

Women for Refugee Women written submission to the review into the welfare in detention of vulnerable persons – 8th April 2015

Background information and introduction

1. Women for Refugee Women (WRW) is a charity that works with women who have sought asylum in the UK. We support two grassroots groups in London, Women Asylum Seekers Together London and the London Refugee Women's Forum, and we also work with similar groups throughout the UK. We work with the mainstream media, with arts organisations and with women's organisations, including the Women's Institute, to ensure that refugee women's voices are heard by a wide range of audiences and to challenge the injustices experienced by refugee women.
2. In January 2015 we published *I Am Human: Refugee women's experiences of detention in the UK*.¹ This report was based on research we conducted with 38 women who had sought asylum and been detained: a third of the women we spoke to were in detention at the time of interview, and all of the other interviewees had been detained in the previous two years. A year previously, in January 2014, we published *Detained: Women asylum seekers locked up in the UK*,² which reported on interviews with 46 asylum-seeking women who had been detained. Much of the evidence cited in this submission is drawn from these reports; we also attach *I Am Human* for reference.
3. This submission covers three main areas: the vulnerability of women who seek asylum; our concerns regarding the scope of the review; and, taking account of the scope of the review as set out in the terms of reference, our concerns about the welfare of women seeking asylum who are held in immigration detention.

Women who seek asylum and vulnerability

4. In 2013, 6,396 women came to the UK to seek asylum in their own right (rather than as dependants of a male asylum seeker). In the same year, the Home Office detained 2,038 women seeking asylum. The majority of women who are detained are held in Yarl's Wood immigration removal centre, near Bedford, which is run by the private company Serco.
5. Just under a third (624) of the asylum-seeking women detained in 2013 were routed into the Detained Fast Track (DFT), an accelerated decision-making process that is supposed to be reserved for 'straightforward' cases. Of these, 219 women had their cases taken out of the DFT before an initial decision. Of the 2,038 women detained across 2013, 43% were held for more than a month. Just a third of asylum-seeking women who left detention in the same year were removed from the UK; two-thirds were released into the community to continue with their claim.³
6. In both *I Am Human* and *Detained*, we found that the majority of the women who disclosed their experiences of persecution to us told us that they had experienced rape, sexual violence

¹ http://www.refugeewomen.co.uk/wp-content/uploads/2015/01/WRW_IamHuman_report-for-web.pdf

² <http://www.refugeewomen.co.uk/wp-content/uploads/2014/01/WRWDetained.pdf>

³ All statistics in this paragraph supplied to Women for Refugee Women by the Home Office.

or torture in their home countries, which led them to seek asylum in the UK. In *Detained*, for instance, 33 of the 43 women (77%) who spoke to us about their experiences of persecution told us that they had been raped, 11 of them by soldiers, police or prison guards. Forty of the 43 women (93%) said they had been either raped or tortured.

In *I Am Human*, 24 out of the 34 women (71%) who disclosed their experiences of persecution said they had experienced rape or sexual violence; 8 had been raped by soldiers, police or prison guards. Twenty-six out of the 34 women (76%) said they had experienced either rape or torture.

7. Such experiences clearly mark out women who seek asylum as vulnerable. Indeed, in other contexts, such as the criminal justice system, women who have experienced rape or sexual violence are recognised as such. For instance, the Stern Review (2010), which examined how rape complaints are dealt with by the criminal justice system and beyond, recognised rape as a 'deeply damaging crime' and highlighted the vulnerability of those who have experienced sexual violence.⁴ Reviewing the treatment of women involved with the criminal justice system as 'offenders', the Corston Report (2007) recognised the particular vulnerability of women who have experienced sexual abuse, and recommended against the use of imprisonment for women in the vast majority of cases.⁵
8. The previous experiences of women who seek asylum and their vulnerability means that immigration detention is often particularly distressing for them, a point explicitly recognised by the recent report of the Parliamentary inquiry into the use of immigration detention.⁶ The distress of being detained is, moreover, exacerbated by the failure to recognise women's histories of victimisation and abuse in detention, an issue highlighted by the most recent inspection of Yarl's Wood by HM Inspectorate of Prisons (HMIP).⁷
9. Our research reports provide evidence that supports this conclusion. As set out in more detail below, *I Am Human* documents the routine watching of women in intimate situations by male guards, as well as the searching of women's rooms and their bodies by male staff. Such practices are extremely upsetting and exacerbate the trauma experienced by women seeking asylum who are detained.

