

**Submission to the All Party Parliamentary Group on Migrants & on Refugees:  
Inquiry into Immigration Detention, 1 October 2014**

**Black Women's Rape Action Project and Women Against Rape**

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1. Since 2005, Black Women's Rape Action Project (BWRAP) and Women Against Rape (WAR), together with the All African Women's Group and Legal Action for Women, also based at Crossroads Women's Centre, have been supporting women in Yarl's Wood with regular sessions of volunteers several times a week. As well as assisting victims of rape, sexual abuse and other torture to overcome the many obstacles they face in pursuing their legal cases, we have helped women make complaints about conditions inside. In 2007 we published research documenting extensive human rights abuses in Yarl's Wood after two year of this work.
2. Seven years later, the abuses we reported persist. Culminating in the most recent incidents of sexual abuse, our work with many hundreds of women in Yarl's Wood over the past nine years has lead us to conclude that the conditions are unsafe and so to call for its closure. We welcome the All Party Parliamentary Group on Migrants & Refugees inquiry and hope it will be a genuine and serious investigation. We would be very happy to assist the APPG to meet with women in Yarl's Wood, if it decided to visit the centre.
3. BWRAP particularly has campaigned to draw the public's attention, and that of decision-makers and other prominent people, to women's protests and demands to improve conditions in detention. Most often such protests have faced a wall of racism and sexism. Journalists have told us how difficult it is to get stories published. Politicians, senior civil servants and officials from Serco and then G4S have at best refused to listen, at worse accused women of lying. It has been just one cover up after another. Recently the Home Affairs Select Committee called Serco and G4S bosses to account following the scandal of sexual abuse in Yarl's Wood but initially refused to take women's evidence. After we protested, including by attending the hearing with our mouths taped up, the Committee said it would go to Yarl's Wood to hear from women inside. To date no visit has been arranged – and so the Committee is in danger of looking like it was only interested in a bit of posturing and publicity for itself. (correspondence attached).
4. Some voluntary organisations have been reluctant to "tarnish" campaigns by introducing the issue of immigration – for example by highlighting the disastrous impact of the legal aid cuts on those in detention - which is deemed "poisonous" and perceived as highly unpopular with the public. Our experience has been to the contrary. When women we work with have spoken at countless meetings around the country, including in many schools, audiences have been horrified to hear how the torture women suffered continues when they flee to the UK and have wanted to know how they can help.
5. Recent court rulings have started to break with official denial and tackle this "appalling vista". Last month the courts that found a young woman previously mentally well had suffered "cruel and degrading treatment" in Yarl's Wood resulting

in a terrible mental breakdown. In July Justice Ouseley found that the operation of Detained Fast Track was unlawful. Further to that ruling, Women Against Rape has helped an unrepresented woman secure an appeal at the Court of Appeal on the basis that previous judges had failed to take into account guidance about their responsibilities towards rape victims, and in particular whether her case should have been taken out of the DFT.

