
by Marchu Girma, Sophie Radice, Natasha Tsangarides and Natasha Walter

DETAINED

WOMEN ASYLUM SEEKERS LOCKED UP IN THE UK



With Philippe Sands, Juliet Stevenson and Lydia Besong

women for refugee women

Women for Refugee Women challenges the injustices experienced by women who seek asylum in the UK.

Our vision is a society in which women's human rights are respected and in which they are safe from persecution.

Our mission is to ensure that women seeking asylum in the UK are treated with justice and dignity

Photographs throughout the report by Aliya Mirza, www.aliyamirza.com

The photograph on the front cover and some images throughout the report were posed by models.

Women for Refugee Women
Tindlemanor
52 Featherstone Street
London EC1Y 8RT
020 7250 1239
admin@refugeewomen.co.uk
www.refugeewomen.co.uk
Charity Number: 1121174

© Women for Refugee Women, January 2014

Contents

- | | | | |
|----|---|----|--|
| 2 | Why I Speak Out
by <i>Lydia Besong</i> | 26 | <i>Sarah's Story</i> |
| 3 | Foreword by <i>Professor
Philippe Sands QC</i> | 28 | The Detained
Fast Track |
| 4 | Executive summary | 31 | Yarl's Wood |
| 5 | Key findings | 33 | <i>A Day in Yarl's Wood</i> |
| 6 | Introduction | 35 | The impact of detention
Mental health
Health
Pregnant women
Separation from
children
Leaving detention |
| 8 | Detention and asylum
Gender-related
persecution
Rape and sexual
violence
Torture
Female Genital
Mutilation
Trafficking and forced
prostitution
Lesbians | 41 | My journey to
Yarl's Wood by
<i>Juliet Stevenson</i> |
| 18 | <i>Alice's Story</i> | 43 | Recommendations |
| 20 | Detention: policy
and practice
Legal framework
Legal representation
Costs
Time | 44 | Methodology and
Further findings |
| | | 46 | Endnotes |
| | | 49 | Acknowledgements
and contributors |

Why I Speak Out

by Lydia Besong

I would not have left my own country if I had not been in danger for my life. I was a member of the political group, South Cameroon National Council, and members of the group are always persecuted by the government. They came for me one day in 2006. They took me into prison, and the conditions in prison are very filthy. When I was in prison I suffered a lot. I was tortured. If you look at my legs you will see the scars. Women suffer many things that it is hard to stand in public and speak about. It is very hard for a woman to say that she has been raped. I myself felt very shy to speak about this. I suffered a lot of beatings. I was released not because they wanted to release me but because my health was so bad. As soon as I was released I went into the hospital. When I knew they were going to come for me again, I had to run away for my life.

When I arrived in the UK with my husband, I thought that I would be safe. I went to the Medical Foundation and they saw the scars, they supported my claim for asylum. But then I realised it wasn't going to be as I thought. I was refused asylum. The Home Office just said that they didn't believe me. I was not allowed to work, but I kept myself busy by volunteering with a women's group and I wrote a play with Women Asylum Seekers Together Manchester. This play, *How I Became An Asylum Seeker*, tells the story of what we go through in the asylum process. The first time it was performed was in Manchester on 3 December 2009.

But just six days later I was arrested by the Home Office. I spent Christmas in Yarl's Wood detention centre. I thought I was going to be deported and then I knew my government would put me back into prison. The thing that kept me going was that I received many, many Christmas cards from my supporters. Every time I opened a card I felt very emotional, to know that many people were thinking of me and I could not be with them.

But in Yarl's Wood there were many women who did not even receive one card. I met one girl who was only 18 who had come here seeking asylum from Nigeria because of the harm she had suffered in her traditional community. Nobody knew she was in detention. She was totally alone. She was crying all the time.

'When I was in prison I suffered a lot. I was tortured. If you look at my legs you will see the scars.'



Although I was released after Christmas and appealed against my refusal, I was refused asylum again and put in detention again on 10 January 2012. For me, being locked up reminded me so much of being put in prison back home, it brought back all the memory of torture. They put me on suicide watch because I was so depressed, they were watching me 24/7.

I don't know how I would have kept going except that I had so much support from people outside. The second time I was detained Women for Refugee Women made sure that people like Michael Morpurgo and Joan Bakewell were writing to the newspapers.

And the grassroots groups I work with in Manchester were my support. They made calls, they faxed the airline, so no matter what the immigration was doing to me, I still felt strong. Sometimes you think, should you give up, but then you think, no, you are not fighting the fight alone. Other people act like your pillar - if you feel you are going to fall, they keep you standing. And in the end I was given refugee status. It was agreed that I had been tortured and I would be in danger if I was returned to my home country. I should be free of all the dark times now. But when I left detention, Yarl's Wood followed me to Manchester. Sometimes I feel like I'm in a trance, I feel I hear the footsteps of the officers, I hear the banging of the doors and the sound of their keys. Even though I'm out of detention, I'm not really out - I still have those dreams.

I wish the politicians could understand what they are doing to women by detaining us like this when we have already been through so much. Asylum seekers are not criminals. That's why I wanted to speak out for this report, because I believe that if people speak out, then change will come one day. If we do not speak out, then we are dying in silence.

Foreword

By Philippe Sands

The right to liberty is at the heart of any conception of justice and the rule of law. It is enshrined in the Universal Declaration of Human Rights, as Article 3 ('Everyone has the right to liberty of person') and in every relevant international instrument and national constitution. 'The power of the executive to cast a man into prison without formulating any charge known to the law, and particularly to deny him the judgment of his peers,' Winston Churchill once said, 'is in the highest degree odious and is the foundation of all totalitarian government.'

In the United Kingdom today, the right to liberty is recognised for all British citizens. It can only be set aside under clearly defined circumstances, subject to limits as to how long a suspected offender can be held without charge, and tariffs for various crimes following conviction. The one group that can routinely be detained indefinitely without charge or trial are migrants. In 2012, more than 28,000 individuals were held in immigration detention. Many were held for only a few days, but more than one third have been held for more than two months, and others have been detained for many months or years. Some 2,000 were women who had sought asylum in the UK. The United Kingdom is one of the few European countries that puts no time limit on such detention.

Over time this practice has become widely accepted, yet such general acceptance does not make it better, or principled, or justifiable. Liberty is a core human



right for good reason: detention has a profound, negative impact on the well-being of an individual. The idea that the right to liberty should not be available to one particular group of people is 'antithetical to the core idea of human rights', as one distinguished observer has noted. The very idea of human rights is that they are available to all human beings, an expression of common humanity, of the bare minimum which should be available to all. The idea that one should indefinitely lose so basic a right by dint of having crossed a border is deeply troubling. This is all the more so where the individual does not have the benefit of his or her own state of nationality available to take protective measures.

I welcome this important report by Women for Refugee Women, in the great tradition of oral history. It examines the devastating impact that immigration detention has on one particularly vulnerable group of detainees, those women who seek asylum from abuse and violence. Women who have sought asylum may only constitute a minority of those presently in immigration detention, but their numbers are significant, and their stories of persecution are traumatic. An asylum process must be just and fair, and respectful of the minimum rights of each and every individual caught up in it. Let us listen to these stories, and act for a system that does away with such centres of detention and replaces them with fair, humane alternatives. ■

Professor Philippe Sands QC



'Liberty is a core human right for good reason: detention has a profound, negative impact on the well-being of an individual.'

Executive summary

In 2012, 6,071 women came to the UK seeking asylum in their own right and 1,902 women who had sought asylum were detained. For this report, Women for Refugee Women talked to 46 women who had sought asylum and had been detained, mainly in Yarl's Wood Immigration Removal Centre, about their experiences. This report also includes new official statistics on women who have sought asylum and been detained, supplied by the Home Office to Women for Refugee Women.

Persecution

We found that 33 women, or 72%, said that they had been raped, 19 women, or 41%, said that they had been tortured. 40 women, over 85%, had been either raped or tortured. More than half of the women we spoke to said that they had been persecuted, 'Because I am a woman.' Eight women, or 18%, were persecuted because they are lesbians.

'When the big door closed it brought back everything that had happened to me back home when I was in prison. I thought that I was going to be raped. The fear overtook me. I felt that I was not strong enough to go through anything like that again.'

Despair

All of the women in our sample told us that detention made them unhappy, 93% felt depressed, 85% felt scared, and more than half thought about killing themselves. Ten women, more than one in five, had tried to kill themselves. One third had been on suicide watch in detention.

'Living is not worthwhile anymore. Being dead would be much better.'

Time

Within our sample, the shortest stay in detention was three days, the longest stay was 11 months and the average was nearly three months. Home Office statistics show that of the 1,867 women who had sought asylum and left detention in 2012, 735, or 40%, had been detained for more than a month.

'The most depressing thing is that you don't know how long you're going to be here or if you'll still be here tomorrow.'

Staff

40 women said they had been guarded by male staff and 70% of these said this made them uncomfortable. 50% said a member of staff had verbally abused them. Three women said they had been physically assaulted and one said she was sexually assaulted.

'They are verbally abusive in here... They just see you like animals.' 'The way they treat you. They want to get rid of you. You feel neglected and unwanted.'

Detained Fast Track

12 women in our sample were held in the Detained Fast Track, in which the whole asylum case is heard in detention at accelerated speed. All but one said they were victims of rape or torture. In 2012, 429 women who had sought asylum were taken into the Detained Fast Track, of whom 20, or fewer than 5%, were granted leave to remain at the initial decision. *'Fast track makes you feel nervous and unsafe. Constant worrying and heartache.'*

Outcomes

Home Office statistics released for this report show that of the 1,867 women who had sought asylum and who left detention in 2012, only 674, or 36%, were removed from the UK. The others were released into the UK. Our research suggests that this unnecessary detention has an ongoing impact on the mental health of vulnerable women.

'When I left detention, Yarl's Wood followed me to Manchester. Sometimes I feel like I'm in a trance, I feel I hear the footsteps of the officers, I hear the banging of the doors and the sound of their keys. Even though I'm out of detention, I'm not really out - I still have those dreams.'

Recommendations

We believe that detention has no place in the asylum process and that women who seek sanctuary in the UK should not be detained while their cases are being considered. Their cases can be heard while they are living in the community at much less cost and with less trauma to the asylum seekers themselves. For more detailed recommendations see page 43.

'72% of the women we spoke to said that they had been raped.'

Key Findings

For this research we talked to 46 women who had sought asylum in the UK and experienced detention. For more information on our research methods and for more detail on the results, see page 44.

43 women disclosed the experiences in their home country which led them to seek asylum in the UK:

- 10 women had been arrested or imprisoned
- 4 women had been forced into prostitution
- 11 women had been forced into marriage
- 17 women had experienced violence from soldiers, police or prison guards
- 19 women, or 41%, had been tortured. Most of these had been tortured by state officials, but 7 of them had been had been tortured by someone else in a situation where they felt the police would not help
- 33 women, or 72%, had been raped, 11 of them by soldiers, police or prison guards
- 40 women, over 80%, had been either raped or tortured

These women were asked why they thought they had been persecuted:

- 52% said they were persecuted because they were women
- 32% because they were politically active
- 30% because of their religion
- 25% because of their ethnic background
- 18% because they were lesbians

Out of the 46 women:

- 17 were in detention at the time of interview
- 29 had been detained within the last 18 months
- 44 of the 46 were detained in Yarl's Wood
- 7 women had been detained more than once
- 12 women were held in the Detained Fast Track (see page 28)

Out of 29 who had been released:

- The shortest stay in detention was 3 days
- The longest stay in detention was 11 months
- The average length of first period of detention was nearly 3 months
- Three quarters were detained for more than 2 months

The women were asked how they felt in detention:

- All of them felt unhappy
- 93% felt depressed
- 61% thought about killing themselves
- 83% felt lonely
- 85% felt scared

The women were asked about staff behaviour in detention:

- 40 women said they had been guarded by male staff and 70% of those said this made them feel uncomfortable
- 50% said a member of staff had verbally abused them
- 22% said that staff had been racist towards them
- 3 women said they had been physically assaulted and 1 said she was sexually assaulted

The women were also asked about their health in detention:

- 37% said they had mental health problems, including psychosis, post-traumatic stress disorder, depression, insomnia and flashbacks
- 30% were on suicide watch during their detention
- 22% said that they had tried to kill themselves in detention
- 62% described the healthcare in detention as 'bad' or 'very bad'
- 67% said that they did not trust the medical staff in detention
- 1 woman was pregnant

Other problems in detention:

- 89% found it difficult to sleep
- 70% found it hard to eat the food
- 61% found it hard to contact friends
- 59% found it hard to find out about their case

All 46 women were asked about the asylum process and their lawyers:

- All but one woman had been refused asylum at first decision - one had still not had her Home Office interview
- More than half said they found it difficult to access a lawyer in detention
- 8 women, or 17%, were not able to tell the Home Office everything that had happened to them in their home country, mainly because they felt that in their culture it was hard to speak openly about such things

Of the 12 women who had experience of the Detained Fast Track (DFT):

- All but one were victims of rape or torture
- 3 women (25% of those in the DFT) were on suicide watch in detention

'22% of the women we spoke to said that they had tried to kill themselves in detention.'