⁴ Stern, V. (2010) *The Stern Review: A report by Baroness Vivien Stern CBE of an independent review into how rape complaints are handled by public authorities in England and Wales*, available at http://webarchive.nationalarchives.gov.uk/20110608160754/http://www.equalities.gov.uk/PDF/Stern_Review_acc_FINAL.pdf

⁵ Corston, J. (2007) *The Corston Report: A report by Baroness Jean Corston of a review of women with particular vulnerabilities in the criminal justice system*, available at <http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf>

⁶ All-Party Parliamentary Groups on Refugees and Migration (2015) *The report of the inquiry into the use of immigration detention in the United Kingdom*, available at <https://detentioninquiry.files.wordpress.com/2015/03/immigration-detention-inquiry-report.pdf>

⁷ HM Inspectorate of Prisons (2013) *Report on an unannounced inspection of Yarl's Wood immigration removal centre*, available at <http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/immigration-removal-centre-inspections/yarls-wood/Yarls-Wood-2013.pdf>

10. Our reports also point to high levels of mental distress among asylum-seeking women in detention, further indicating their vulnerability. One in five of the women we spoke to for *Detained* said they had tried to kill themselves in detention. Half of the women we interviewed for *I Am Human* said they had been on suicide watch while detained, and 40% said they had self-harmed in detention.
11. A recent response to a Freedom of Information (FOI) request highlights that, across July-September 2014, 108 individuals in Yarl's Wood were monitored under the Assessment, Care in Detention and Teamwork (ACDT) process, for those deemed to be at risk of self-harm. This represents the highest number of individuals placed on ACDT in any detention centre across this period. According to the same FOI response, there were 19 incidents of self-harm requiring medical attention in Yarl's Wood across July-September 2014.⁸

Scope of the review

12. We welcome this review and its scrutiny of the welfare of vulnerable people in immigration detention, and are pleased to have the opportunity to submit written evidence as part of the review process.
13. However, like other organisations working with people who are in and have experienced detention, we have concerns about the scope of the review, and in particular the explicit exclusion of the decision to detain as a matter for consideration. A clear body of evidence, including from monitoring bodies such as HMIP, academic researchers and non-governmental organisations,⁹ points to the distressing impact of immigration detention in itself, particularly for those who have already experienced serious trauma such as rape, sexual violence or torture. We would point, therefore, to the limitations of examining the welfare of vulnerable people in relation to immigration detention without scrutinising the processes that lead to its use.
14. Following on from the above point, we would note that our research highlights the routine use of immigration detention for survivors of torture, contrary to the Home Office's own policy on 'persons considered unsuitable for detention' as set out in Chapter 55 of the Enforcement Instructions and Guidance. According to this policy, where there is independent evidence that someone has been tortured, detention can be appropriate 'in only very exceptional circumstances'.¹⁰

⁸ See <https://www.gov.uk/government/publications/incidents-of-self-harm-in-immigration-detention-in-2014>

⁹ Alongside WRW's research reports, see, for instance HMIP and Independent Chief Inspector of Borders and Immigration (ICIBI) (2012) *The effectiveness and impact of immigration detention casework*, available at <http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/thematic-reports-and-research-publications/immigration-detention-casework-2012.pdf>; Robjant, K., Robbins, I. and Senior, V. (2009) 'Psychological distress among immigration detainees: A cross-sectional questionnaire study', *British Journal of Clinical Psychology* 48, 275-286; and Medical Justice (2012) *The second torture: The immigration detention of torture survivors*, available at <http://www.medicaljustice.org.uk/images/stories/reports/2ndtfull.pdf>.

