

Centre for the study of  
*Emotion & Law*

ANNUAL REPORT  
2007-2008

CENTRE FOR THE STUDY OF EMOTION AND LAW  
Board of Trustees' Report and Financial Statements  
For the Year Ended 30<sup>th</sup> September 2008

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Company Reg. No. : 05985322

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London EC2A 4NJ

Bankers : Barclays Bank PLC, Marylebone Portman Square Group.

## Our Trustees

**Stuart Turner** is a Consultant Psychiatrist and Director of the Trauma Clinic. He is the immediate past-President of the International society for Traumatic Stress Studies (ISTSS) and has also previously served as President of the European Society for Traumatic Stress Studies; Medical Director and, later, Research & Development Director in a large NHS Trust, & Campus Dean in the Royal Free and University College Medical School. He has published widely in this area.

**Chris Brewin** is a Professor of Psychology at University College, London. He is internationally known and widely published. He is a scientist specializing in the fields of memory and psychological responses to trauma and has conducted, supervised and collaborated with many studies collecting empirical evidence relevant to the theory and treatment of anxiety, depression and post traumatic stress disorder.

**Catriona Jarvis** is a Senior Immigration Judge on the United Kingdom Asylum and Immigration Tribunal (AIT). She has a Masters Degree in International Legal Studies, Refugee and Human Rights Law. She was joint author of the IAA Asylum Gender Guidelines, and contributed to the 2004 Chief Adjudicator Guidance Note on Children. She is the Rapporteur of the Vulnerable

Groups working party of the International Association of Refugee Law Judges.

## Specialist Advisor

We also have a specialist advisor, **Kate Gleeson**, a qualitative researcher with a track record in feminist publication (including editing special features for *Feminism and Psychology* and numerous presentations and keynote talks at women's studies conferences).

## Our Charitable Purposes

*(a) To promote and carry out for the public benefit research and to publish or otherwise disseminate the useful results of such research.*

*(b) To promote the sound administration of justice by providing relevant information and research into the use of empirical evidence from the fields of psychiatry and psychology in legal decision making.*

**Welcome** to the first Annual Report and Financial Statement of the Centre for the Study of Emotion and Law. We are delighted to be able to present our first year's achievements.

CSEL has its roots in a research project, which set out to investigate empirically the basis for the assumption, common in asylum determinations, that traumatic memories are always consistently and accurately recalled. We also wanted to show that it is possible to apply scientific principles to build an empirical base of evidence for decision making in asylum law. We had feedback that our report, published in the British Medical Journal, was having a critical impact for many asylum seekers and their access to justice. It demonstrated that this assumption was not supported by empirical research.

The Centre for the Study of Emotion and Law is our way of taking this approach further. Although we already had some published work behind us, and we were writing and supervising research projects, we wanted to bring it together in a way that would allow us to do more primary and secondary research, to disseminate our findings more actively and to provide a focus for other people doing similar work.

Our main goals for this year were to achieve a level of independence through grant funding and to complete a research study which sets out the basis for a program of research for the coming years. We are looking forward to an exciting second year. It will see the start of a new research project, funded by the BIG Lottery Fund and, hopefully, the further growth of the centre.

2008 was also an eventful year in ways that we had not foreseen. The Independent Asylum Commission successfully completed their ambitious undertaking to collect the views of the country on our asylum system and we were honoured to be able to be involved in their reports. We also had the opportunity to attend conferences and

meetings throughout the year, helping to broaden our network and disseminate our work and our approach.

Our special thanks go to the BIG Lottery Fund, for our first project grant. We have also had tremendous support and encouragement from Aida Alayarian at the Refugee Therapy Centre, Maurice Wren, Deborah Singer, Claire Bailey and all at Asylum Aid, from Carla Ferstman at Redress, Amanda Webb-Johnson at Refugee Resource in Oxford and Tim Dalgliesh of the MRC Cognition and Brain Sciences Unit in Cambridge

## CSEL's Goals for 2007-8

### Funding

- ◆ To secure a range of funding sources

### Research

- ◆ To complete a study analysing assumptions made by Immigration Judges in their Refugee Status Determination
- ◆ To submit a journal paper describing our qualitative analysis of Immigration Judges assumptions
- ◆ To submit a review paper to the International Journal of Refugee Law
- ◆ To encourage more research into the decision making process in Refugee Status Determination

### Dissemination

- ◆ To establish networks with other important groups in the sector
- ◆ To disseminate further our research findings, through training and presentations

## Our achievements this year

### ◆ FUNDING

#### BIG Lottery Fund

At the beginning of 2008 we put together our biggest funding bid yet, in collaboration with the **Refugee Therapy Centre** to the BIG Lottery Fund Research Programme. We proposed a project to develop further the investigation of inconsistency, often termed “discrepancies” by decision makers, in the claims of asylum seekers, by examining some of the potential mechanisms involved.