Introduction

Detention is imprisonment, or at least that is how those with firsthand experience see it. ‘I came here because of the war back home. I can’t understand why they put me in prison,’ one woman who had fled here from the Democratic Republic of Congo after being captured and raped by government soldiers told us in Yarl’s Wood detention centre. Another woman from Rwanda, who had escaped extreme domestic violence, said to us, ‘It is not humane taking women into detention. We are not criminals when we claim asylum.’

Detention under immigration powers involves locking up migrants rather than suspected or convicted criminals, and is widely used to hold people who have sought asylum in the UK. In 2012, 6,071 women made an asylum claim in their own right (rather than as dependants of a male asylum seeker),¹ and 1,902 women who had sought asylum in the UK were detained.² People who are seeking asylum may be detained at any time while their claim is considered or after it has been refused. Although so many women seeking asylum are being detained in the UK, their experiences are rarely explored and the impact of detention is little understood.

In Women for Refugee Women’s 2012 report *Refused: the experiences of women denied asylum*, we interviewed a number of women who had been detained in the UK. What came out clearly from that research was the trauma that detention inflicted on women and the need to explore the reality of detention further through hearing more from the women themselves. As we carried out this new research, we began to recognise more clearly the extreme vulnerability of refugee women who are detained and the impact that detention has on these women.

We recognise that men who are detained after seeking asylum in the UK are also vulnerable individuals who have often fled extreme persecution. However, we wanted to bring alive some of the particular experiences of women, and their journeys into and out of detention. Above all, this new research shows us that the women who are detained in the asylum process are typically fleeing severe persecution. We asked the participants about the experiences in their home countries that had led them to flee for

safety to the UK. We found that 72% said that they had been raped and 41% said that they had been tortured. These two groups overlap, but in our sample over 85% of women who are detained after claiming asylum in the UK had been either raped or tortured in their home countries.

For this report, we did not ask the participants to supply corroborating evidence about their experiences. We wanted to record their own views, and to explore how women’s own voices differ from or coincide with other views on immigration detention.

Immigration detention differs from imprisonment in the criminal justice process in that it is indefinite. Some of the women we interviewed had been detained for long periods; among those who had been released, three quarters had been detained for more than two months and one had been detained for 11 months. This is longer than the averages that we see in Home Office figures: according to official statistics 60% of all women asylum seekers who are detained are held for less than one month, and 20% for more than two months.³

All of the women we spoke to felt unhappy in detention. More than half said that they thought about suicide in detention, 22% of the sample said they had attempted suicide, and 30% had been placed on suicide watch^{sb}. They spoke clearly to us about how detention made them relive the experiences of torture and violence they had fled from: ‘I was tortured in my country of origin and now I am getting a second torture by the UK Border Agency. Being back in detention has brought back all the memories of torture,’ one woman who had been imprisoned and raped by police in Zimbabwe told us. Women who seek asylum often have serious health problems, both physical and mental, and are in need of support if they are to heal from the experiences that led them to flee their countries. Most of the women (62%) said that the healthcare in detention was ‘bad’ or ‘very bad’, and most of them said they did not trust the medical staff in the detention centre.

Almost all these women were detained in Yarl’s Wood Immigration Removal Centre in Bedfordshire, which can hold up to 405 individuals at any one time and has recently been under the spotlight due to allegations of sexual assaults. One woman in our sample said she had been sexually abused by guards in Yarl’s Wood, three women alleged physical assault, 50% experienced verbal abuse, and 70% of women who were guarded by men said that the very presence of male staff made them feel uncomfortable. They spoke about male staff bursting into their rooms even when

‘I came here because of the war back home. I can’t understand why they put me in prison.’



'It is not humane taking women into detention. We are not criminals when we claim asylum.'

they were not dressed or watching them going to the toilet. 'When I was on suicide watch the door was left open even when I went to the toilet, and a male guard was watching me,' said a woman who had fled Uganda, where she had been imprisoned and repeatedly raped by prison guards because she was the wife of a rebel soldier.

The use of detention in the asylum process is growing. In 1993, there was space to hold 250 people in immigration detention at any one time, now there is space to hold 3,275 men and women at any one time. Many women who are held in immigration detention are not asylum seekers, but this report is solely concerned with female detainees who have sought asylum. Numbers of asylum applicants have been falling in recent years, from 80,315⁴ in 2000 to 21,785⁵ in 2012, and yet the numbers held in detention are growing, and the trend is still upwards.

Although detention has become such an accepted and widespread part of the asylum process, it delivers no clear benefits even if looked at from the point of view of someone who is purely concerned to strengthen borders and speed up removals. Detention is meant to be used only for individuals who are deemed likely to abscond, those who pose a threat to the public, or where removal is imminent. Or, it can be used for cases deemed straightforward where they can be put into the Detained Fast Track, in which the whole asylum

process is speeded up and takes place in detention. But in practice women with no history of absconding or criminality, and with complex and distressing experiences of persecution, are being held for long periods even when they cannot and should not be deported.

One of the key purposes of detention is ostensibly to facilitate removal, or deportation. However, these women do not typically leave detention to go back to their home countries. In 2012 only 36% of women who had sought asylum and left detention were removed from the UK, the others remained in the UK – a few with leave to remain but the vast majority to go on with their cases outside the detention centre.⁶ The costs of detention are high, estimated at four or five times the cost of maintaining an asylum seeker in the community.⁷

We are not stating that all women who have fled rape, sexual violence and other trauma should automatically be given asylum in the UK. There must be a process in which women's claims can be fairly assessed and the possible risks of return considered before refugee status or other leave to remain is given or denied. However, while this process is happening we believe that women should be treated with dignity, and in a manner that allows them to begin to rebuild their lives.

It is time to ask how our government can promote its policies to tackle violence against women and girls⁸ and yet rely on an asylum policy which adds to the trauma of so many rape survivors. It is time to ask how we can condemn so many vulnerable women to indefinite imprisonment. It is time to end detention for women who have fled persecution. ■

Detention and asylum

This report is only concerned with women who have claimed asylum in the UK and been detained. Many of those in immigration detention have not sought asylum.

Detainees who are not asylum-seekers may, for instance, be overstayers who have entered the country legally on, say, a tourist or student visa, but have failed to leave the UK on expiry of the visa, or they may be foreign national offenders who have completed a prison sentence and are awaiting deportation.⁹ These categories may overlap, as individuals may claim asylum while in immigration detention, and much discussion of immigration detention makes little distinction between different groups who are detained. However, only women who had claimed asylum and been detained were included in this research.

There is much misunderstanding in our society about the numbers and experiences of people who come to this country to claim asylum. To seek asylum simply means that you have fled your country and are asking another state to recognise that you are a refugee under the terms of the 1951 Refugee Convention. This Convention requires states that have signed it to give protection to individuals who have a well-founded fear of being persecuted in their own country on one of five grounds: race, religion, nationality, political opinion, or membership of a particular social group.

Although this requirement is sometimes perceived as a huge challenge for the UK, asylum seekers make up only a fraction of the total numbers of migrants to the UK; 21,785 people came to the UK to seek asylum in 2012, compared to over 100,000 who came in to work and nearly 200,000 who came in to study,¹⁰ and just 6,071 were women seeking asylum in their own right.¹¹ Asylum is estimated to account for only about 7% of net migration to the UK.¹² The UK takes in fewer than 2% of the world's asylum seekers; four fifths of the world's refugees live in developing countries in Africa, Asia and the Middle East.¹³ For instance, while 0.3% of the UK's population are refugees, 25% of people in Lebanon are refugees.¹⁴

Asylum seekers are typically fleeing severe human rights abuses. They are the most vulnerable of all those who come to the UK. Most of the women interviewed for this research had experienced extreme forms of persecution. And yet they are very likely to be held in detention. 1,902 women who sought asylum were held in detention in 2012.¹⁵

Women's experiences of the asylum process

Women who are going through the asylum process in the UK are already experiencing a disempowering and confusing process. One woman who had been persecuted as a lesbian in Uganda was in her third period of detention in Yarl's Wood when we met her, and she told us, 'I have felt pain not knowing how long it will take for my case to end. I can't do anything to develop my case for myself. It's so stressful.' Another woman, who had been raped by police in Zimbabwe, said, 'I would like the Home Office to look at the way they determine asylum cases. They should treat women fairly and not take advantage of them, because they are vulnerable people.'

Many organisations have drawn attention to the fact that the UK asylum process often fails to protect survivors of persecution. Criticisms of the UK asylum process in recent years have concentrated particularly on the decision-making process. The United Nations High Commissioner for Refugees (UNHCR) has stated that the decisions made by the Home Office on whether to give or deny refugee protection to asylum seekers showed that caseworkers fail to understand the basics of the law and how to assess applicants' credibility correctly. They also found that caseworkers frequently used speculative arguments to undermine applicants' credibility, did not consider relevant evidence and placed unreasonable burdens on applicants to provide supporting evidence.¹⁶ The poor quality of decision-making by the Home Office is a problem for all asylum seekers, but evidence suggests that it is particularly problematic for women. The majority of asylum seekers are refused in the first decision given by the Home Office, and official statistics show that about a quarter of these initial decisions to refuse asylum are being overturned on appeal.¹⁷ But women have a greater proportion of refusals overturned at appeal than men do. In 2011 and 2012, 30% of women saw their initial refusal overturned at appeal, compared to 25% of men.¹⁸

Disbelief

The poor quality of decisions taken by the Home Office arises particularly from the 'culture of disbelief' among its staff. This was recently elaborated by the UK Parliament's Home Affairs Select Committee as

'I have felt pain not knowing how long it will take for my case to end. I can't do anything to develop my case for myself. It's so stressful.'

'I would like the Home Office to look at the way they determine asylum cases. They should treat women fairly and not take advantage of them.'

the ‘tendency of those evaluating asylum applications to start from the assumption that the applicant is not telling the truth.’¹⁹ A recent report by Amnesty International found that the majority of initial refusals which were overturned at appeal rested on flawed credibility assessments, and that Home Office case-owners frequently disbelieved one detail of the asylum seeker’s account and used this to undermine the whole claim.²⁰

Some of the women in our sample felt that they had experienced this culture of disbelief very directly. ‘They are strongly determined to remove you without giving any fair assessment to your case and they’re constantly trying to discredit whatever you say,’ one woman told us. Another said, ‘They don’t believe you. They ask you 500 questions and they ask the same question in a slightly different way and if you don’t answer them all exactly the same, they say that you are lying.’ Another said, ‘I feel that they don’t want to believe your story. They have in their head that what happened doesn’t happen to ordinary people.’ And another said, ‘They need to hear us. They need to believe us.’

Disclosure

The poor quality of decisions made by Home Office case owners may also be influenced by other factors, including a lack of understanding regarding the nature and impact of the persecution that women suffer, which is examined further below, and the difficulties that survivors of trauma may experience in disclosing fully everything that has happened to them immediately upon entering the asylum process. In this sample, eight women, or 17%, noted that they had not been able to tell the Home Office everything that had happened to them at home. We asked why they had had this problem, and they gave multiple reasons. All eight said that in their culture they don’t speak openly about these things, but four also said they were scared, three said they were ashamed, and one said



she didn’t understand all the questions.

This issue around disclosure is not surprising. Women claiming asylum are expected to disclose their entire story, including any details about sexual violence, without any mistakes, on demand. They must do so to lawyers, Home Office staff and interpreters who may be men, and in environments including detention centres which are perceived as hostile and intimidating. For many vulnerable women this is extremely difficult. In this sample, many of the women had been persecuted by soldiers, police or prison guards, so they may still have problems opening up to figures of authority. Many of them had experienced rape and sexual violence, which carries shame and stigma in all cultures. Many women in our sample were in the Detained Fast Track in which their case is heard while they are in detention, often very soon after arrival in the UK, and may be reliving previous experiences of violence and imprisonment. Yet if women are slow to disclose all the details of their persecution, or if they make mistakes in their accounts, they are often judged not to be credible, and will have their cases refused.²¹

Other aspects of the asylum process have also been criticised over recent years, including the problems accessing quality legal advice, the long delays in decision-making and the low levels of support available for people going through the system.²² Yet the poor treatment of women who are fleeing persecution and have come to this country for protection is particularly clear when it comes to detention.

A woman seeking asylum may be detained at any point in the asylum process, particularly if she is thought to be at risk of absconding or if she is judged to pose a threat to the public. She may also be detained when she first claims asylum if she is routed into the Detained Fast Track. In the Detained Fast Track her whole case is heard while she is detained and the process is hugely accelerated (for more on the Detained Fast Track, see page 28). She may also be detained at the end of the process, if she has been refused asylum, has no further right to appeal and the Home Office aims to remove her to her home country.

It is clear that being taken into detention was in itself a huge shock for the women we spoke to, and many of them were eager to speak about what happened to them as they believed other people were not aware of the situation. One woman, a lesbian from Cameroon, said, ‘I want people to know what is happening here in detention and how we are treated.’ Another woman said, ‘They should change the system. I was 11 months in detention, they fed me and accommodated me, for nothing, and I could do many useful things for this country in that time. We are just

‘They are strongly determined to remove you without giving any fair assessment to your case and they’re constantly trying to discredit whatever you say.’