¹⁰ UK Visas & Immigration and Immigration Enforcement, *Enforcement Instructions and Guidance*, Chapter 55, section 55.10, available at

15. Pregnant women are also specified as suitable for detention in very exceptional circumstances only. The most recent inspection of Yarl's Wood by HMIP, however, found that eight pregnant women were being held there at the time of the inspection and that 'there was insufficient evidence on file documenting the exceptional circumstances that had led to their detention.'
16. We would highlight, too, that while Home Office guidance specifies those who have survived torture or trafficking as 'persons considered unsuitable for detention', it does not explicitly reference survivors of rape or sexual violence. This is a significant omission. UNHCR guidelines on detention state that 'victims of torture and other serious physical, psychological or sexual violence also need special attention and should generally not be detained.'¹¹ The Istanbul Convention of the Council of Europe on violence against women states: 'Parties shall take the necessary legislative or other measures to develop gender-sensitive reception procedures and support services for asylum seekers as well as gender guidelines and gender-sensitive asylum procedures.'¹²
17. The detention of survivors of sexual violence also runs counter to initiatives by other government departments. The Foreign and Commonwealth Office is working to end sexual violence in conflict by protecting survivors and bringing perpetrators to justice.¹³ It is irrational for the Foreign Office to be working on this while Home Office policy re-traumatises those who have to cross borders to find safety. Additionally, the Home Office's own action plan on tackling violence against women and girls states that it will 'work with key stakeholders to improve the processes for referring asylum seekers who are victims of sexual violence to appropriate services and signpost women and girls to available information and advice.'¹⁴ The routine detention of survivors of sexual violence, however, makes this impossible to implement.

Welfare of women seeking asylum in immigration detention

18. We are extremely concerned about the welfare of women seeking asylum who are held in immigration detention. As highlighted above, the majority of the women we have spoken to for our research are survivors of rape, sexual violence or torture; for these women, the experience of being locked up is in itself traumatic. Alongside this, the conditions of their detention clearly exacerbate the distress they experience. We set out our key concerns below.

Violations of dignity and privacy and gender-insensitive treatment

19. *I Am Human* sets out clear evidence of the inappropriate, gender-insensitive treatment of women in Yarl's Wood by male guards. Of the 38 women we spoke to for this report, 33 – that is, more than 85% – said that male guards had seen them in intimate situations, including

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/400022/Chapter55_external_v19.pdf

¹¹ UNHCR (2012) *Detention guidelines: Guidelines on the applicable criteria and standards relating to the detention of asylum seekers and alternatives to detention*, available at <http://www.unhcr.org/505b10ee9.html>

¹² Council of Europe (2011) *Convention on preventing and combating violence against women and domestic violence*, available at <http://www.conventions.coe.int/Treaty/EN/Treaties/Html/210.htm>

¹³ See <https://www.gov.uk/government/policies/preventing-sexual-violence-in-conflict>

¹⁴ Home Office (2014) *A call to end violence against women and girls: Action plan*, available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287758/VAWG_Action_Plan.pdf

while naked, partly naked, in the shower and on the toilet.

20. This happens when male guards enter women's rooms without knocking or waiting for a response, a practice that HMIP noted as 'widely reported' in its most recent inspection report. It also happens when women who are placed on suicide watch, or 'constant supervision', are watched by male guards, a practice which the Home Office has previously insisted does not occur. Responding to our 2014 report *Detained*, they set out that 'male staff would not supervise women showering, dressing or undressing, even if on constant supervision through risk of self-harm.'¹⁵
21. However, in our research for *I Am Human*, we found that 13 of the 19 women who told us that they had been on suicide watch in Yarl's Wood were watched by men. Eight of these women said that male guards watched them while they were on the toilet, seven while they were in the shower and five while they were naked.
22. The Home Office policy on ACDT sets out that constant supervision 'will be carried out by a designated member of staff on a one-to-one basis, remaining within eyesight at all times.'¹⁶ There is no mention that this staff member should be female, however, or that she should have received any training regarding the need to respect the detainee's dignity and privacy. This contrasts with the recently published HMIP *Expectations* on the treatment of and conditions for women in prison, which set out that the gender of staff conducting constant supervision should be determined 'following documented consultation with the prisoner and assessment of need.'¹⁷
23. For women in detention, the impact of being watched by male members of staff is significant. One woman who spoke to us for *I Am Human* said: 'It bothered me so much. I have a history of sexual abuse. This man can do anything to me. It's not right at all. It makes you so vulnerable.' Another woman explained: 'I felt ashamed. A total stranger just saw you naked and you have to see them all day. It breaks your confidence.' Giving evidence to the Parliamentary inquiry into the use of detention, Maimuna Jawo, who was detained in Yarl's Wood, explained: 'Anybody who is on suicide watch has sexual harassment in Yarl's Wood, because those male guards they sit there watching you at night, sleeping and being naked. People who are on suicide watch need doctors, not officers sitting at their door.'¹⁸