In September 2008 we learnt that we have secured approximately £150,000 to complete this project over the coming 3 years. The project will start in April, 2009 (pending Research & Ethics approval).



#### Other funds

We also applied to other grant making bodies for both project and core funding, some of which applications are ongoing.

## ◆ RESEARCH ~ Submitted Journal Papers

### What assumptions about human behaviour underlie asylum judgments?

The Independent Asylum Commission found that Immigration Judges are advised to use their “common sense and experience” when making judgments about whether asylum seekers should be offered protection in the UK. We argued, in an editorial published in the British Journal of Psychiatry, that such decisions should be based on sound evidence – and that scientific evidence is available to help judges make their decisions.

Early in 2008 Jane Herlihy and Kate Gleeson completed the coding and analysis of a series of determinations by Immigration Judges of the IAT in London and Manchester. We found that it is possible to identify and classify assumptions, made by judges, in coming to their decisions. Judges make assumptions about how people behave in terrifying situations, what families do after a family member has been raped, how people remember their worst experiences.

Making judgments about refugee status is one of the most difficult jobs there is. We want to provide reliable empirical evidence, which judges and other decision

makers can draw on to help them to know that they are making the best decision possible.

This study has been submitted to an international peer-reviewed journal, for publication.

### The Psychology of Seeking Protection

We have argued that there is a ‘wealth of evidence’ in the psychological literature that could help legal advisors and judges to better understand ...

We have produced a paper which works step by step through the asylum procedure, pointing to psychological knowledge relevant to each stage...

**“I wanted you to get the feedback that your research is effective and could have saved the lives of 3 very vulnerable people! Thanks so much.”**

**Sue  
[community centre volunteer,  
supporting an asylum seeker from Chechnya]**

## ◆ RESEARCH ~ Supervision

Jane Herlihy has a track record of supervising psychology research at doctoral level and has brought this work into CSEL, in order to further the charitable purpose of promoting research for the public benefit in the field of asylum decision making.

Lucy Wilson-Shaw is conducting a study which looks at how legally trained professionals make judgments about the vulnerability of their clients. This is being supervised by Jane Herlihy (together with Nancy Pistrang at UCL) at the Centre for the Study of Emotion and Law. She will present a journal paper describing the study in part fulfillment of her Doctorate in Clinical Psychology at University College, London in June 2009.

Hannah Rogers is preparing a study looking at the way in which legally trained professionals and untrained lay people judge the credibility of people who are experiencing intrusive memories. She aims to complete this study, and the journal paper describing the study, in June 2010. This will form part of her Doctorate in Clinical Psychology at Royal Holloway, London. This study is being supervised (together with Pippa Stallworthy at RHUL) by Jane Herlihy at the Centre for the Study of Emotion and Law.

## ◆ RESEARCH ~ Research Group

Following an inspirational visit by Jane Herlihy to the Centre for Appearance Research, in Bristol, Jane Herlihy has convened a Research Peer Group in London. This group meets every 2-3 months to share ideas and encouragement.

## ◆ NETWORKS AND PARTNERSHIPS

This year we have developed our networks with important stakeholders and with other groups working in this sector.

- We have an exciting partnership with the **Refugee Therapy Centre**. We will undertake a three year research project together, supported by the Big Lottery Fund.



- In November, Jane Herlihy presented a symposium on Psychological Knowledge in Refugee Status Determination at the International Society of Traumatic Stress Studies, together with Janet Cleveland, Canada Research Chair in International Migration Law, Montreal, and Zachary Steel, of the University of South Wales, Sydney, author of numerous papers on asylum seeking and mental health and asylum decision making in Australia. Jane's paper argued that there is empirical knowledge about human behaviour that could be drawn on when making decisions about people's claims for sanctuary.