'I feel that they don't want to believe your story. They have in their head that what happened doesn't happen to ordinary people.'

human.' Another Nigerian woman, who started an internet petition while in detention, said, 'While I was in detention I learnt about the system stage by stage. I went through hell in there. But I wouldn't let them suppress or subdue me.'

Gender-related persecution

A very high proportion of the women we spoke to had experienced gender-related persecution. We follow the definition laid down by UNHCR here, that the term gender-related persecution can 'encompass the range of different claims in which gender is a relevant consideration.'²³ It has long been recognised



that women who seek asylum may have experienced human rights abuses in different ways to men. Even if a woman has been persecuted by the state, say for her politics or her ethnic background, the persecution may be more likely to take the form of sexual violence. And the persecution she experiences is more likely to take place in the private sphere, such as from pimps or family members, in a situation where she feels she cannot seek protection from her own state.

Only three of the 43 women who disclosed their persecution to us had no experience of gender-related persecution in the terms that we asked about. The gender-related persecution experienced by those 40 women included rape, sexual violence, forced marriage, female genital mutilation and forced prostitution. Some of this persecution was carried out by the state, and some by other individuals in a situation where the women believed that their state would not protect them. For instance, 24% had been raped by soldiers,

police or prison guards, 24% had experienced forced marriage and 9% forced prostitution. These figures are similar to the research we carried out for *Refused* in 2012, in which we found that 66% of women refused asylum had experienced gender-related persecution, that 32% had experienced rape from soldiers, police or prison guards, 10% forced marriage and 6% forced prostitution.²⁴ A majority, 52%, of the women we spoke to for this new research told us that they were persecuted 'Because I am a woman.'

Under the Refugee Convention an asylum seeker must show that she is at risk of persecution under one of these five grounds, 'race, religion, nationality, political opinion, or membership of a particular social group'. Gender is not one of these grounds. However, courts have often recognised that persecution for being a woman may equate to persecution for reasons of membership of a particular social group. And it has long been recognised by many international agencies and by a growing body of case law from the UK and elsewhere that authorities must recognise the specific experiences and vulnerabilities of women when deciding on their claims to refugee protection.

The UK Home Office has been strongly criticised over recent years for being insensitive to the nature and impact of gender-related persecution when considering the claims of women asylum seekers. It has an Asylum Policy Instruction, *Gender Issues in the Asylum Claim*,²⁵ which was drawn up to guide its decision-makers. It includes explanations of the forms of persecution and violence that women might experience, and includes several safeguards for women in the asylum process. However, many organisations have pointed out that there is a wide gap between policy and practice when it comes to the experiences of women in the asylum process.²⁶ Asylum Aid states that their research over the last decade 'has shown the failure by the UK Border Agency to properly implement and follow their Asylum Instruction on gender'.²⁷

There is no specific discussion of detention in the Asylum Policy Instruction on gender, and likewise there is no specific discussion of gender-related persecution in the Home Office's guidance on who should or should not be detained. The relevant policy document,²⁸ which outlines practice on detention, draws attention to certain groups who may be unsuitable for detention:

'The following are normally considered suitable for detention in only very exceptional circumstances, whether in dedicated immigration detention accommodation or prisons:

Unaccompanied children and young persons under the age of 18 ...

The elderly, especially where significant or constant supervision is required which cannot be satisfactorily managed within detention.

Pregnant women, unless there is the clear prospect of early removal and medical advice suggests no question of confinement prior to this...

Those suffering from serious medical conditions which cannot be satisfactorily managed within detention.

Those suffering from serious mental illness which cannot be satisfactorily managed within detention ...

Those where there is independent evidence that they have been tortured.

People with serious disabilities which cannot be satisfactorily managed within detention.

Persons identified by the competent authorities as victims of trafficking.’

Although we welcome the fact that pregnant women, victims of trafficking and torture and those suffering from serious mental illness are mentioned among those who should not normally be detained, evidence discussed below shows that the Home Office has not been carrying out its own policies effectively regarding these groups. And the absence of survivors of gender-related persecution from these groups explicitly considered unsuitable for detention is a grave concern to us.

Rape and sexual violence

33, or 72%, of the women we spoke to said that they had been raped as part of the persecution that they were fleeing. For instance, one woman was arrested by government forces in eastern Democratic Republic of Congo under suspicion of being a rebel, held in prison with her legs chained apart, and repeatedly raped by soldiers over a period of weeks. We know that this is part of a worldwide phenomenon in which battles are fought on the bodies of women. Many other women in our sample had experienced persecution in the private sphere, but where their state was unable or unwilling to protect them. For instance, one 22-year-old woman from The Gambia was forced to marry a much older man who already had two wives, by her uncle who was indebted to him. He was violent and abusive to her and when she reported him to the police they refused to help her. At other times there was crossover between the private and public sphere of persecution. One woman in Cameroon was raped by police with the consent of her family to try to ‘convert’ her from lesbianism. 11 of the women, 24% had been raped by police, soldiers or prison guards (also known as state actors).

These figures are consistent with other research that has been carried out into the experiences of women who seek asylum in the UK. For instance, in our research for *Refused*, we found that 48% of women refused asylum had been raped, and that 32% had been raped by state actors.²⁹ The Refugee Council found that 76% of women accessing its Vulnerable Women’s Project had been raped.³⁰

The experiences of the women in our sample are also echoed by cases that have been heard in the courts of appeal in which it has been found that women have been detained despite being victims of sexual violence.³¹ These cases show that women who have survived rape and sexual violence may be disbelieved by the Home Office and detained, but if they have the chance to find proper legal assistance they may later be given refugee status.

Other UK government departments are currently improving their responses to women who have experienced sexual violence. For instance, in 2012 the Foreign and Commonwealth Office launched its special initiative on preventing sexual violence in conflict. William Hague, the Foreign Secretary, said: ‘We are determined to rally the world to do more to help survivors of rape.’³² In 2013 the Department for International Development launched a new initiative to protect women and girls in emergencies, and Justine Greening, the Minister for International Development, said: ‘This year I met Syrian girls and women in refugee camps in Jordan and Lebanon, who had suffered sexual violence and abuse. And what strikes you is the layers of misery that these women have to endure. They’ve been through so many horrors – they shouldn’t have to go through more.’³³

Other sections at the Home Office and Ministry of Justice are also working to try to improve the treatment of women survivors of rape and sexual violence in the UK. Although there is still a long way to go to ensure that survivors of sexual violence are supported and that crimes are prosecuted, the Home Office-led cross-government strategy on ending violence against women and girls includes allocating nearly £40 million of funding until 2015 for local support services and national helplines; ensuring that victims of sexual violence have access to specialist support, by part-funding 87 independent sexual violence advisers; and pledging £1.2 million for three years from 2012 to improve services for young people suffering sexual violence in major urban areas.³⁴ The Crown Prosecution Service (CPS) prosecutes criminal cases investigated by the police in England and Wales. The CPS has a policy on prosecuting cases of rape, which pays attention to the victims’ needs, and there is guidance on helping victims and witnesses to give evidence that recognises the trauma that people have gone through and problems that they may have with disclosure.³⁵

Despite all these advances, it appears from the testimony of the women we spoke to that the government is routinely detaining victims of rape and sexual violence who have sought asylum in the UK.

Such detention contradicts one of the government’s own statements in its policy document on violence against women and girls, which states that it will ‘Work with the key stakeholders to improve the processes for referring asylum seekers who are victims of sexual violence to the appropriate services and signpost women and girls to available information and

‘I want people to know what is happening here in detention and how we are treated.’



'They should change the system. I was 11 months in detention, they fed me and accommodated me, for nothing, and I could do many useful things for this country in that time.'

THIS PHOTOGRAPH POSED BY A MODEL

advice.³³⁶

The detention of victims of rape and sexual violence is also contrary to the UNHCR guidelines on detention. Guideline 9.1 refers to victims of trauma or torture and states:

‘Because of the experience of seeking asylum, and the often traumatic events precipitating flight, asylum seekers may present with psychological illness, trauma, depression, anxiety, aggression, and other physical, psychological and emotional consequences. Such factors need to be weighed in the assessment of the necessity to detain (see Guideline 4). Victims of torture and other serious physical, psychological or *sexual violence* also need special attention and should generally not be detained [our italics].³³⁷

There is also a general stipulation about the need to give survivors of gender-related persecution a supportive environment in which to put their claims. UNHCR’s published guidelines on gender-related persecution state: ‘Persons raising *gender-related* refugee claims, and survivors of torture or trauma in particular, require a supportive environment [our italics].³³⁸

Similarly, the EU Directive on standards for the reception of asylum seekers states that indicators of vulnerability should be taken into account. These include women who have experienced rape or sexual violence:

‘Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, *rape*

or other serious forms of psychological, physical or *sexual violence, such as victims of female genital mutilation*, in the national law implementing this Directive [our italics].³³⁹

Rape and sexual violence create wide-ranging mental and physical health consequences for victims, and this is true across all cultures and societies. Research has shown that survivors of rape show greater prevalence of post-traumatic stress disorder as well as sexual, eating and mood disorders compared to those who have experienced other severe life-threatening events such as physical attack.⁴⁰ Given that on top of their experiences of rape, the women in our study had lost their support networks and familiar environments, they are particularly in need of support. We discuss the mental health impact of detention further on page 35.

Women who have survived rape and sexual violence are not automatically entitled to asylum in the UK. Clearly, they must pass through a process in which their claim to protection under the Refugee Convention is examined and it is assessed whether they would be at risk if returned to their home countries. However, while they are going through this process they should be treated in a way in which allows them to begin to heal. We believe that UK Home Office should reform its policy to ensure that survivors of rape and sexual violence who are seeking asylum are not locked up while their asylum claims are being considered. As the UK Parliament’s Home Affairs Select Committee recently stated: ‘At a time when the criminal justice system is finally waking up to the needs of victims of domestic and sexual violence, the asylum system should be doing the same.’⁴¹

Torture

In our research, we asked the women if they had experienced torture and left it open to them to decide whether their experiences amounted to torture. In many cases, the rape and sexual violence that women state experienced in their countries of origin would be considered to be torture, particularly if they were raped by soldiers, police or prison guards, also known as state actors. 19 women, or 41%, stated to us that they had been tortured.

There is some debate about the exact definition of torture, but it was recently stated in a British court that ‘the word “torture” in the detention policy means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed, or



A majority, 52%, of the women we spoke to for this new research told us that they were persecuted ‘Because I am a woman.’

‘I couldn’t believe that I was being locked up when I had managed to escape from the brothel.’

intimidating or coercing him or a third person, or for any reason based upon discrimination of any kind.⁴²

The proportion of participants in our sample who stated they had been tortured is comparable to a recent review of 23 peer-reviewed studies of asylum seekers, which found prevalence of torture above 30%.⁴³ 14 of the women in our study had been tortured by state officials, but seven of them had been tortured by someone else in a situation where they felt the police would not help. We also found that 23% of the women we talked to had experienced arrest or imprisonment in their home countries, and that 39% had experienced violence from soldiers, police or prison guards. Among those who told us about torture, the experiences included being starved and refused water by prison guards for four days in Ethiopia; raped at gunpoint by a group of police-officers for making a complaint against a forced marriage in South Africa and being beaten unconscious by government officials in Uganda.

Home Office policy states clearly that people who have evidence of torture should not be detained, except in very exceptional circumstances.⁴⁴ If survivors of torture are detained, they are meant to be identified through the Rule 35 process. Rule 35 requires that those who have been tortured should be identified by medical staff in detention, medically examined and a report sent to the Home Office caseworker who should review the detention and decide whether to order release. However, evidence has shown that this rule is routinely flouted. In their recent report, Medical Justice looked at 50 cases where torture survivors with independent evidence of their torture were held in detention, and found that only one individual was released through the Rule 35 process.⁴⁵

The Independent Monitoring Board (IMB) for Harmondsworth, a detention centre that does not hold women, noted that:

‘In 2012 there were 125 (109 in 2011) ‘unfit for detention’ reports made to UKBA relating to Harmondsworth detainees, of which only 12 (5 in 2011) resulted in the detainee being released from detention. We are amazed that a doctor’s judgment is overruled by case owners in 9 cases out of 10.

These words and numbers do not in themselves tell the story of the real suffering endured.⁴⁶

Most recently, an inspection carried out by Independent Chief Inspector of Borders and Immigration and Her Majesty’s Inspectorate of Prisons in 2012 found that there was little evidence of the effectiveness of the Rule 35 process. They found that caseowners failed to consider evidence of post-traumatic stress and mental disorders in case reviews,

and ‘In one case a torture survivor was detained without it being at all clear what the exceptional circumstances were that led to his detention.’⁴⁷

The detention of torture survivors is being increasingly challenged by survivors and their lawyers. In May 2013, a case before the High Court resulted in the Home Office being ordered to pay compensation to five torture survivors who were found to be unlawfully detained in the UK. Jamie Beagent, of the law firm Leigh Day, who represented the torture victims, said that in each of the cases the Home Office had failed to follow its own rules. ‘Obvious physical evidence such as scarring was missed and reports were not prepared on time or at all. In most cases a detainee’s allegation of torture was recorded without any actual medical assessment or concerns raised. In turn, Home Office caseworkers simply accepted these reports without seeking more information and dismissed allegations on the basis that the caseworker did not believe the detainee.’⁴⁸

Some of the women we spoke to who had experience of torture told us how the detention in the UK made them relive their earlier experiences. ‘I thought that the male guards were going to do to me what the soldiers had done to me back home,’ said one, ‘I couldn’t sleep because the guards would come into my room and I wanted to make sure that I was awake so that I could protect myself.’ This is the hidden suffering created by the detention of torture survivors.