¹⁵ Correspondence from Home Office to journalists, seen by Women for Refugee Women 30 January 2014; see *I Am Human*.

¹⁶ Home Office/UK Border Agency, Detention Services Order 6/2008, *Assessment care in detention and teamwork*, available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257720/assessment-care-in-detention.pdf

¹⁷ HMIP (2014) *Expectations: Criteria for assessing the treatment of and conditions for women in prison*, available at <http://www.justiceinspectores.gov.uk/hmiprison/wp-content/uploads/sites/4/2014/02/final-womens-expectation-web-09-14-2.pdf>. Currently, there are no *Expectations* focused specifically on women in immigration detention, although we understand that HMIP plans to produce these in the future.

¹⁸ First oral evidence session of the Parliamentary inquiry into the use of immigration detention, 17 July 2014, transcript at <https://detentioninquiry.files.wordpress.com/2015/02/first-evidence-session-transcript.pdf>

24. A third of the women we spoke to for *I Am Human* also told us that they had been searched by a male member of staff, and two-thirds said they had been searched with a male member of staff watching, both of which are breaches of Home Office policy.¹⁹ Two women told us that they were strip-searched by a male member of staff; one of these instances happened at Yarl's Wood, and one at Colnbrook.
25. Additionally, women told us that male guards routinely searched their rooms, which is also a breach of Home Office policy.²⁰ One woman told us: 'They don't warn you when they are going to search your room. They shout room search. We complained. They said they don't have to give you warning. They all enter and search. Men touch your knickers. This upset me. A man touches your knickers and leaves them on the bed. It made me cry.' This practice was also documented by the most recent HMIP report on Yarl's Wood, which notes that 'many women also told us that they were often embarrassed by male officers carrying out room searches without sensitivity.'

Sexual exploitation, racist abuse, physical assault and bullying

26. In June 2014, Serco admitted to the Home Affairs Select Committee that it had dismissed 10 Yarl's Wood staff members in relation to allegations of 'improper sexual contact' with female detainees, explaining that the dismissals related to eight separate cases out of 31 that had been investigated over the past seven years.²¹
27. The evidence gathered by *I Am Human* points to an ongoing culture of inappropriate sexual conduct and exploitation at Yarl's Wood. Six of the women who spoke to us said that a member of staff had made a sexual suggestion to them, and three said that they were touched sexually.
28. Seven women also told us that they had been physically assaulted by a member of staff while in detention. Twenty-five said that staff had been racist to them, and 29 women said they had been bullied by staff. Similarly, a Channel 4 News undercover investigation into Yarl's Wood broadcast at the beginning of March filmed staff members, including management, referring to women as "beasties", "animals" and "black bitch", making threats of physical violence and showing a callous disregard for their mental health.²² We understand from the Home Office that several members of staff have been suspended following this report.²³

Inadequate support for mental and physical health problems

29. As highlighted earlier, our research points to the high levels of mental distress among women seeking asylum who are held in immigration detention. Existing mental health problems, often

¹⁹ See Home Office/Immigration Enforcement, Detention Services Order 09/2012, *Searching policy*, available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/385880/2014-12-10_09_2012_-_Searching_policy_v3_0_final_external_2_.pdf

²⁰ *Ibid.*

²¹ 'Serco apologises after dismissals related to Yarl's Wood allegations', Guardian, 24 June 2014, <http://www.theguardian.com/business/2014/jun/24/serco-apologises-dismissals-yarls-wood-allegations>

²² 'Yarl's Wood: Undercover in the secretive immigration centre', Channel 4 News, 2 March 2015, <http://www.channel4.com/news/yarls-wood-immigration-removal-detention-centre-investigation>

²³ Information disclosed at the National Asylum Stakeholder Forum meeting, 23 March 2015.

a result of the trauma women have already been subjected to, are exacerbated by the experience of being locked up.

