

For immediate release

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Loyola's International Human Rights Clinic Files Landmark Suit on Domestic Violence

Los Angeles – The International Human Rights Clinic (IHRC) at Loyola Law School, Los Angeles, in concert with human rights organization Asylum Access Ecuador (AAE), filed a case today before a United Nations human rights body seeking to recognize domestic violence as grounds for refugee status. It is one of the first cases of its kind to be brought before the United Nations Committee on the Elimination of Discrimination Against Women (CEDAW).

The case, regarding a Colombian woman who had been subjected to severe domestic violence and subsequently denied refugee status in Ecuador, argues that domestic violence should be grounds for refugee status under the 1951 Refugee Convention. It also aims to ensure that refugee status determination proceedings at the national level are non-discriminatory and gender-sensitive.

Ecuador has the largest number of refugees in South America. As of July 2014, the United Nations High Commission on Refugees (UNHCR) reported 123,133 refugees in Ecuador, of whom 98 percent were Colombian nationals. Eighty-eight percent of these Colombian refugees are women and their dependents.

Violence against women, and particularly domestic violence, is a world-wide plague, but one that is particularly severe in Colombia and Ecuador. Colombia women who are victims of domestic violence in Colombia are rarely, if ever, protected by authorities and prosecution of abusive spouses is extremely rare. Yet, despite the dire situation in Colombia and the need to escape it, the stigma felt by female Colombian refugees in Ecuador is rampant, leading to a re-victimization of this marginalized population.

Around the world, women's claims to refugee status are often rejected and not properly assessed because many asylum systems continue to be gender-biased and treat the claims of women through the lens of male experiences. Colombian women seeking recognition of their refugee status by Ecuadorian authorities see their applications rejected due to deep-rooted gender discrimination and a lack of sensitivity to the problem of domestic violence.

The alleged victim, Mariela Cabrera Ponce, is a refugee who fled to Ecuador from Colombia after suffering years of severe domestic violence at the hands of her ex-husband. Finding no relief in Colombia, she sought refugee status in Ecuador. However, her case was repeatedly referred to as a "human drama" that was "abusive" of the Ecuadorian legal system. Plagued by mishandling, her case was eventually erroneously dismissed. Ecuador denied Ms. Cabrera Ponce's refugee claim on the basis that the reasons she left her country were not envisaged in the 1951 Convention on the Status of Refugee and its 1967 Protocol as requiring international protection.

The communication to the CEDAW committee alleges that Ecuador has failed to uphold its obligations under the CEDAW Convention to protect against gender discrimination. It also alleges that Ecuador has failed to eradicate such discrimination and traditional forms of gender bias from the public sphere. It seeks to have Ecuador establish gender-sensitive procedures or to train Ecuadorian officials on the nature of domestic violence as a form of gender-based violence that may rise to the level of gender-based persecution.

About Loyola Law School, Los Angeles, International Human Rights Clinic

Loyola Law School is home to prominent faculty, dedicated students and cutting-edge programs. It dedicates itself to preparing students for the rigors of practice with an extensive portfolio of practical-training opportunities, a 16,000-strong alumni network and a focus on social justice. The recently launched International Human Rights Clinic, directed by Cesare Romano and Veronica Aragón, empowers victims of human rights violations and the organizations representing them while providing students at Loyola with the opportunity to make a global impact

from their Los Angeles home base. The IHRC also seeks to maximize the use of all available global and regional legal and political institutions through litigation, advocacy and capacity-building. Learn more at www.lls.edu/intlclinic.

About Asylum Access Ecuador

Asylum Access Ecuador (AAE) is an Ecuadorian-registered NGO and part of the Asylum Access family of organizations. Founded in 2007, AAE is a response to the critical gap in rights-based refugee assistance in Latin America. AAE provides individualized legal advice and representation to refugees, helping them navigate the refugee status determination (RSD) process and access rights protected by Ecuadorian laws. Our Volunteer Legal Advocates (VLAs) provide personalized legal counsel and representation, conduct “Know Your Rights” workshops, and engage in policy advocacy and strategic litigation to promote greater fairness in the RSD process. Through policy advocacy and strategic litigation, AAE transforms laws and policy practices for all refugees. Learn more at www.asylumaccess.org.

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