- Jane Herlihy was elected an Associate Academic member of the International Association of Refugee Law Judges. She has been working with two Working Parties to develop international guidelines for the use of Expert Evidence and on the consideration of Vulnerable Appellants
- CSEL is acknowledged and cited in the most recent report from the Refugee Women's Resource Project at Asylum Aid, which also quotes our research. CSEL endorsed Asylum Aid's **Charter of Rights for Women Seeking Asylum**
- Our research is reported and acknowledged in the Annual Report of Refugee Resource, of Oxford.

## ◆ DISSEMINATION ~ Presentations & Training

### ◆ Best Practices For Refugee Status Determination: Principles And Standards For State Responsibility.

In May 2008, Monash University, Faculty of Law and Université de Montréal, Faculty of Law organised an international conference in Prato, Italy, to consider all aspects of Refugee Status Determination across the world. This conference attracted many academics, state, judicial and UNHCR decision makers, as well as many of the members of the International Association of Refugee Law Judges, including its president, Justice Tony North, from Australia. Key speakers included academics from Australia and Canada, all widely known for their research and writing on credibility.



Following a peer review process Jane Herlihy presented a paper at the conference, discussing judicial decision making in the asylum process and presenting some results from the analysis of assumptions in UK determinations.

### ◆ An Unsettled Future? Forced Migration and Refugee Studies in the 21st Century : International Conference

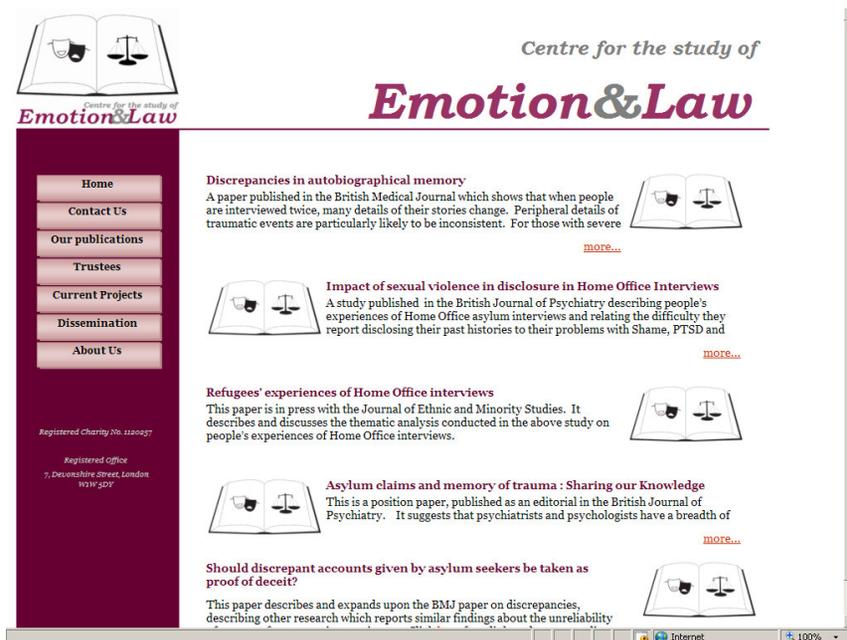
In December, 2007, The Refugee Studies Centre in Oxford held a conference to mark their 25<sup>th</sup> year, “dedicated to bringing scholars together to take stock of the state of research on refugee and forced migration movements”.

Jane Herlihy presented a paper discussing the background to the study of assumptions in Immigration Judges’ determinations, and showing some preliminary results.

◆ In April, 2008 Jane Herlihy and Stuart Turner ran a **training event**, together with Raggi Kotak, of Pump Court, for the Immigration Lawyer Practitioners’ Association (ILPA).

## ◆ OTHER ACHIEVEMENTS ~ WEBSITE

We have developed a website in order to showcase our work and disseminate our papers. We receive an increasing number of requests for our papers, which we are now able to direct to the website. The site is limited, however, and we are pursuing funding to improve it and ensure industry-standard functionality and access.



## ◆ OTHER ACHIEVEMENTS ~ The Independent Asylum Commission

In May 2008, Jane Herlihy attended the launch of the Interim Findings of the Independent Asylum Commission. As a result of conversations at this meeting she was invited to join the commissioners at a meeting to draft the first final report, Saving Sanctuary, addressing concerns with decision making in the UK asylum process.



Ifath Nawaz and Sir John Waite,  
co-chairs of the IAC.