6. For the many inside who are denied a lawyer because of the legal aid cuts and without access to organisations like our own, such precedents will have little impact on the injustices they face.
7. We also submit to the inquiry the demands made by women on hunger strike in Yarl's Wood 2010 (enclosed) and which address issues relevant to detention centres generally. We highlight below some of those demands (in italics) and why we believe they need urgent action.
8. *"Full investigation into incidents of violence and abuse by guards"*. Not least amongst the reasons why we are calling for Yarl's Wood to be closed is the continuing failure of the authorities to take seriously and investigate women's complaints. Complaints are poorly investigated, ignored or covered up, while staff are exonerated. Rashida Majoo, the United Nations Special Rapporteur into violence against women was banned in April from entering Yarl's Wood by the Home Office. The press have also been refused entry. Our research found that 70% of women contacting Crossroads Women's Centre for help from detention are rape survivors. Victims who have already suffered horrific violence have, instead of finding safety and help, been deprived of resources and their vulnerable situation exploited by guards inside. Warnings about the behaviour of guards have been ignored and as a result, the situation has deteriorated. Women have been left vulnerable in a situation which we warned Serco's manager of Yarl's Wood in 2005 was "a recipe of rape" and is now reminiscent of the official response to child victims of sexual abuse currently causing such a huge and angry public outcry.
9. *"Travel arrangements for women who were involved with the protest should be suspended until after an investigation and court cases have concluded."* Rather than investigate complaints, the authorities have targeted individuals involved in protests as "ringleaders" who have been "disappeared" into the solitary confinement unit in Yarl's Wood, to other detention centres or into the prison estate. Worse still, over the years we have helped a number of women threatened with attempted deportation to get rid of them. Ms SO was the subject of an investigation by the Prison Inspector who found out that she almost died because Yarl's Wood's Health Centre failed to implement necessary steps to protect her health when she started eating again after being on hunger strike. Her mental health suffered terribly, yet for months the Home Office kept her in detention despite compelling psychiatric and other evidence. An attempted unlawful attempt to deport her with no notice, was only thwarted at the last minute.
10. *"End the detention of . . . rape survivors and other torture victims, physically and mentally sick people"*. The authorities have systematically flouted Detention Centre

Rule 35 which is supposed to prevent vulnerable people, including victims of rape and other torture, from being detained. Home Office Guidelines<sup>1</sup> state that people with independent evidence of torture (including rape) should only be detained "*in very exceptional circumstances*". In our experience these Guidelines are ignored. Many torture victims and others unfit to be detained are kept inside for months, even years. In June 2013, the High Court ruled that "the Home Office had failed to follow its own policy on releasing detainees who could show they were victims of torture<sup>2</sup>". Very few victims can get independent evidence to corroborate their accounts of rape and other torture without access to specialist medical assessments which are unlikely to be available in detention. We have helped a number of women pursue unlawful detention cases. Invariably these cases are settled by the government before coming to court, avoiding embarrassing rulings which might establish case-law which would help raise standards. One case, in which the HO refused to set aside previous decisions made in the DFT, came to court and won £38,000 damages for unlawful detention.

11. "*End the separation of children from their mothers . . .*" No consideration is made of the impact of detention on mothers and the children they are taken from. Women have repeatedly reported to us the most heart-breaking circumstances in which they and their children have been torn apart. Only the threat of court action has succeeded in ensuring children's welfare is taken into account and this too has been made much harder by legal aid cuts. After the 2010 protests, BWRAP and WAR were asked to accompany lawyers into Yarl's Wood who had taken on to help some of those involved at our request. Many of them were mothers. One told us that she was too worried about how it would impact on her young daughter if she knew where her mother was. Instead her daughter believed her mum was working in the evening and night, and coming home during the day when she was at school. The relative looking after the child placed gifts for her, to reassure her that her mum had come home and left them there herself. The authorities subsequently banned our organisations from attending any more of these legal visits.
12. "*Allow enough time and make resources, including good quality legal representation, to residents in order for them to be able to fully present their cases.*" In our experience those detained after asylum or immigration cases have been closed invariably still have outstanding legal issues to pursue, not least because they are at grave risk if they are sent back to the countries they fled from. They may have been unable to speak about rape or other torture previously; their cases may have been mishandled or neglected by careless or even corrupt lawyers; case law, their own guidelines about how victims cases should be considered and country information reports which inconveniently makes it harder to refuse applications will invariably have been ignored by UKBA. A hunger strike by Ugandan women in 2005 helped establish a free legal clinic in Yarl's Wood but

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<sup>1</sup> Detention Rule 35 Process:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/257732/detention-rule35.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257732/detention-rule35.pdf)

<sup>2</sup> "Under the current rules, if someone who is in immigration detention says they have been tortured they should be examined so that a provisional report can be sent to UK Border Agency (UKBA) officials." [www.bbc.co.uk/news/uk-22574757](http://www.bbc.co.uk/news/uk-22574757)

women report getting little help from it, given the lack of help to prepare their case and the limited time available to present it to clinic lawyers.