Female Genital Mutilation

Female genital mutilation, which has been defined by the World Health Organisation as ‘all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons’, is carried out in societies throughout the world, and particularly in Africa and the Middle East.

Eleven of the women in our sample had experienced female genital mutilation (FGM), and two said that they feared their children would undergo FGM.

Although our questionnaire did not tease out whether this was the basis for their asylum claim, some women do claim asylum in UK on this basis, and yet they are often refused. As Sarian Karim, who came from Sierra Leone and now campaigns against FGM, has stated: ‘The Home Office is regularly refusing women and girls protection on the grounds that they can live safely elsewhere in their own country.... this is not true. In countries like mine, a woman cannot simply leave her family to escape FGM or protect her daughter from the practice.’⁴⁹

One woman we met after completing the research claimed asylum in the UK because her family was forcing her to be a cutter herself; her grandmother

‘In our sample, 19 women, or 41%, said that they had been tortured in their home countries.’

and her mother had been cutters and she had been present at the cutting of her own daughter. She had rejected the practice and left her country because it was impossible for her to remain in her village without falling in with the tradition. She had been put on the Detained Fast Track, refused asylum and held for five months.

This government has stated that it is determined to ‘protect victims, prosecute perpetrators and stamp out this abhorrent practice for good’. It says that it is working with charities to improve awareness of FGM and secure convictions for perpetrators in the UK, and has launched a programme through the Department for International Development to challenge the practice internationally. Given this recent rise in understanding of why FGM is violence against women and girls and the work being undertaken to prevent it, the possibility that women who are seeking safety from this abuse are being detained in the UK requires further investigation.

Trafficking and forced prostitution

Four of the women we spoke to who had been detained had been forced into prostitution. One of them comes from Cameroon. She had been forced into a violent marriage and when she escaped her husband she was trafficked to the UK. When she escaped from the brothel where she was being held against her will, she claimed asylum, but was refused and held in detention for nine weeks. She is now living in London and trying to gather evidence for her fresh claim. She said to us: ‘I couldn’t believe that I was being locked up when I had managed to escape from the brothel. I was so frightened and depressed. It made me want to do harm to myself.’ Another woman from Nigeria stated to us, ‘I was trafficked here and forced into prostitution. When I came here they shaved my pubic hair. I made £35,000 for them.’

There is clear policy guidance to Home Office staff that people identified as victims of trafficking should not be detained. Trafficking involves the exploitation of individuals who are forced to provide work or other services. This may involve sexual exploitation, but may also include other forms of forced or bonded labour. Since 2010, there has been a National Referral Mechanism by which UK authorities (either the UK Human Trafficking Centre or the UK Visa & Immigration Department) are meant to identify victims of trafficking and ensure that they receive the necessary protection. The Asylum Policy Instruction on Gender Issues in the Asylum Claim states: ‘where it is accepted that an individual is a potential victim of trafficking (PVoT), the individual is allowed a 45 day reflection period to recover and consider their options. The PVoT cannot be detained on immigration grounds

or removed during this period but may be interviewed for asylum or humanitarian protection purposes and notified of the decision.’⁵⁰

However, despite this guidance many women who have been trafficked are still detained. They may be referred to the relevant agencies but found not to be victims of trafficking, or they may never be referred. Medical Justice found in a recent report that out of 50 cases they looked at, five trafficking victims were being held in detention and that the process that should have identified and released them failed to be implemented in practice.⁵¹

The failure to identify trafficking victims in the decision to detain has been criticised by the Chief Inspector of Borders and Immigration and HM Inspectorate of Prisons (HMIP). Their recent joint report highlighted a case where there was a failure to consider the circumstances of a vulnerable detainee who was a confirmed victim of trafficking.⁵² And the HMIP inspection of Yar’s Wood in 2013 revealed that: ‘Detainees displaying clear trafficking indicators were not always referred to the national referral mechanism.’⁵³

Trafficking victims have also been identified on the Detained Fast Track (DFT) process, which has in part been attributed to the poor initial screening process. A Human Rights Watch report on the DFT noted one case where a woman from Sierra Leone who had been severely traumatised by her rape, imprisonment and subsequent trafficking to the UK was placed on DFT. It was only after other organisations intervened in the case that she was transferred out of detention and eventually given refugee status.⁵⁴ For more information on the Detained Fast Track, see page 28..

Similarly, a recent report by the Anti-Trafficking Monitoring Group found that victims of trafficking were still being placed in the Detained Fast Track, and that even if they were referred into the National Referral Mechanism, the Group had reason to doubt 90% of rejections from the competent authorities.⁵⁵ Klara Skrivankova of Anti-Slavery International said, ‘The government appeared resistant to fully meeting its obligations [to victims of trafficking], in part out of a fear of appearing soft on immigration.’⁵⁶

Lesbians

We found that a large proportion of the women we spoke to for this research had been persecuted because of their sexuality. Eight women in our sample, or 18%, told us that they were persecuted ‘Because I am a lesbian’. We are extremely concerned about these high numbers of lesbians who are being held in detention. If our sample were representative, this would mean that about 340 women who say that they have been persecuted for being lesbians are being locked up every year in the UK. Half of these women were in the Detained Fast Track.

These women came from Uganda, Nigeria, Cameroon, Malawi and The Gambia – all countries where persecution of lesbian and gay people has been

‘I thought that the male guards were going to do to me what the soldiers had done to me back home.’



documented. Three women said they had been forced into marriage, and experienced violence and rape from their husbands, and two women said they had been raped by police or prison guards. One woman, Alice from Cameroon, tells her story in more detail on page 18.

All these women were refused asylum at the initial decision by the Home Office. There has been much discussion recently about the barriers that lesbian, gay, bisexual and transgender (LGBT) people who seek asylum face in gaining refugee status in the UK. Throughout the world there are over 75 countries where homosexuality is illegal, yet, as the UK Lesbian and Gay Immigration Group recently pointed out, ‘only a tiny proportion will come to the UK to seek a haven and most come only as a last resort.’⁵⁷ It has been estimated that about 1,300 to 1,800 LGBT people come to the UK as asylum seekers each year,⁵⁸ and the UK Lesbian and Gay Immigration Group calls them, ‘one of the most disadvantaged, under-represented and excluded groups in UK society. Many ... have been beaten, tortured, imprisoned, prosecuted and abused because of their sexuality. Almost all of the lesbians... have been raped and/or genitally mutilated.’⁵⁹

In a groundbreaking decision of the Supreme Court in July 2010 (HJ (Iran) and HT (Cameroon)), it was held that a gay asylum applicant may be recognised as a refugee in the UK if openly gay people in the country of origin face a well-founded fear of persecution. This moved on from previous decisions which suggested that gay people in such circumstances might return to their home countries and be discreet about their sexuality. Although this decision was seen as an advance, it seems to have resulted in Home Office caseworkers refusing claims by simply disbelieving that people are gay when they say they are. In recent evidence to the UK Parliament’s Home Affairs Select Committee, the Law Society stated that there now exist ‘extraordinary obstacles’ for LGBT

people in claiming asylum. One leading barrister stated: ‘The battleground is now firmly centred in “proving” that they are gay.’⁶⁰ This is something that our research clearly bears out. One lesbian we talked to said, ‘They ask for evidence that I’m a lesbian. I don’t know what evidence I can provide.’

Recent research carried out by Claire Bennett at the University of Southampton among lesbians who had recently claimed asylum in the UK found that the asylum process was experienced as confusing and disempowering. Of the 11 lesbian asylum seekers she interviewed, ten were refused asylum at first decision. They found it difficult to disclose their intimate experiences during questioning, and found that they were often asked inappropriate questions about sexual positions, or why they chose to be gay. Several women described being asked what shows they watched, whether they read Oscar Wilde and how many Gay Pride marches they had attended. One was told she did not look like a lesbian, another told she could not be a lesbian because she had children.⁶¹

Six of the women Bennett spoke to had been detained, and for these women their experiences of being inside Yarl’s Wood were central to how they understood the asylum process. Although these women were detained at different stages of their asylum claim and for different amounts of time, she found that they revealed shared feelings about detention. ‘The role of detention and how it appeared to reinforce feelings of rejection dominated these accounts. These participants frequently revealed feeling “criminalised” and internalised detention as a process to “punish” them because of their sexuality. This experience also reignited women’s past traumas in their countries of origin, especially for the participant who was imprisoned in Uganda because of her sexuality.’ This particular woman spoke of her detention in these terms: ‘Oh God, it was like a prison again, I saw prison again, my memories came back and it was like too much, and I kept on remembering what happened to me in prison, what it was like and it was all too much (...) I kept on saying it, and they [security guards] kept saying we’re not going to rape you (...) it’s not like that here, we won’t stab you, but inside I did not feel comfortable at all.’⁶²

Overall, it is clear from the evidence gathered from female detainees themselves that detention is being used as a blunt instrument to hold women who seek asylum in the UK. There is no reason why these women’s cases should not be considered while they are living in the community. It is time to end the detention of women who have fled persecution, including rape, sexual violence and torture. ■

‘They kept saying, we’re not going to rape you, it’s not like that here, but inside I did not feel comfortable at all.’

Alice's Story

Being a lesbian is just who I am, but it is considered against the law in Cameroon. I was arrested by the police and suffered appalling sexual violence in jail. It was seen as fit punishment for me being a lesbian. For my family my sexuality is considered shameful, but my mother is more accepting than my father and she didn't want me to carry on having to endure the violence. It was very difficult, but she managed to pay for me to get out of the country.

I arrived at Birmingham with a man who got me through customs. That was in February 2011 and the three interviews I had when I first claimed asylum in Croydon did not go well. They didn't believe I was a lesbian or that I had been persecuted in my country. They thought I was making it up and it was difficult to prove.

I met my girlfriend in Stoke-on-Trent at a Cameroonian community support group. We fell in love and soon I met her three children and fell in love with them too. They became such an important part of my life and without them I don't know where I would be now. My girlfriend was with me when my case went to the tribunal in March 2013, but they still didn't believe that I was a lesbian. The judge's report said that they didn't think that I really had a steady relationship or even had a relationship with the kids. That was very hurtful to me.

In June 2013, I went to report as usual in Stoke-on-Trent - asylum seekers have to go and sign regularly with the Border Agency and it is always stressful to have to do that. There was a summer party planned at the Cameroon centre in Nottingham that afternoon but I never got there because when I went to report I was taken into a room and shown the letter of refusal for appeal in March. The letter was a month old and neither my solicitor nor I had seen it. The staff said that because of the refusal they would have to detain me and showed me a ticket home that was due to leave in six days time.

I told them that I had to call my girlfriend and that I needed medication because I have mental health issues. They let me phone my girlfriend very briefly and then took my phone. I did not get my medication that night, and later I learnt that they went to my house and even though my friend who was living there showed them the medication as soon as they arrived they still went through my room and turned it over. Why would they want to do that? What did they think they would find?

There were three big men and one woman to take me away. They took me to a prison in Stoke-on-Trent and told me that if I resisted arrest they would put me in handcuffs. I don't know why they have to have three big men to take a woman away, but for a woman who has been raped it is very frightening. They took me to a cell and I wouldn't go in there and I was saying, 'What do you think I have done? I haven't murdered anyone. I am not a criminal who needs to be locked up like this.' When the big door closed it brought back everything that had happened to me back home when I was in prison. I thought that I was going to be raped. The fear overtook me and I thought that they could do what they liked with me. I started to bang my head against the wall and beg them to let me go. I felt that I was not strong enough to go through anything like that again. I was beside myself. I heard the prison guards saying that I shouldn't be in this place because I was so scared and that they didn't think it was right that I should be in a cell. They then took me to a holding room for the night.

The next day we had to drive to Coventry to pick up two girls who were being taken to detention as well. It was a very long drive and it was dark in the van. I was very frightened and was crying so much. When we arrived in Yarl's Wood I thought I was lost to the world. I couldn't understand why I was there and because there were so many men around I felt that they could do as they pleased to me because no one would know or care. I was put on suicide watch and guards including men would sit and watch me day and night. Sometimes I would curl up in a ball on the floor with the blankets over me because I did not want their eyes on me. My roommate was such a kind woman. She tried to make me feel better but I was finding it very hard to be in there and was not able to eat or sleep. I harmed myself to try and relieve the pain I felt inside. I burnt myself badly on my arm with hot water and saw other women do similar things - using forks to stab themselves and drinking whole bottles of shampoo in an attempt to kill themselves.