## Our Plans for 2009

### Research

#### ◆ BIG Lottery Fund Research Project

- At the beginning of 2008 we put together our biggest funding bid yet, to the BIG Lottery Fund Research Programme. We proposed a project to further investigate the issue of inconsistency, often termed “discrepancies” by decision makers, in the claims of asylum seekers. In an earlier, small scale study, we found evidence that many people who have experienced traumatic events will be inconsistent, if interviewed more than once, in their recall of details of the event. This is all the more so for details peripheral to the event (for example the exact date that a rape or arrest occurred). We also showed that people with high levels of post-traumatic stress disorder will be even more inconsistent if there is a long delay between interviews. This new project, funded by the BIG Lottery Fund, builds on the earlier work and sets out to explore the reasons why discrepancies occur.

These may arise, for example, as a result of:

- being in a different mood state at each interview
- having intrusive ‘flashback’ memories during the interview
- being in a dissociative state (the interviewee being so caught up in the memories that cease to be aware of where they are)

We also want to investigate whether discrepancies are being inadvertently introduced by interpreters who might use different phrasing on two occasions, leading decision makers to think that a different answer has been given.



- ◆ Jane Herlihy will continue to supervise doctoral research and run the research peer group

## Funding

- ◆ Secure broader funding, particularly core funding to cover
  - Accommodation costs
  - Improved dissemination – e.g. industry standard, easily updatable website

## Dissemination

- ◆ Our studies are always published, in the first instance, in peer-reviewed scientific journals. To help disseminate them to a wider audience, we want to write short reports, which could be used by community and voluntary sector groups. With the limited amount of funding for professional legal advice to asylum seekers, more and more legal advice is taken on in the community.

## And ...

- ◆ Until now we have had the use of an office in Devonshire Street, by kind support of the Trauma Clinic. However we will soon need more space and so have to find alternative premises of our own. This will involve a big jump in funding needs.
- ◆ In our first year, our startup period, we have had just three trustees, who have given generously of their time and support. As we grow in productivity, we will need to develop our governance structures. Part of our strategy in this direction is to increase the number of trustees, which we will do over the course of 2009.

## Structure, Governance and Management

### Governing Document

The organisation is a charitable company limited by guarantee, incorporated on 1<sup>st</sup> November 2006 and registered as a charity on 25<sup>th</sup> July 2007. The company was established under a Memorandum of Association which established the objects and powers of the charitable company and is governed under its Articles of Association. In the event of the company being wound up members are required to contribute an amount not exceeding £10.

### Recruitment and Appointment of Trustees

The directors of the company are also charity Trustees for the purposes of charity law and under the company's Articles are known as Trustees.

The charity may by Ordinary Resolution in General Meeting appoint any person who is willing to act to be a Trustee, either to fill a vacancy or as an additional Trustee.

Trustees are appointed on the basis of skills required for the role and to fill any particular skills gaps on the Board. Trustees are recruited personally by existing members on the basis of their relevant knowledge, experience of and interest in the charity's work.

New Trustees are elected and appointed through a defined procedure, as follows:

The name of any potential Trustee (who meets the Person Specification) is circulated around the Trustees and Director to identify if there are any objections to approaching them. If they are interested, they are invited to an informal discussion with the Director. They will then meet at least two Trustees to discuss the

organisation and the role of a Trustee. If they are still interested, they may be asked to provide some more details about themselves, and are then invited as an observer to a Trustees' meeting. If both sides wish to formalise the arrangement (assuming approval from the Trustees collectively), the person is appointed as a Trustee.

### Trustee Induction and Training

Each of the initial Trustees received the following information:

- A document from the Charities Commission (CC3) outlining the responsibilities of Trustees.
- The main documents which set out the operational framework for the charity including the Memorandum and Articles.

New Trustees also receive

- Sources of funding and the current financial position as set out in the most recent published accounts.
- The most recent annual review.
- Minutes of the last Trustees' meeting.

### Trustees' responsibilities

The Board of Trustees is responsible, inter alia, for setting and overseeing the overall direction, policies and finances of the charity. It has the power from time to time to adopt and make, alter or revoke, byelaws for the regulation of the charity and otherwise for the purposes for which the charity is established, so long as such bye-laws are consistent with the Memorandum or Articles of Association. The Director is responsible for the day-to-day management of the charity and execution of policies and practices set by the Board of Trustees