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Spotlight On:
The Tahirih Justice Center

By: Patricia Martin

I. INTRODUCTION AND HISTORY

The Tahirih Justice Center (“Tahirih”) is a national nonprofit organization that works to end violence against girls and women, and to serve girls and women who have already courageously fled from violence. Tahirih serves both immigrant clients, who face unique obstacles to justice in the form of language barriers, lack of resources, and a difficult navigation of complex immigration systems, and non-immigrant clients, who have experienced gender-based violence on U.S. soil. Regardless of immigration status, Tahirih provides holistic services to its clients through the provision of direct legal services to clients, policy advocacy, and training and education.

Tahirih was founded by law student Layli Miller-Muro in 1997, after she took part in the highly publicized landmark case, *Matter of Kasinga*. The case is significant because it established national precedent and gender-based persecution as grounds for asylum. *Matter of Kasinga* concerned a teenager named Fauziya Kassindja. Kassindja fled from her home in Togo at the age of 17-years-old, after her aunt arranged for her to enter into a polygamous marriage and arranged for her to undergo future female genital mutilation (“FGM”). Kassindja fled from Togo, to Ghana, to Germany and, finally, arrived in the United States in 1994. She fled to the U.S because she believed she could be safe here, but also because several of her relatives lived here. Upon arriving at Newark International Airport, she immediately requested asylum. However, instead of receiving protection, she was detained by the Immigration and Naturalization Service and remained in detention for over 17 months. When her case finally went before an Immigration Judge, the Judge found that Kassindja was not a credible witness and that female genital cutting was not a basis for asylum. In response, the Human Rights Law Clinic at American University, where Miller-Muro was a law student, took the case and, in 1996, the case was retried. That year, Kassindja was finally granted her request for political asylum.

In 1997, following the conclusion of the case, Miller-Muro founded Tahirih. Miller-Muro founded Tahirih in response to an outpour of messages she received from women around the world who had suffered human rights abuses, but who could not afford legal representation. In response to this need, Tahirih was born.

The name of the organization embodies its mission. It commemorates a woman named Tahirih from the 19th century Middle East, who was executed for her beliefs and efforts to emancipate women. Tahirih rejected women’s oppressed status in a society where their status kept them illiterate and hidden from the public sphere. Since its inception, Tahirih has served girls and women from North America (1%), the Caribbean (1%), Latin America (77%), Europe (1%), the Middle East and North Africa (3%), Sub-Saharan Africa

(11%), and Asia (6%) who, like Tahirih herself, reject the violence and oppression imposed upon them.

Tahirih serves survivors of a diverse gender-specific issues. These include forced marriage, domestic violence, sexual assault, Female Genital Mutilation/Cutting, human trafficking, and “honor” violence, which is physical violence against a woman or girl by a family member for engaging in behavior deemed by the family to be shameful. This article will briefly discuss the different problems that Tahirih aims to combat and will provide an overview of what the organization is doing to eradicate them. The problems will be divided up into sections, although many of these issues overlap and have common solutions.

II. CHILD AND FORCED MARRIAGE

Child marriage is any formal marriage or informal union of a boy or girl under 18 years of age. Tahirih takes a domestic approach to ending child marriage. While many believe that child marriage is an issue concentrated in South Asia or sub-Saharan Africa, child marriage continues to exist even in Western nations, including the present-day United States. Child marriage affects immigrant and non-immigrant children and can impact children from diverse socio-economic levels and different religions. While both girls and boys may experience child marriage, studies have found that child marriage affects girls disproportionately and that, every year, 12 million girls are married as children (including girls as young as 12-years-old). Although not all of these marriages are forced, Tahirih’s 2011 survey into forced marriage in the U.S. found that there were at least 3,000 cases of forced marriage over a two-year period in the U.S. involving minors.