There is no law in detention. You feel that the guards apply the law according to their mood and prejudices. They inflict their own feelings on the

'When the big door closed it brought back everything that had happened to me back home when I was in prison. I thought that I was going to be raped.'

THIS PHOTOGRAPH POSED BY A MODEL



women in there and there is nothing to stop them. Yarl's Wood is a lawless place.

A good example of this is when my girlfriend's children came to visit me. Yarl's Wood is very far from Nottingham, which is where my girlfriend lives, and it was very expensive to travel with the three kids. I was so excited about their visit as I hadn't seen them in such a long time. I prepared for a while saving up my 71 pence daily allowance and brought them sweets and juice from the vending machine. I always brought them sweets when I was taking them swimming and so I was really looking forward to eating them together. When I went into the visiting room I put them in the official plastic bag and then the guard told me that I couldn't give them to the kids. I was so upset because I knew that women were allowed to buy sweets from inside Yarl's Wood and share them with visitors. I begged him and told him how much it meant to me and he just refused without giving a reason. He seemed to take real pleasure in seeing me suffer. It was not someone just doing their job but someone who had a really mean streak. I asked a female guard that I knew quite well to please help me, and explained how important it was for me. She went and pleaded on my behalf and I was finally allowed to give the children my treats.

An older woman came back from the airport with

bruises and cuts on her face and she said that the guards had hit her. What kind of country thinks it is ok to hit an old woman around the face? A Cameroonian woman that I met in Yarl's Wood was removed and I have spoken to her since. She has told me about the process - about how she was taken into the plane and was handcuffed by five big men and was not allowed any of her clothes or possessions. She was dumped in Cameroon in the clothes she had been arrested in all that time ago without any money. All her stuff is in the UK and she does not have the money to get it sent to her.

I would honestly die rather than go back to Yarl's Wood. I know these people are doing a job but at times it seems as if they are actually bad people who have stopped regarding us as human beings. I have told this story because I want this treatment of women to stop. I don't want others to go through what I went through. I am still trying to recover from what happened to me not only in Cameroon but in Yarl's Wood. ■

Alice's name has been changed. She told her story to Sophie Radice.

'I would honestly die rather than go back to Yarl's Wood.'

Detention: policy and practice

Legal framework

The women we spoke to were confused by the experience of detention, they found the decision to detain arbitrary and were unsure how to challenge it. One woman was put into the Detained Fast Track even though she had independent evidence of the torture she had experienced at the hands of her husband. She now has refugee status, but she said, 'I think women should be treated fairly. It was as if I did not have a chance to prove myself. I was afraid I would be kept in detention forever. I was lucky because I knew how to use the internet so I was able to contact my friends and get the evidence I needed. Other women were not so lucky. You feel that you are outside the justice system. Being an asylum seeker does not mean you are a criminal.' Another, who was detained while reporting to the Home Office, even though she was still waiting for a date for her appeal, said, 'I am not a criminal. When I went to sign, I had to wait for four hours. Then five big men came to restrain me. I am not a criminal, I haven't done anything. I am an asylum seeker. My lawyer said it was unlawful because I had appeal process.' Another woman said, 'When you are in detention it is like you are in a different country without human rights.'

This feeling of being 'outside the justice system', in an 'unlawful' situation, 'without human rights', is shared by many women who are detained – and indeed their supporters. There is a legal framework to immigration detention, but it is far from straightforward.

The right to liberty and freedom from imprisonment without trial lies at the heart of the British legal system. It has also been enshrined in international law: Article 5 of the European Convention on Human Rights (ECHR) outlines that 'Everyone has the right to liberty and security of person'. However, both domestic and international law allows for detention for the purposes of immigration control.⁶³ The power to detain immigrants in the UK was first introduced by the Immigration Act 1971.⁶⁴

In order to comply with both domestic and international law, detention must only be used for the purpose for which it is authorised and can only take place for a reasonable period. If the stated purpose

of detention cannot be executed within a reasonable period, the power to detain should not be exercised. Home Office policy states clearly that while 'The power to detain must be retained in the interests of maintaining effective immigration control.... there is a presumption in favour of temporary admission or release and, wherever possible, alternatives to detention are used.'

The Guidelines of the United Nations High Commissioner for Refugees (UNHCR) similarly recognise that the right to liberty is a fundamental right and the detention of asylum seekers should, normally, be avoided and be a matter of last resort.⁶⁵ This is even more so in the case of vulnerable groups such as single women, children, unaccompanied minors and those with special medical or psychological needs. However, the guidelines accept that detention may be acceptable, provided the necessary safeguards are in place, where it is necessary in an individual case, and where it is provided for in law. For instance:

'To protect public order, by preventing absconding; allowing for accelerated procedures for manifestly unfounded or clearly abusive claims; and for initial identity and/or security verification.

To protect public health.

To protect national security.'⁶⁶

The guidelines make clear that detention should not be used as a penalty for illegal entry or as a deterrent to seeking asylum. Furthermore, the decision to detain must be subject to minimum procedural safeguards, including the right to free legal assistance, the right to be brought promptly before a judicial or other independent authority, regular periodic reviews and the right to challenge detention.⁶⁷ Detainees must receive adequate food, education, healthcare and contact with the outside world.⁶⁸

Home Office policy sets out the circumstances in which detention is most usually appropriate:

'To effect removal;

Initially to establish a person's identity or basis of claims; or

Where there is reason to believe that the person will fail to comply with any conditions attached to the grant of temporary admission or release.'⁶⁹

Asylum seekers may be detained at any point in the asylum process; they can be detained on arrival in the

'When you are in detention it is like you are in a different country without human rights.'



**'I think women should be treated fairly.
It was as if I did not have a chance to
prove myself.'**

UK, or while their claim is being considered, or after their asylum claim has been refused, often with a view to removing them to their country of origin. Written reasons for detention should be given in all cases at the time of detention⁷⁰ using the form IS91R.⁷¹ The six possible reasons given for detention are:

‘You are likely to abscond if given temporary admission or release

There is insufficient reliable information to decide on whether to grant you temporary admission or release

Your removal from the United Kingdom is imminent

You need to be detained whilst alternative arrangements are made for your care ...this reason must not be ticked in isolation

Your release is not considered conducive to the public good

I am satisfied that your application may be decided quickly using the fast track asylum procedures.⁷²

Home Office policy sets out that the detained person will receive these written reasons for his or her detention and that the decision to detain should be reviewed regularly. The relevant policy document states that detention should be reviewed within 24 hours, then at 7 days, 14 days, 21 days and 28 days, and monthly thereafter ‘to ensure that detention remains lawful and in line with stated detention policy.’⁷³ What’s more, as discussed above on page 11-12, Home Office policy states that certain categories of people, including pregnant women, those suffering from serious mental illness and those with independent evidence of torture should not be detained except in exceptional circumstances.⁷⁴

Furthermore, Rule 35 of the Detention Centre Rules 2001 sets out the requirement for healthcare staff at removal centres to ensure Immigration Removal Centre medical practitioners report ‘the likelihood a detainee’s health will be injuriously affected by continued detention, a suspicion a detained person has suicidal intentions, or concern that a detained person may have been a victim of torture, to Home Office case owners.’⁷⁵ The purpose of Rule 35 is to ensure that particularly vulnerable detainees are brought to the attention of those with direct responsibility for authorising, maintaining and reviewing detention.⁷⁶

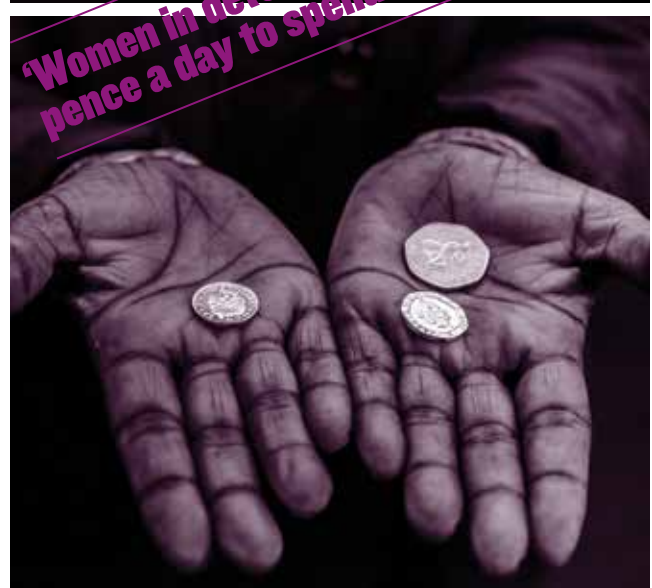
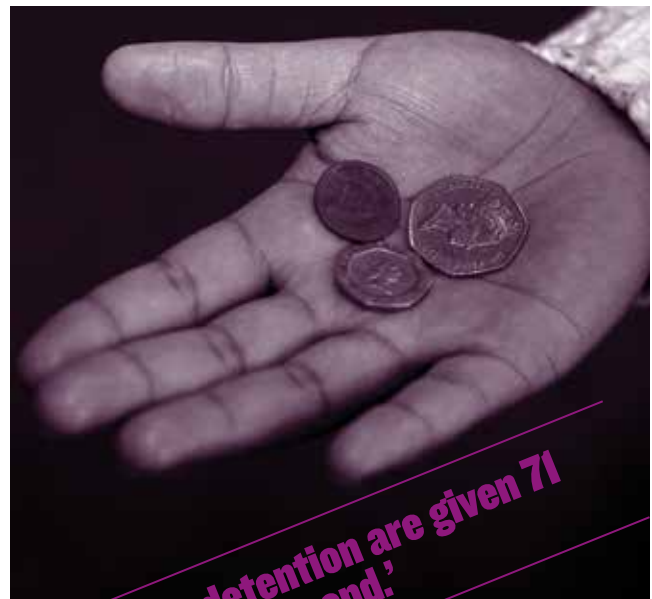
Despite these policies, implementation on the ground by Home Office staff is both extremely broad and extremely chaotic. Women may be detained because ‘their removal is imminent’ and then find themselves locked up for a year. They may attempt suicide and yet find that their detention is not challenged. They may have evidence of torture and yet find themselves in detention. They may be told

‘Women may have evidence of torture and yet find themselves in detention.’

their case can be decided quickly, and find themselves put into the Detained Fast Track, even when they are raising complicated issues of torture and persecution.

Immigration detainees have the right to make applications for bail, but the burden of applying for bail falls on the detainee or their legal representative and the process is difficult to navigate for vulnerable detainees. In its 2012 Human Rights Review, the UK’s Equality and Human Rights Commission stated that in immigration detention in the UK: ‘Under Article 5, anyone deprived of their liberty must have the opportunity to challenge their detention. However, the bail process remains inaccessible to many immigration detainees, including those unlawfully detained.’⁷⁷

Our research builds on the work of other organisations in showing that there is a significant gap between policy and practice when it comes to immigration detention. As far back as 2004, Asylum Aid and Bail for Immigration Detainees concluded there was ‘an urgent need for action to change both the policy and practice of detention [of women seeking asylum].’⁷⁸ The Joint Committee on Human Rights made a number of recommendations



in 2007 relating to the length of time asylum seekers were held in immigration detention, access to legal advice, and the detention of vulnerable groups.⁷⁹ These recommendations have yet to be acted on in a meaningful way.⁸⁰

A recent joint report by the Independent Chief Inspector of Borders and Immigration and Her Majesty's Inspectorate of Prisons (HMIP) examined immigration casework. The inspectors found that in some cases decisions to detain a person or to maintain their detention had not been made with reference to all relevant factors, such as age and being a victim of trafficking.⁸¹ As Bail for Immigration Detainees stated recently: 'It is essential that appropriate safeguards are in place when people are deprived of their liberty for months or even years at a time. The absence of such safeguards is exposed by the grinding, mundane, damaging existence of extended immigration detention imposed by the ... State without any form of routine external oversight.'⁸² HMIP stated in the most recent inspection of Yarl's Wood, 'For the most vulnerable of the women held, the decision to detain itself appears much too casual.'⁸³

Although it is often so difficult for those held in detention to comprehend the legal framework to their incarceration and to speak up when policy is flouted on the ground, legal challenges to detention and compensation payments for unlawful detention are becoming more frequent. According to Detention Action, since 2009 there has been a sharp increase in findings of unlawful detention in the courts. 'Between 2009 and early 2011, the High Court ruled on 15 occasions that a detainee held for over year with little prospect of removal was detained unlawfully. In Detention Action's opinion, this figure is likely to be dwarfed by the number of occasions on which the Home Office has agreed to release a detainee before an unlawful detention action reached the court. The Home Office paid out £3 million in 2008-09 and £12 million in 2009-10 in compensation and legal costs arising from unlawful detention actions.'⁸⁴ Harriet Wistrich, a lawyer who has worked on a number of actions on behalf of detainees against the Home Office for unlawful detention, says that those cases which have been settled are 'only the tip of the iceberg'.

Overall, the experiences of those who have actually been detained highlight the ongoing gap between policy and practice, and our research illustrates what happens to individuals who fall through this gap.