30. Moreover, detention in itself causes mental ill health.²⁴ Giving evidence to the Parliamentary inquiry into the use of immigration detention, Dr Katy Robjant of the Helen Bamber Foundation noted: 'A lot of our clients, despite experiencing very significant pre-migration trauma, will cite being detained as one of the most harmful things that has happened to them, and experience nightmares about detention, flashbacks about being detained in itself.' The lack of a time limit on immigration detention, and the uncertainty that this brings, adds considerably to the distress experienced by those who are detained.
31. Women interviewed for our research also spoke about their physical health problems, which clearly made them vulnerable in detention. Of the 46 women we interviewed for *Detained*, nine women told us they had high blood pressure, six had diabetes, one had tuberculosis (TB), one had cancer, and one was pregnant. Of the 38 women we spoke to for *I Am Human*, three were pregnant, one was HIV positive, and one had TB.
32. In spite of the high levels of health support needs, the women we interviewed pointed to the clear inadequacies of the healthcare provided in detention. Of the 45 women who rated the quality of healthcare in *Detained*, 20% described it as 'bad', and 42% as 'very bad'. Two-thirds said they did not trust the medical staff in detention; above all, women spoke about how the healthcare staff in detention appear to subscribe to a culture of disbelief.
33. One woman who spoke to us explained: 'Medical staff suspect you to act and pretend to be sick to strengthen your case. If you ask them for medication or tell them you are sick, they will say you are pretending. They don't have sympathy for asylum seekers.' Giving evidence to Bedford Council's Health Scrutiny Committee inquiry into healthcare at Yarl's Wood, Dr Naomi Hartree of Medical Justice echoed this, noting that those who present to healthcare are seen as 'faking their plight in order to gain asylum'.²⁵
34. At the same evidence session, Dr Hartree expressed her particular concern at the lack of mental health support available in Yarl's Wood. Similarly, the Vice-Chair of Yarl's Wood Independent Monitoring Board (IMB) noted that following the shift to NHS England as the commissioner of healthcare in immigration removal centres, and the contracting of G4S as the healthcare provider at Yarl's Wood, the number of hours of counselling available each month has dropped from 140 to 24. Dr Katy Robjant added her concern that behaviours that are linked to mental health problems are often interpreted by staff as 'failing to cooperate', which can mean recourse to disciplinary action, rather than care and support.

²⁴ A wealth of academic research exists on the impact of immigration detention on mental health. For references to a number of studies, see *Detained*, page 35.

²⁵ Meeting of Bedford Council Yarl's Wood sub-committee, 20 November 2014, minutes at <http://www.councillorsupport.bedford.gov.uk/mgAi.aspx?ID=14886>