Child marriage is a complex problem with a multitude of consequences. Tahirih has identified that there are personal, inter-generational, and social costs to child marriage. In regard to personal costs, child marriage denies young people the personal freedom derived from the right to decide if, when, and whom to marry. It can also lead to a range of severe health problems and long-term consequences for those who experience it. Health-wise, it has been linked to maternal and child mortality, domestic and sexual violence, and human trafficking and HIV infections. Child marriage has also been shown to cause diminished mental health, as U.S. women who married as children suffer from higher rates of psychiatric disorders. Long-term consequences occur in the form of family instability, curtailed education and work opportunities, and poverty. In terms of inter-generational and social costs, the Centers for Disease and Control Prevention found a powerful correlation of Adverse Childhood Experiences, or ACEs, for individuals that suffer from child marriage, but also for those that are born from these marriages. ACEs are stressful or traumatic experiences during childhood, such as physical, sexual, and emotional abuse, and emotional and physical neglect, that have been linked to a range of health problems in adulthood, including those associated with substance use, early death, and more.

In efforts to battle this issue, Tahirih launched its Force Marriage Initiative in 2011, at federal and state levels, to tackle forced marriage as a domestic U.S. problem. The

initiative includes nearly 400 members using their resources to tackle this issue, and the National Forced Marriage Working Group, made of about 40 organizations. The initiative includes collaborations with survivor advocates, the provision of direct services and technical assistance on forced marriage cases, and the advocating for a minimum age of marriage. Tahirih also has already passed legislation for a minimum age in Virginia, and has drafted legislation to protect children in Maryland, New Jersey, and New York. It aims to set the legal age of marriage to the age of majority in all states, with the exception of emancipated minors. Finally, Tahirih conducts continuous research to understand evolving minimum marriage age laws in the U.S. and provides this information to lawmakers and advocates in the U.S. so they can pass laws more effectively

III. DOMESTIC VIOLENCE, TRAFFICKING, AND SEXUAL VIOLENCE

Tahirih additionally works to combat domestic violence, trafficking, and sexual violence in the U.S. More specifically, Tahirih targets its efforts in this area to reach immigrant girls and women who have been brought to the U.S. Tahirih focuses on immigrant girls and women because studies show they are more vulnerable and twice as likely to experience domestic violence, sexual assault, trafficking, and other violent crimes than the general populations. Their vulnerability stems from many factors, one of which is their vulnerable immigration status. Undocumented women and girls are less likely to leave or report their abusers out of fear of immigration consequences, such as being deported or separated from their children.

Tahirih helps girls and women who live in the U.S. apply for immigration relief through a variety of avenues, such as gender-based asylum, the Violence Against Women's Act Petitions, T-visas, U-visas, and Special Immigrant Juvenile Status. Throughout these proceedings, Tahirih utilizes trauma-informed lawyering and provides social services case management in representation in court for its clients. Tahirih uses this approach to maintain a 99% litigation success rate in the complicated cases it takes on, cases that others have deemed unwinnable.

IV. FEMALE GENITAL MUTILATION

Female Genital Mutilation ("FGM") is a term used to describe the practice that involves the complete or partial removal of the external female genitalia. It is illegal in the U.S. and condemned by the World Health Organization as a human rights violation. There are no health benefits, and it can cause severe health complications or death in the women or girls that undergo the procedure.

As stated, Tahirih was founded after a case involving FGM. The case established that women and girls facing FGM may be eligible for asylum and set national precedent establishing gender-based persecution as a ground for asylum. Since then, Tahirih has continued to be a leader in advocating for victims of FGM. Tahirih partners with major law firms and other advocates to file amicus briefs in asylum cases across the nation.

Additionally, Tahirih continues to engage in legislative and administrative advocacy to ensure that the asylum system is acting fairly and protecting girls and women. Not long ago, Tahirih celebrated another milestone victory for FGM victims when it provided legal representation in *Matter of A-T-*, which established that FGM is a form of persecution with long-lasting effects. More recently, in 2015-16, Tahirih worked with USCIS and helped provide guidance on how the agency could improve training procedures for asylum officers.

V. HONOR VIOLENCE

Honor crimes, which are acts of violence, including murder, committed by family members onto another family member who they believe has brought them shame or disgrace, remain misunderstood and overlooked. Honor violence differs from domestic violence in that honor violence is not directed at women or girls' immediate behavior, but instead aims to punish girls and women who are seen to be acting too western or who have relationships or friendships that go against caste, ethnic, gender, or religious distinctions. While some organizations consider forced marriage and FGM to fall under honor violence, the most common types of honor violence involve acid attacks, burning, or hot oil, although this list is not all encompassing.