Legal representation

The UK asylum system is a highly confusing adversarial process, often perceived as hostile. In order to navigate it an individual needs legal advice. Only 60% of the women in our sample said they had legal representation in the first stage of their asylum claim. Women who are routed into the Detained Fast Track (DFT) are allocated a legal representative and always have representation at the initial decision-making

phase. However, if refused, representation at appeal is not guaranteed. Only half of the women in the sample who were on DFT had a lawyer at their appeals.

Women who enter detention after being refused asylum or during the asylum process often face problems accessing timely, quality legal advice. More than half of the women we spoke to said that it was difficult for them to contact a lawyer while in detention. 16 of the women said that they were not happy with their lawyers' work. Those who spoke about their problems with legal representation talked about poor communication and the waiting times to access a lawyer. For instance, one woman said, 'The lawyer didn't explain to me anything. [There was] no communication, no follow up from the lawyer side.' Another said, 'My lawyer said to me that I had less than 50% of success so they dropped my case. I had to fill out a judicial review by myself.' The absence of a good lawyer can mean literally the difference between life and death to a vulnerable woman in detention.

In order to access a lawyer, most people seeking asylum rely on legal aid. However, legal aid provision in the immigration system has been subject to extensive cuts and restrictions, resulting in the majority of detainees being unable to access high quality legal advice in order to challenge their detention. There is a Detention Duty Advice scheme, which gives detainees free initial legal advice and operates as a rota in detention centres. Many detainees are however reliant on 'a handful of committed lawyers... overstretched charities, representing themselves, or scraping together money to pay private lawyers.'⁸⁵

The shortage of high quality legal advice for detainees means that detention can be unnecessarily prolonged, increasing the trauma of incarceration suffered by the individual and creating unnecessary detention bills to be paid from taxpayers' money. Legal aid for bail applications is only granted to cases which pass a merits test, which should be applied flexibly. However, Bail for Immigration Detainees (BID) routinely sees the merits test being wrongly applied in bail cases and detainees who are not advised of their right to appeal their lawyer's decision not to grant legal aid.⁸⁶ Those who cannot find a legal aid lawyer are either forced to pay private lawyers who charge for their services, or to represent themselves.

For those on the Detained Fast Track process, access to justice is limited. According to Detention Action: 'Although the Home Office allocates a duty legal representative, this usually doesn't happen until the day before their substantive interview. In the experience of one solicitor's firm, in the second half of 2012 nearly 60% people on Detained Fast Track in Harmondsworth were detained without access to legal

'For the most vulnerable of the women held, the decision to detain itself appears much too casual.'

advice for one week or more before being allocated a representative. Often asylum seekers meet their representative on the day of the interview itself, giving them very little time to build trust, to explain their case and to get proper advice.⁸⁷

A recent survey conducted by BID in May 2012 found that 69% of those they had spoken to had an immigration solicitor at the time of the survey, and of these 75% had a legal aid solicitor. 14% of the detainees never had a legal representative while in detention. The survey found severe delays in accessing legal advice in centres are a major concern. 47% of detainees who sought legal aid advice were waiting over a week for an appointment, 20% waited over two weeks, and 27% waited over three weeks or three weeks to date to get an initial appointment.⁸⁸

The difficulties that women face in accessing legal advice are likely to increase as existing cuts to legal aid continue to take effect and new proposals begin to be implemented. The proposed residence test, which requires that individuals applying for legal aid must be 'lawfully resident' in the UK and to have been lawfully resident for the previous 12 months, contains exemptions for those who are seeking asylum. However, it will mean that individuals who have been refused asylum will find access to legal aid even more difficult, and it will be much harder for them to challenge unlawful detention or abuse within detention centres.

Costs

Detention is inhumane for the women who experience it. It is also extremely expensive for the British taxpayer. It would be much cheaper to allow people who seek asylum to live in the community and stay in touch with the authorities through signing regularly at a reporting centre while their claims are being considered. This reporting system already exists, as do other alternatives to detention such as electronic tagging.

Women in detention are given 71 pence a day to spend in Yarl's Wood. Damian Green MP stated in 2011 that the average cost of detaining someone for one night was £102, which would amount to £37,230 a year.⁸⁹ In contrast, the cost to support an asylum seeker living in the community has been estimated at £150 per week⁹⁰, which would work out as £7,800 per year. This means that the cost of detaining one individual is nearly £30,000 per year more expensive than supporting her in the community. Or, as one woman put it to us, 'They are wasting money keeping us here like animals.'

Time

One of the things that women in our sample found hardest was the indefinite nature of immigration

detention. This indefinite timeframe is in stark contrast to the criminal justice process, where criminals receive set tariffs and there are clear limits to the length of time that can be spent in detention before charge. One woman who had sought asylum as a lesbian from Malawi, who had been beaten and raped for her sexuality, said, 'The most depressing thing is that you don't know how long you're going to be here or if you'll still be here tomorrow.'

In our sample, the shortest time that women were detained was three days, and the longest was 11 months. The average was two months. This is rather longer than the typical experiences seen in the statistics supplied to us by the Home Office. For the cohort of 1,867 women who sought asylum and were detained in 2012, the length of detention is shown in the table below. 735, or 40%, had been detained for more than a month.⁹¹

Length of detention	Total Detainees
Total number of women who had sought asylum & left detention	1,867
3 days or less	333
4 to 7 days	274
8 to 14 days	250
15 to 28 days	275
29 days to less than 2 months	381
2 months to less than 3 months	164
3 months to less than 4 months	77
4 months to less than 6 months	67
6 months to less than 12 months	37
12 months to less than 18 months	6
18 months to less than 24 months	1
24 months to less than 36 months	2

Source: Home Office

The UK is one of the few countries in Europe that has yet to impose limits on the length of time a person can spend in immigration detention.⁹² The UK has opted out of the EU Returns Directive, which includes an absolute maximum of 18 months for immigration detention, and ignored the UN Working Group on Arbitrary Detention's recommendation in 1998 to specify an absolute maximum duration.⁹³ Home Office policy states that: 'It is not an effective use of detention space to detain people for lengthy periods.'⁹⁴ However, research carried out by Detention Action found that as of 31 December 2010, 255 people had been detained for over a year. Of these, 65 had been detained for over two years.⁹⁵ By comparison, most European countries are signatories to the EU Directive and many have set an upper time limit on immigration detention, which is shorter than the maximum 18 months. For example, the upper limit on immigration detention is 45 days in France or 60 days in Spain.⁹⁶

Along with other organisations, we believe that a time limit should be set on immigration detention. Without such a limit, women are left to languish for weeks and months and feel powerless to understand their situation. ■

'Detention is inhumane for the women who experience it. It is also extremely expensive for the British taxpayer.'

'I couldn't sleep because the guards would come into my room and I wanted to make sure that I was awake so I protect myself.'

Sarah's Story

I was politically outspoken against the government in Ethiopia and was arrested by the state police. In prison I was badly beaten and denied food. My father's friend bribed the guards, hid me in his house for five days and then I was flown to Dubai where I was to work for a family. My life had been saved but things were very bad for me as soon as I arrived. I was completely at the mercy of the family. They knew that I had nowhere to turn and that they could do as they pleased with me. I had to work all the time on very little sleep. I was hit constantly and the husband threatened to rape me as a punishment. I'm afraid that these threats became a reality.

The family went to France on holiday in July 2012 taking me with them, and then to London. The grandmother was ill with diabetes and when the family went on a visit to the hospital I took the first chance I had to run out of the door and to the nearest bus stop. I spoke very little English but I managed to explain to a Jamaican man that I needed help and he kindly bought me a bus ticket. I didn't know where I was going; I only knew that I had to get myself away. In the centre of London I wandered around for hours until I saw an Ethiopian woman and begged her to help me. I was too frightened to go to the police because I thought they might take me back to the family. The Ethiopian woman took me to her house and explained that I would have to go to Croydon to apply for asylum.

At Lunar House I waited all day for my interview and was so shocked that they didn't believe my circumstances. They thought that I had been living in London for some time and told me that I was lying. They thought I was pretending not to be able to speak English. They asked why I hadn't tried to escape while I was in France if I was that desperate. I was taken to a hostel and had big hopes for my second interview but I was refused.

I was sent to Manchester to await the appeal process and I tried to get fresh evidence. I was very afraid of contacting my mother directly because I thought that there would be repercussions from the Government. My father is in prison and two of my brothers have disappeared. I risked contacting my mother and managed to get my ID card from home sent to me, which shows what tribe I come from, a high percentage of which oppose the government, and a copy of the court order in Ethiopia which led to my arrest. It was expensive to get these sent from Ethiopia by DHL but I had such high hopes that

this paper evidence would make all the difference by backing up everything I was saying. I was refused again. I wanted to die. It felt like the end of the road for me. It felt like I had risked the safety of my mother for nothing.

I got taken into detention when I was signing on. I was so frightened because I didn't know where I was being taken. That day I had had a hospital appointment, which confirmed that I was 15 weeks pregnant. The father is an Ethiopian man whom I met when I contacted my community for support in Manchester. I was taken for one night to a holding centre in Manchester airport and then the next day to Yarl's Wood. I had four officers to take me to Yarl's Wood and I was very sick in the van due to morning sickness.

I was brought into Yarl's Wood and told I had a flight six days later back to Ethiopia. I told them that for me it meant certain death but they looked at me like they had heard it all before. I was taken to the doctor at Yarl's Wood and given tablets to stop me vomiting which I was very unsure about. I couldn't go near the dining room because the smell of food would set me off vomiting. My lawyer said that he couldn't help me once I had been detained and I had to take the lawyer the Home Office gave me. I was in a queue to see a lawyer in Yarl's Wood but my turn came on the same day I was due to be deported. I was told that it couldn't be helped, as my flight was booked for that evening. When the time came to go to the airport a nurse came in my room to try and give me something to stop the vomiting but it didn't work and I was crying and being sick and in so much pain in my stomach. At the airport I could not stop being sick and they said that they couldn't put me on the plane in that state.

When I got back to Yarl's Wood they told me that they would deport me when I was healthier. My sickness got worse and I was still not eating. It was only the kindness of the other women that meant that I ate at all. I was so worried about the baby inside me, because I was not managing to keep much down. They would give me their 71 pence daily allowance to buy cornflakes and milk from the vending machine because

'I would never have made the choice to be a person without power, without status, who is seen as less than human and treated as a criminal when she is vulnerable and asking for help.'



this was the only thing that I could stomach. My iron levels got very low so that I was fainting a lot and the other women would pick me up off the floor and support me. My roommate's friend was so concerned about me when she came to visit and saw me in the visiting room that she wrote to the manager of Yarl's Wood expressing her concern that a pregnant woman was being allowed to get so weak and asking if I could eat in my room as I couldn't eat in the dining room where the smell of food triggered vomiting. The request was refused because they said that all pregnant women in Yarl's Wood would then ask for that and it was against policy. The only concession was that I no longer had to pay for cornflakes.

One and a half months after I was first taken to the airport I was told that I was to be removed once again. This time they had a doctor come in the van with me and two guards and this time they also had tickets to Ethiopia so that they could come on the plane with me, including the doctor. I told them that my lawyer had put through a request for a Judicial Review. It had been put in on the Friday before my Saturday flight. I kept asking if they could check if my application had been acknowledged. One of the guards was quite sympathetic to me because she saw how ill I was and she phoned a number of times from the airport and found out that the judicial review request

had gone through. I was released from Yarl's Wood seven days later.

When I was in Yarl's Wood I found it hard to believe that I was in the UK. I seemed to be in a place where human rights don't exist. I saw so much misery and depression and mental illness while I was in there. There is constant crying and self-harm because the women don't know why they are there or for how long. These are women who are desperate. All this is caused by disbelief in an age which we all know is the information age. I don't understand why they don't investigate a little bit more into the situations people are fleeing from. Can't they understand that I would never willingly leave my home and my family unless I absolutely had to? I would never have made the choice to be a person without power, without status, who is seen as less than human and treated as a criminal when she is vulnerable and asking for help. I am still so shocked and traumatised about the way I was treated there. ■

Sarah's name has been changed. She told her story to Sophie Radice.

'I was refused again. I wanted to die. It felt like the end of the road for me.'

The Detained Fast Track

The Detained Fast Track (DFT) is used by the Home Office for assessing asylum applications that have been identified as those that can be decided quickly. A woman who claims asylum can be routed into the Detained Fast Track rather than having her claim considered in the normal, non-detained process, and this decision will be made at the first screening interview, before she has had a chance to put her case fully. She will then be detained immediately and her whole case heard while she is detained. In 2012, 429, or 7% of women claiming asylum, were routed into the Detained Fast Track. Of these, just 20 were granted asylum at the initial decision.⁹⁷

From the responses of the women in our sample, it is clear that the Detained Fast Track is perceived as particularly dehumanising and arbitrary. ‘Fast track makes you feel nervous and unsafe. Constant worrying and heartbreak,’ said one woman. ‘It is so unbelievable that the government bodies are able to do such things and get away with them,’ said another. ‘The basic human right is denied,’ said another.