13. *"Abolish the fast track system in order to give asylum seekers a fair chance with their application . . ."* The Detained Fast Track (DFT) systematically denies women the time, legal and other help they need to pursue their cases. Rape survivors, who find it particularly difficult to disclose the torture they fled, are at a particular disadvantage. Rather than help women overcome the obstacles they face in reporting their experiences, the DFT capitalises on these difficulties to disbelieve and reject their accounts. Traumatized women, with visible scars and compelling accounts, contact us because their claims have been decided and refused under the DFT. Our research confirmed that women with medical and other expert evidence are six times more likely to have a negative decision reversed at appeal<sup>3</sup>. But in a terrible catch 22 – without a lawyer - women cannot get expert evidence, without expert evidence they are unlikely to have a 'good' case and so lawyers withdraw representation. Consequently many survivors of rape and other atrocities are deported back to the violence they fled; others come terrifyingly close.

#### **Impact of immigration detention on individuals and their families:**

##### **Please see enclosed DVD**

14. *"To be watched by male guards all the time - it really destroyed me"* - Ms N one of the most traumatized women we have been supporting since she contacted us from Dungavel Detention Centre in June 2012. Ms N became a mother as a result of years of rape by her father in Uganda. Her asylum claim was repeatedly refused. She was moved to Yarl's Wood despite medical evidence of being suicidal. She was given nine separate removal directions. On one occasion she was dragged naked through the corridors. Her treatment a protest by several hundreds of detainees who feared they could be next. With our help she was released, only to be re-detained a few months later. She was almost deported, but we found a new legal team to make last minute interventions. She is now awaiting a decision on her fresh asylum claim and seeking compensation for unlawful detention.
15. *"You come out a broken person - detention breaks you and your family then your loved ones have to pick up the pieces"*. Ms F, a Ugandan lesbian woman had her asylum claim refused and was detained in 2012 despite her partner giving evidence of them being in a caring relationship and raising a child together. She was told by her Home Office caseworker that no matter what her solicitor submitted he would never believe a word she said, and would make sure she was put on a flight. He took delight in personally handing her the flight ticket (something which no other women had experienced) before her fresh claim had been considered by the Home Office. She was taken to the airport and kept on the plane for two hours before a last minute court injunction stopped the flight and she was returned to Yarl's Wood. We helped win her release and wrote an expert report commissioned by her legal team. For many months Ms F was unable to leave the house in fear that she could be re-detained. She began to drink heavily to "numb the pain" and help her cope with life. The caring and nurturing she received from her partner and the self-help support we were able to provide prevented her from giving up. She is currently

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<sup>3</sup> *Misjudging Rape; Breaching Gender Guidelines & International Law in Asylum Appeals, 2006*

waiting for the result of her Appeal Hearing and the outcome of her unlawful detention claim.

### **Impact of detention (and removal) on the wider community**

16. Detention isolates some of the most vulnerable in our society from the resources and support they need. The Detained Fast Track prevents many from making an asylum claim for fear that they will not be given a fair hearing, will be denied lawyers and other expert help to make their claim, will be held in conditions in reminiscent of the torture they fled, and then be sent back to the rape and other violence they fled.

17. Isolating those seeking asylum from others in the community contributes to misinformation about "bogus asylum seekers" and to depriving the public from knowing about and understanding the reasons why women flee, enabling racist and sexist stereotypes to persist.

Detention has enabled human rights abuses to go unchallenged, undermining the rights for any woman, child or man to seek protection and justice is very dangerous at a time when the huge extent of sexual abuse and rape is starting to be exposed. Like those women in the Detained Fast Track seeking asylum from rape, women considering reporting rape in the UK are now also facing the threat of disbelief and imprisonment for so called "false allegations".

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