Honor killings happen globally, including in Western countries. About 5,000 women and girls are murdered worldwide every year by predominantly male family members, who believe the girls have brought dishonor to their families. Experts believe these numbers are lower than the amount of honor crimes that actually occur, as many of these cases go unreported, occur in remote areas, or are classified as another crime.

While in the U.S., honor killings and honor crimes are usually criminally prosecuted, more can be done. Although research shows that 67% of social service agencies in the U.S are aware that honor killings occur here, only 16% felt their agency was equipped to deal with these cases. Tahirih's response to honor crimes is the same as its response of Female Genital Mutilation: it assists those that have suffered from honor violence by helping them apply for asylum.

VI. CURRENT WORK

From its offices in Baltimore, Washington D.C., Houston, San Francisco, and Atlanta, Tahirih continues to work to combat all of the aforementioned issues, as well to figure out solutions when new ones emerge.

This year, in 2019, Tahiri has expressed concern about immigration policies put into effect by the current administration, and about potential immigration policies that have are planned to go into effect. The public has expressed its outrage regarding the family separations that occurred in summer 2018, abuse of imprisoned detainees, and overburdened immigration courts. However, in response, the Trump administration has

ordered a new policy that aims to have asylum seekers wait in Mexico while awaiting their court dates.

Tahirih and other advocacy groups, including the American Civil Liberties Union, are currently seeking a restraining order to block this policy, as it would have negative impacts on immigrants seeking asylum, including girls and women fleeing from gender-based violence. Tahirih and other human-rights advocates state that this policy is particularly concerning because it impedes immigrants from being able to access attorneys while their applications are pending, impedes them from accessing trauma informed mental health services, and ultimately has them waiting in a place where their safety is compromised, without protection.

VII. CONCLUSION

Tahirih has been incredibly successful in providing voices to girls and women who were once silenced. It elevates their voices in communities, in courts, and in Congress. Just as its namesake, Tahirih, did in the 19th century, Tahirih ardently calls on women and girls around the world to reject the violence and oppression imposed upon them. Through its advocacy, research, training and education, and provision of legal and social justice for girls, it takes a step forward towards the goal of full equality between women and men, and towards creating a work where women and girls can live in safety and with dignity.

SOURCES

Abigail R Esman, *The Horrors of Honor Violence in the West*, THE ALGEMEINER (June 19, 2018), <https://www.algemeiner.com/2018/06/19/the-horrors-of-honor-violence-in-the-west/>.

Adverse Childhood Experiences, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (July 9, 2018), <https://www.samhsa.gov/capt/practicing-effective-prevention/prevention-behavioral-health/adverse-childhood-experiences>.

Celia W. Dugger, *U.S. Grants Asylum to Woman Fleeing Genital Mutilation Rite*, THE NEW YORK TIMES (June 14, 1996), <https://www.nytimes.com/1996/06/14/nyregion/us-grants-asylum-to-woman-fleeing-genital-mutilation-rite.html>.

Center for Gender & Refugee Studies, *Matter of Kasinga (1996)*, UNIVERSITY OF CALIFORNIA HASTINGS COLLEGE OF LAW, <https://cgrs.uchastings.edu/our-work/matter-kasinga-1996>.

Child Marriage, UNICEF, <https://www.unicef.org/rosa/what-we-do/child-protection/child-marriage>.

Child Marriage in America: Current Laws are Failing to Protect Vulnerable Children and Teens, TAHIRIH JUSTICE CENTER (Feb. 20, 2015), <https://www.tahirih.org/news/child-marriage-happens-in-the-u-s-too/>.

Child Marriage in the United States: A serious Problem with a Simple First-Step Solution, TAHIRIH JUSTICE CENTER, (Nov. 7, 2016), <http://www.tahirih.org/wp-content/uploads/2016/11/Tahirih-Child-Marriage-Backgrounder.pdf>.