Twelve of the women in our research were in the Detained Fast Track, and six of these were in detention at the time of the interview. All except one said they had experienced rape or torture or both. Six were victims of rape, three were victims of torture, and two were victims of both rape and torture. One of the women, who now has refugee status, stated at her screening interview that she had been forced into marriage with her powerful and influential husband in The Gambia, and had experienced constant violence from him until she was afraid for her life. When she was examined by a doctor in detention, it was found that she had scars on her body consistent with deliberate abuse, including burning with irons. This evidence was not even considered by the Home Office in the refusal that she received in the Detained Fast Track.

Some of the women in the Detained Fast Track believed that they had been set up to fail. As one woman said: ‘There are some immigration officers that have already set their mind and don’t want to listen to crying. They have already decided. They are

determined no matter what to send you back.’ Others talked about how the timescales worked against them: ‘You can’t get evidence together if you are in detention, particularly if they put you on Detained Fast Track. To try and provide all the evidence takes so long.’

The Detained Fast Track (DFT) was first introduced in 2003 for adult male applicants only and was extended to women applicants in 2005. All women in the DFT are held at Yarl’s Wood (and most men are processed in Harmondsworth).⁹⁸ The process has come under a great deal of criticism over the years. The decision to route an asylum seeker into the Detained Fast Track is made by an officer in the Home Office fast track intake unit following an initial screening interview. This screening interview is the first point of contact between a Home Office worker and an asylum seeker. This interview does not involve any examination as to why an applicant is claiming asylum, just an assessment of her immigration history and credibility. Using this information, a decision is made on how a case should be routed. The assessment of suitability for the DFT has been found to be ‘overly simplistic, flawed and ineffective in identifying gender-related cases’.⁹⁹ Freedom from Torture has stated that vulnerable people, such as torture survivors, are regularly routed in and ‘tortured all over again’.¹⁰⁰ ‘In truly Kafkaesque fashion’, as Human Rights Watch described it, ‘the information needed to assess suitability of a case for fast track is only available at the asylum interview, which takes place after the woman is already in the DFT procedure.’¹⁰¹

A recent report by the Independent Chief Inspector of Borders and Immigration also noted these problems with the screening process for DFT. The report highlighted high numbers of people being released because they are later identified as not suitable for DFT. The report found that: ‘A significant number of people initially screened as suitable for the Detained Fast Track were subsequently released. Of 114 cases sampled, 30% were taken out of detention at some stage and 27% of these were released before a decision on their asylum claim had been made. Most of these people (44%) were released due to health issues and evidence they were victims of torture or trafficking.’¹⁰² The report concluded that ‘screening was not tailored to capture information that could fully determine whether someone was suitable for the DFT.’ In 2012, 89 of the 429 women, or 20%, who were routed into the DFT were removed from it before the initial decision.¹⁰³

‘It is so unbelievable that the government bodies are able to do such things and get away with them.’

In the DFT, the whole asylum process is massively speeded up. A Home Office case-owner is assigned to take responsibility for an individual case throughout the process. Following a substantive interview in which an asylum seeker is asked detailed questions about her reasons for claiming asylum and any evidence she may have, the Home Office case-owner decides whether to grant or to refuse international protection. After a woman is referred into the procedure, the Home Office intends to deliver a decision in up to 7-14 days after entry to the process.¹⁰⁴ If refused she has two working days to appeal to the First-Tier Tribunal of the Immigration

'Fast track makes you feel nervous and unsafe. Constant worrying and heartbreak.'

and Asylum Chamber. The courts are located next to the detention centre. If her appeal fails, she may remain in detention until removal.

Once in the DFT procedure, women are on a 'fast-moving treadmill with structural features inhibiting or even preventing them from making their cases effectively'.¹⁰⁵ Even though women in detention can communicate by phone, most only have an opportunity to consult their duty solicitor face to face just before their asylum interview and there is little opportunity to build trust. It has long been documented that women who have survived rape, sexual violence and torture may not be able to disclose the details of their persecution immediately, but in the DFT a woman seeking asylum is expected to immediately tell strangers - her Home Office case-owner and her legal representative - of any violence, including sexual violence, that she has gone through.



‘Delay in mentioning critical facts about sexual violence often leads case owners to conclude that the applicant is not credible.’

The very fact that these women are told they have a straightforward case that will be determined in a ‘removal centre’ can in and of itself have a profound psychological impact.¹⁰⁶ They can feel further inhibited by a lack of female interviewers and interpreters. Yet delay in mentioning critical facts about sexual violence often leads case owners to conclude that the applicant is not credible.

In the Detained Fast Track, the Home Office will rarely extend the timetable to allow people more time to gather evidence, yet they will often delay the period between taking someone into detention and allocating them a legal representative and starting the asylum process. As the Law Society stated recently: ‘The consequence is that individuals are being held in detention for long periods of time on the basis that their claims are suitable for the Detained Fast Track process without any action being taken on the fast-track processing of their claims, and without any regard to the fairness of the process.’¹⁰⁷

The ability of detainees to gather evidence in support of their unsuitability for the DFT and asylum and human rights claims is severely restricted by the tight time frames within DFT. Many asylum seekers and their representatives struggle to gather necessary evidence such as translations, medical reports, witness statements, and independent expert reports.¹⁰⁸ The UNHCR has highlighted that, while some timescales are being proactively extended by Home Office case-owners, requests for extensions are also being refused for reasons which did not seem to be justified, including where there were delays in getting vital evidence.¹⁰⁹ The UNHCR has also expressed concern that asylum seekers who are representing themselves may not be aware of the option of requesting an extension.¹¹⁰ Similarly, although applications can be made to take cases out of the Detained Fast Track, legal representatives have noted that there can be insufficient time to attempt this because they are ‘battling even to present [the] case’.¹¹¹

After the initial decision, the majority of asylum seekers on the DFT have to negotiate the appeals process unrepresented, often in a language they do not speak. Lawyers who are working under legal aid rules must apply the merits test and assess whether there is a 50% likelihood of success in order to represent the woman for her appeal. Many representatives assess the merits as insufficient, leaving asylum seekers

‘The ability of detainees to gather evidence is severely restricted by the tight timeframes of the Detained Fast Track’

unrepresented at their appeals - 63% of asylum seekers on the DFT were unrepresented at appeal in 2010.¹¹² In other words, the women are caught in a vicious circle in which the fact that most cases fail at appeal is used to ensure that they are made even more likely to fail at appeal. By contrast, the Home Office is always represented. The Immigration Law Practitioners’ Association has highlighted this imbalance, emphasising that ‘international human rights laws require that any tribunal must ensure respect for the principle of procedural equality and there should be a reasonable opportunity to present one’s case under conditions that do not place the individual concerned at a substantial disadvantage *vis a vis* his opponent and to be represented by counsel for that purpose’.¹¹³ The importance of legal representation is illustrated by the fact that 14% of appeals succeeded where the asylum seeker was represented, as opposed to 2% where they were unrepresented, between January and September 2010.¹¹⁴

Most cases that are routed into DFT are refused at first instance. The table below gives more detail. In 2012, out of 429 women who went into the DFT, only 20 were granted asylum at first decision, and 89 were withdrawn from the process. 261 appeals were lodged, of which 26 were successful.

Total women applicants accepted on to DFT 2012	429
Initial decision: Granted asylum	20
Initial decision: Granted HP or DL	0
Initial decision: Refused	297
Initial decision: Application withdrawn	21
Initial decision: not known	2
Case taken out of Fast Track before initial decision	89
Total Appeals lodged	261
Appeals lodged: Allowed	26
Appeals lodged: Dismissed	204
Appeals lodged: withdrawn	12
Appeals lodged: Other appeal outcome	0
Appeals lodged: outcome not known	19

Source: Home Office

The DFT system has been criticised by a number of national and international organisations, including the UNHCR,¹¹⁵ the Chief Inspector of Borders and Immigration,¹¹⁶ Her Majesty’s Inspectorate of Prisons, Human Rights Watch¹¹⁷ and Detention Action.¹¹⁸ The Home Affairs Select Committee stated in 2013, ‘We are concerned about the operation of the Detained Fast Track. It appears that a third of those allocated to the Detained Fast Track are wrongly allocated and that many of those wrongly allocated are victims of torture.’¹¹⁹

We are also concerned about the operation, and the very existence, of the Detained Fast Track. In our experience of this process, too many women with complex and distressing experiences of persecution are being taken into detention and denied a fair hearing. We recommend that it should be abolished. ■

Yarl's Wood

Almost all of the women we spoke to, 44 of the 46, had been detained in Yarl's Wood Immigration Removal Centre. Although women who have claimed asylum can be detained in other Immigration Removal Centres (IRCs): Dungavel in Scotland and Tinsley House by Gatwick Airport,¹²⁰ or occasionally in prisons under immigration powers, the vast majority are held in Yarl's Wood in Bedfordshire.

Yarl's Wood is a purpose built immigration removal centre set up in 2001, which currently has 405 bed spaces.¹²¹ While the Home Office holds ultimate responsibility for Yarl's Wood, the centre is staffed and run by Serco, a private company which operates in a number of different areas, including prisons, schools, weapons and transport.

Yarl's Wood has recently been in the spotlight due to allegations of sexual abuse at the centre. One woman described to the *Observer* how she had sexual contact with three male guards and said that one security guard had 'inappropriate relations with at least four women.'¹²² Some staff at the centre were dismissed following these allegations, however, questions have since been raised about the way that the complaints are being investigated and the deportation of key witnesses. In our sample, one woman told us that she had been sexually abused at Yarl's Wood. We also uncovered a wider issue of victimisation by staff, particularly male staff.

Given the high numbers of women who have experienced rape and sexual violence in our sample, it is not surprising that many of them expressed great fear and distress about being guarded by male staff. One woman, who had been raped and tortured by soldiers in Uganda, had been detained even though she had a fresh claim pending. She said, 'When I was on suicide watch the door was left open even when I went to the toilet the door had to be kept open and a male guard was watching me. I complained about it but nothing happened.' Another woman said, 'I was having a shower when they opened the door. It was a woman and a male guard. I was naked. On another occasion I had locked the door and the woman officer opened the bedroom door and I was naked and everyone could see. The male officer was there.' Another said, 'I don't like male guards bursting into my room.'

Overall, 40 of the 46 women told us that they had been guarded by male staff, and of these, 28 women (70%) said that this made them feel uncomfortable. Half of the participants told us that a member of the

detention centre staff had abused them with something that they had said. Ten women said that a member of staff had been racist towards them. A number of women in our sample commented on the attitudes and behaviour of the staff. 'They are verbally abusive in here,' one woman told us. Another said, 'They just see you like animals.' Another said, 'The way they treat you. They want to get rid of you. You feel neglected and unwanted.'

Three women told us that they had been physically assaulted in detention by staff, and others talked about threats of force concerning their removals. 'They said that if I don't go with them next time [to be deported], they will restrain me,' one woman from Sierra Leone, who had been tortured for resisting female genital mutilation, told us. Some of them had experienced violent attempts at forced removals. One woman who is now released from Yarl's Wood, but was there for 11 months, said, 'They took me to the airport in my night dress, with no shoes. They put handcuffs on me. Three times they carried me like I was luggage. When we arrived in the airport they carried me and put me on the floor. They were laughing and I was so cold on the floor. I was shaking and they carried on laughing.' From our research, it appears that the government is contracting out detention and removal to private companies who are not prepared to treat women with dignity.

This sense of powerlessness in the face of staff who are perceived to be uncaring and potentially abusive is backed up by research by other organisations into the experiences of detainees. Medical Justice has catalogued almost 300 incidents of assault, most of which took place during (attempted) removals but some of which occurred within detention centres.¹²³

Our findings are not supported by the most recent inspection of Yarl's Wood Immigration Removal Centre by Her Majesty's Inspector of Prisons, which found that, 'Most detainees told us that Yarl's Wood was a largely respectful and safe place. We found no evidence that a wider culture of victimisation or systematic abuse had developed.'¹²⁴ The difference may be partly explained by the fact that our interviews were carried out mainly by refugee women, some of whom had experience of detention themselves, and so the participants may have felt that they could talk more freely about their experiences of the authorities.

The HMIP inspection did back up our finding that there is a widespread problem with the behaviour and presence of male staff in Yarl's Wood. 'There were



insufficient female staff for a predominantly women's establishment, and women detainees complained that male staff entered their rooms without waiting for a reply after knocking. They were also embarrassed by male officers carrying out searches of their rooms and personal property. Given the women's previous experiences and vulnerabilities, any insensitivity or impropriety amongst staff was likely to amplify their feelings of insecurity. We have recommended that more female staff must be recruited as a matter

'I was having a shower when they opened the door. It was a woman and a male guard. I was naked.'

of urgency, and that men should not enter women's rooms unless explicitly invited to do so except in cases of emergency.¹²⁵

Overall, women spoke to us of their feeling that Yarl's Wood is a hidden world that nobody understands. 'It is a prison within a prison,' one woman who had harmed herself in an attempted suicide attempt in Yarl's Wood told us. As Harriet Wistrich, the lawyer who is representing women alleging sexual abuse at Yarl's Wood, wrote: 'Any person I have met who has ever been detained at Yarl's Wood describes it as a prison... However many facilities Yarl's Wood may boast, however relaxed the regime may be compared to a prison, there is no doubt it is still a prison - a prison with high fences, locked doors, guards with keys and regular roll calls.'¹²⁶ ■

A Day in Yarl's Wood

The day for me starts as it ends. I am lying in bed in a darkened room, listening and watching my room-mate toss, turn, sigh and murmur in her sleep. I am listening to my neighbour in the room on my right sobbing her heart out, and my neighbour in the room on my left praying and asking God in a voice filled with pain: 'What have I done to deserve such treatment? What sin have I committed to end up in a place like this? God, when are you going to answer and save me from this place?' I listen intently, because I want to know the answer to those questions myself.

