. Involved in many aspects of CGRS's work — including fundraising and communications, public relations, public policy advocacy and general administration — Bartow explains the Center's core mission: "It's to protect the basic human rights of refugee women and girls by advancing