35. The Vice-Chair of Yarl's Wood IMB also noted her concern that the availability of doctors on site has been cut. One of the women interviewed for *I Am Human* told us: 'The healthcare in here is terrible. Every day they make appointments for women to come at 10 and then there are so many women waiting that they only take the first four. I have very swollen legs and bad pains in my stomach and vaginal bleeding. They won't deal with either of these things and just try and give you paracetamol. It seems like a very unsafe situation because there are so many mentally and physically ill women in Yarl's Wood and so little and such poor healthcare.'
36. As highlighted earlier, the Home Office policy setting out that pregnant women should be detained only in very exceptional circumstances is not adhered to. Medical Justice's report *Expecting Change* documents how, alongside the distress that the experience of detention itself causes to women who are pregnant, standards of healthcare often fall short of that provided in the community.²⁶
37. The Channel 4 News investigation highlighted the case of a pregnant woman who suffered a miscarriage while in Yarl's Wood. The day after learning she had miscarried, she returned to healthcare as she was bleeding and very distressed. However, it was three and a half hours before an ambulance was called. The most recent annual report from Yarl's Wood IMB notes its concern at receiving "four complaints from pregnant detainees or their partners about what they perceived as an uncaring attitude from healthcare; sadly, two of these women had lost their babies while in detention."²⁷
38. One woman who spoke to us for *Detained* was three months pregnant when she was detained, and went on to develop hyperemesis gravidarum, a complication of pregnancy characterised by intractable nausea and vomiting, which meant that she suffered severe weight loss because she found it so hard to keep food down. She told us: 'I was so fearful that I would lose my baby. The only thing I could keep down were cornflakes and milk, which the other women would buy me from the vending machine out of their 71 pence daily allowances.'
39. One of the pregnant women who spoke to us for *I Am Human* recounted the following experience of being taken to hospital, where she stayed for three days: 'I had three men guarding me. Even when the gynaecologist was doing an examination on me there were male guards in the room watching me. When I went to the toilet they were the ones who took me. When I sat down on the toilet the male guards were there. It made me feel ashamed.'
40. Women have also spoken to us about the inappropriate responses of healthcare staff in Yarl's Wood when they try to raise their experiences of rape and other torture. It is important to highlight, as well, that disclosing such experiences in the first instance is often very difficult, given the custodial setting and the presence of male healthcare staff. Moreover, even when

²⁶ Medical Justice (2013) *Expecting change: The case for ending the detention of pregnant women*, available at <http://www.medicaljustice.org.uk/images/stories/reports/expectingchange.pdf>

²⁷ Yarl's Wood Independent Monitoring Board (2013) *Annual report*, available at <http://www.justice.gov.uk/downloads/publications/corporate-reports/imb/annual-reports-2013/yarls-wood-irc-2013.pdf>

women disclose experiences of torture and medical staff raise concerns with asylum caseworkers, as required under the Rule 35 process to safeguard against the detention of torture survivors, this evidence is routinely dismissed. From our experience, and the evidence of others including Medical Justice²⁸ and HMIP,²⁹ the Rule 35 process is not fit for purpose.

Conclusion and recommendations

41. Following the concerns raised about the treatment of women in Yarl's Wood by the Channel 4 News investigation, the government has set out that it has asked Serco to introduce body-worn cameras for staff.³⁰ It is difficult to see, however, how such a measure will tackle the concerns evidenced by our research, as well as evidence from independent inspection bodies, academic researchers and other non-governmental organisations.
42. Indeed, we are concerned that such a response is very much in line with a continuing tendency to see the issues that we and others have raised about Yarl's Wood as rooted in the 'rogue' behaviour of a few members of staff. We would argue that the wealth of evidence testifying to the mistreatment and abuse of women held there points to deep-seated, systemic problems, which require comprehensive action, not localised 'solutions'.
43. In *I Am Human*, we set out the recommendation that gender-specific standards should be introduced in the detention estate – a recommendation we repeat here. Gender-specific standards have been in place in the prison estate since 2008, following the publication of the Corston Report, which identified significant failings in the treatment of and conditions for women in prison. Given the particular vulnerability of women who seek asylum and the severe trauma these women have experienced, alongside ongoing reports of abuse and assault by male custodial staff, these standards should include the requirement that no male staff are employed in roles where they come into contact with women detainees.
44. We would emphasise, however, that introducing gender-specific standards can only ever mitigate the harms experienced by women seeking asylum in detention. While we are fully aware of the scope of the review, we would highlight, again, the traumatic effect of being locked up in itself on women who are already extremely vulnerable. Women for Refugee Women want to see an end to the use of immigration detention for all women who seek asylum, with interim steps of an end to detention for survivors of rape and sexual violence, and for pregnant women.

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²⁸ Medical Justice (2012) *The second torture: The immigration detention of torture survivors*.

²⁹ HMIP and ICIBI (2012) *The effectiveness and impact of immigration detention casework*.

³⁰ HC Deb 3 March 2015 c823.