Domestic and Sexual Violence, TAHIRIH JUSTICE CENTER, <https://www.tahirih.org/what-we-do/policy-advocacy/domestic-and-sexual-violence/>.

Domestic Violence, TAHIRIH JUSTICE CENTER, <https://www.tahirih.org/who-we-serve/forms-of-violence/domestic-violence/>.

Falling Through the Cracks: How Laws Allow Child Marriage to Happen in Today's America, TAHIRIH JUSTICE CENTER, TAHIRIH JUSTICE CENTER, (Aug. 2017), <https://www.tahirih.org/wp-content/uploads/2017/08/TahirihChildMarriageReport-1.pdf>.

Female Genital Mutilation, TAHIRIH JUSTICE CENTER, <https://www.tahirih.org/who-we-serve/forms-of-violence/female-genital-mutilation/>.

Forced Marriage Policy, TAHIRIH JUSTICE CENTER, <https://www.tahirih.org/what-we-do/policy-advocacy/forced-marriage-policy/>.

Gender-Based Asylum, TAHIRIH JUSTICE CENTER, <https://www.tahirih.org/what-we-do/policy-advocacy/gender-based-asylum/>.

History, TAHIRIH JUSTICE CENTER, <https://www.tahirih.org/about-us/history/>.

Honor Crimes, TAHIRIH JUSTICE CENTER, <https://www.tahirih.org/who-we-serve/forms-of-violence/honor-crimes/>.

Honor Violence, ACT FOR AMERICA, <https://www.actforamerica.org/constitutionalfreedoms/honor-violence>.

Julia Dahl, "Honor killing" under growing scrutiny in the U.S. CBS NEWS (Apr. 2, 2012), <https://www.cbsnews.com/news/honor-killing-under-growing-scrutiny-in-the-us/>.

Manda Barger, *GALLERY: 2019 International Women's Day*, WPSD LOCAL 6 (March 8, 2019), <https://www.wpsdlocal6.com/2019/03/08/2019-international-womens-day/>.

Michael Burke, *Immigrant advocacy groups seek restraining order to block Trump asylum policy*, THE HILL (Feb 20, 2019), <https://thehill.com/regulation/court-battles/430894-immigrant-advocacy-groups-seek-restraining-order-to-block-trump>

New Guidance for Asylum Officers Will Better Protect Survivors of Female Genital Mutilation/Cutting, TAHIRIH JUSTICE CENTER (Feb. 26, 2016), <https://www.tahirih.org/news/new-guidance-for-asylum-officers-will-better-protect-women-and-girls-who-survived-female-genital-mutilationcutting/>.

New Policy Will Keep Asylum Seekers in Mexico, TAHIRIH JUSTICE CENTER (Jan. 25, 2019), <https://www.tahirih.org/news/new-policy-will-keep-asylum-seekers-in-mexico/>.

Rachel Vogelstein & Alexandra Bro, *It's Time to Close the Loopholes on Child Marriage in the U.S.*, FORTUNE (February 20, 2019), <http://fortune.com/2019/02/20/child-marriage-minimum-age-us/>.

Understanding State Statutes on Minimum Marriage Age and Exceptions, TAHIRIH JUSTICE CENTER (Oct. 11, 2018), <https://www.tahirih.org/wp-content/uploads/2016/11/FINAL-Oct-2018-State-Statutory-Compilation.pdf>.

Violence Prevention: CDC-Kaiser ACE Study, CENTERS FOR DISEASE CONTROL AND PREVENTION, <https://www.cdc.gov/violenceprevention/acestudy/about.html>.

Who was Tahirih, TAHIRIH JUSTICE CENTER, <https://www.tahirih.org/about-us/who-was-tahirih/>.

Who we Serve, TAHIRIH JUSTICE CENTER, <https://www.tahirih.org/who-we-serve/>.

Michelle Chen, *Trump's 'Remain in Mexico' Policy is Illegal Under International Law*, THE NATION (March 7, 2019), <https://www.thenation.com/article/trump-border-mexico-international-law-human-rights/>.

What we Do, TAHIRIH JUSTICE CENTER, <https://www.tahirih.org/what-we-do/>.