I fear to sleep because then nightmares have me in their grip. I lie there waiting for the morning light to announce the beginning of a new day even though I am afraid of it. I focus on the ventilation whining in the room until precisely 7:30 when the jingling keys and stomping feet in the corridors announce the approach of the official beginning of my day. The door is thrown open with a force that rattles the scanty furniture in the room. An officer stalks in disregarding my presence, unmindful of my room-mate sleeping, turns and shouts to another functionary with a clip board in the corridor, 'Two in Nine' before banging the door on their way out so that everything rumbles on long after their footsteps recede down the corridor. That is the first official roll count of the day. It will happen again, just the same, two more times before the end of the day.

At 8am, the shout carries down to the rooms, 'Breakfast'. I remain in bed because of the pain and stiffness arising from the sickle cell anaemia I suffer. I must wait until I get the pain relief medication which is available to me from healthcare, officially opening at 9am. I encourage myself to get out of bed and go down to the healthcare centre to wait in line. As I wait I am anxious that any moment the mobile phone I am instructed to carry with me at all times is going to beep, and I will hear the news I dread.

I try to relieve my stress by finding an activity to fill my day so I make my way down the tunnel-like corridors designed like a maze and pick my way through to the library. I flip through some books, trying to lose myself in their pages but after a few minutes I give up because there is always someone who has come into the library asking for help. I can't help hearing what they are saying. Their distress at their predicament and the difficulties they have with language make me more aware of what I am attempting to outrun. The eyes that stare at me as I make my escape to seek solace in my room are all pain-filled, confused, angry eyes; the same eyes as mine.


It is 11:40am and the loudspeaker blares to life; 'Ladies, please make your way to your unit for roll count.' The second roll count of the day commences at 12noon. It is carried out in the same procedure and manner as the 7:30. Most days, about an hour later, officers will send us back to our rooms for a recount. If we are fortunate, it only has to happen the once by which time there isn't much time left for the lunch hour. The rush for food sees more than 100 women in the queue. You dare not miss the unappetising meal.

After lunch I go back to the healthcare centre for my afternoon medication and spend time afterwards in the corridors chatting to other ladies about our fears and dreams of getting released from detention. After an hour or two of sympathising and encouraging, moaning and a few shared tears, I would make my way with a group of the ladies to the designated garden, this is a small space brick walled on every side with a few shrubs and benches. I try to breathe the air until I hear the next announcement, that we should make our way to our units for 5pm roll count before dinner.

I make my way to the room and wait for the usual disregard for propriety where the officer throws the door open with enough force to rattle it on its hinges, entering the room without knocking and shouting out 'Two in Nine' before exiting as they had entered.

Suddenly, I get the call to go for a legal visit. Now my heart is beating so fast that I am afraid I am having a heart attack. The noise in my ears increases until conversations around me are swimming in and out of my consciousness. I finally manage to make it to the entrance of the legal corridor, my heart still pounding. Within the short space of getting there, I have managed to envisage every possible scenario. I don't even note what is said to me as I'm ushered through to the reception. An officer approaches and I stand at the ready for the routine body search. When I finally face the immigration officer, he tells me, 'We are forcefully removing you from the UK tomorrow. The decision is based on the fact that your claim failed. It failed because we didn't believe your claim, therefore everything you've said from then on is rejected.' The officer laughs at my confusion and upset.

That night, I am the one asking God the questions, and wondering if I will ever hear the answers. There is only one way now that would put an end to the sense of failure, disillusion and worthlessness, and that is death. ■
This diary was written by a woman in detention who wishes to remain anonymous. She is no longer in the UK.



**‘Jingling keys and stomping
feet in the corridors announce
the beginning of my day.’**

The impact of detention

Mental health

The experience of detention is immensely distressing to women. This was one of the clearest findings from our research. Every single woman in our research said that in detention she felt unhappy, most said that they felt lonely and scared, and 28 women, more than half, said that they thought about killing themselves. Over and over again, women talked about their feelings of helplessness, depression, self-harming and desire to die. Ten women, one in five, said that they had tried to kill themselves. 14 of the women had been on suicide watch in detention.

'I have mental health issues. I have burnt myself in here,' said one woman, a lesbian who had sought asylum after she had been raped and beaten by police in Cameroon, showing where she had poured boiling water on her arms to harm herself. 'Pray to God to take my life away so I can feel relieved from this pain and difficult life,' said one. 'I would rather die here. I would stab myself to death if I had to go back,' said another. 'Living is not worthwhile anymore. Being dead would be much better,' said another. 'I have seen many people around me cutting themselves with broken glass and that has an effect on my mental health,' said another. 'In my country people do bad things to you but they will finish you off and be done. In this country they push you to kill yourself,' said another.

The sense of powerlessness was what came out particularly clearly among the participants. 'You don't have the power or choice to explain yourself,' one woman said. 'There is no way you can change it for the best. Even if I keep crying, it's not going to help.'

It is well documented that asylum seekers have a higher prevalence of mental health problems than other groups.¹²⁷ Studies have also shown a relationship between immigration detention and mental illness as well as between the process of seeking asylum and mental illness.¹²⁸ One study in 2008 found higher levels of self-harm and suicide amongst detained asylum seekers as compared with the general UK prison population (12.97% vs. 5-10%).¹²⁹ Detention centres have been found to cause significant deterioration of mental health, including anxiety, post-traumatic stress disorder (PTSD) and depression, with symptoms becoming more pronounced the longer the person is detained.¹³⁰ An Australian study examined the impact of immigration detention on the mental health of refugees and demonstrated that past immigration detention contributed independently to the risk of ongoing PTSD, depression and mental health-related disability.¹³¹ Other

research in the UK has also demonstrated that asylum seekers placed in detention for immigration purposes often suffer serious mental health deterioration, including increased post-traumatic stress disorder (PTSD) and depression, high rates of suicidal ideation, deliberate self-harm, hunger striking and hospitalisation.¹³² Medical Justice examined the cases of 50 torture survivors held in immigration detention: 23% went on hunger strike; 34% experienced suicidal intent/ideation or actual self-harm; 16% attempted suicide; 11 were transferred to hospital as acute emergencies; and there was one near death event.¹³³

For women who have experienced rape, violence, imprisonment and torture in their countries of origin, detention forces them to relive their trauma with the consequent deterioration of their mental health. Despite the clear need for support and care, many organisations have found serious failings in the mental healthcare that asylum seekers are able to access in detention. The mental health charity Mind stated that the UK was 'regularly failing refugees and asylum seekers.'¹³⁴ It found that the process of asylum itself was damaging to mental health; mental healthcare resources were restricted; and there were no specific guidelines about what mental health care should be in place for asylum seekers.

Reports by Her Majesty's Inspectorate of Prisons also continually highlight inadequate mental health provision in detention centres. Concerns include a lack of mental health nurses and inadequate counselling service provision. In November 2012, The Home Affairs Select Committee noted in their report: 'We are concerned about a number of issues ...in regards to immigration detention - in particular the treatment of detainees suffering from mental illness at Harmondsworth Removal Centre ... We are concerned that the cases outlined above may not be isolated incidents but may reflect more systemic failures in relation to the treatment of mentally ill immigration detainees.'¹³⁵ There have been four recent cases in the High Court where it was ruled that the care of four people with mental health problems who were held in immigration detention breached Article 3 of the ECHR, amounting to inhuman and degrading treatment.¹³⁶

In our sample we clearly heard that vulnerable women were watching others around them get removed, and feeling more and more fearful and depressed. 'I've heard stories about people being taken to the airport and coming back very sad. One lady was pushed around by the escorts. When they got back



'I burnt myself with hot water and saw many women do similar things, using forks to stab themselves and drinking shampoo.'

she was very tired physically and mentally for four days,' one woman told us. Another woman who had been tortured in Zimbabwe said, 'What I experienced while in detention for a good year was that people are not treated well when they have been issued removal directions. This made things worse for me as I was not sure what was going to happen and that I might wake up the next morning in their shoes. So each and every day I was traumatised by witnessing this horrible drama happening. Sometimes I had sleepless nights due to the fact that some mates were being removed.' Another woman who is over 60, and comes from Eritrea, said, 'I was scared and worried about the people who were taken to the airport. At night I saw them, in the morning they were gone. Sometimes at night I heard people shouting which scared me.'

As we discuss below, this deterioration in women's mental health does not necessarily end with their release.

Health

A large majority, 38, of the women in our sample told us that they had health issues while in detention. The most frequently mentioned problem was mental health (discussed above), but there was a range of physical problems, from nine women who had high blood pressure to six with diabetes, one with tuberculosis, one with cancer, and one who was pregnant. 45 of the women rated the quality of the healthcare in detention, and most of them rated it as bad (20%) or very bad (42%). 30 women said they did not trust the medical staff in detention.

Above all, women spoke about how the healthcare staff in detention seem to subscribe to a culture of disbelief. 'They don't believe you in there. They don't help anyone. ...They're not interested in helping,' said one. 'Medical staff suspect you to act and pretend to be sick to strengthen your case,' said another, '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.' Another said, 'The healthcare seemed like a formality they just wanted to sign a report to say you were fit to be deported. It is not really to see if you are really well. It's like they were pushing me to kill myself.'

The primary healthcare in Yarl's Wood is delivered by Serco Health. Women perceived the staff as acting for the Home Office rather than as independent healthcare professionals. 'They are not for healthcare - they are officers of the Home Office,' one woman said. 'You are certified 'fit to fly' by the same people who want to deport you,' said another. 'You don't get a second opinion... although I was not fit to fly they took me to the airport.'

These findings are supported by other research. Medical Justice's report *The Second Torture* documents a catalogue of errors among healthcare staff, including the clinical mismanagement of detainees' cases, poor record-keeping and a failure to identify torture survivors. The report found that the poor quality of healthcare impacted on patients' lack of trust for

healthcare staff.¹³⁷ *Detained and Denied*, published by Medical Justice in 2011, showed that 60% of the sample suffered disruptions in their medication due to their detention, 66% of the sample reported that they were subjected to poor practice, including being denied access to hospital for appointments with HIV specialists. One detainee was given a significant overdose of her medication by the detention centre's healthcare staff.¹³⁸

In 2006, Her Majesty's Inspectorate for Prisons (HMIP) conducted a thematic review on the quality of healthcare in Yarl's Wood. The inspectors found: 'underpinning systems were inadequate and the healthcare service was not geared to meet the needs of those with serious health problems or the significant number of detainees held for longer periods for whom prolonged and uncertain detention was itself likely to be detrimental to their well being.'^{138b} Although the most recent HMIP report on Yarl's Wood was reasonably positive about the quality of primary healthcare, it did note that 'we received consistent reports of dismissive or rude behaviour by some health services staff. ... and that health services staff had not been trained in the recognition of torture or trauma.'¹³⁹



Pregnant women

One woman in our sample was pregnant while detained. Sarah, whose story we tell in detail on page 26, was three months pregnant when she went into Yarl's Wood 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.'

The only mention of women in the Home Office's guidance to its staff on who should not be detained is with reference to pregnant women: 'Pregnant women should not normally be detained. The exceptions to this general rule are where removal is imminent and medical advice does not suggest confinement before the due removal date, or, for pregnant women of less than 24 weeks gestation, at Yarl's Wood as part of a fast-track asylum process.'¹⁴⁰ This policy is supported by the UNHCR whose guidelines state that 'as a general rule the detention of pregnant women in their final months and nursing mothers, both of whom have special needs, should be avoided'.¹⁴¹

This is because being detained while pregnant can cause enormous emotional and psychological distress and serious physical discomfort.¹⁴² Research which was carried out on pregnant women in prison found that 'the experience of being pregnant in a custodial setting induces fear and stress. Being pregnant in prison has been found to have negative implications for a woman's reaction to the discovery of her pregnancy, her diet, her support network, antenatal care, exercise, birth preparation and the woman's knowledge about her pregnancy. Pregnant women in custody suffer feelings of isolation, insecurity and disempowerment. Antenatal care is compromised by the necessity of negotiating access to midwives and doctors with gatekeepers such as prison officers and nurses.'¹⁴³

There has been much recent criticism of the Home Office for its poor implementation of its own guidelines on the detention of pregnant women. For example, Medical Justice released a report in 2013 exposing how pregnant women are regularly detained and not only in very exceptional circumstances. They found that around 100 pregnant women were held in immigration detention each year, often for prolonged periods. There was a failure among case-owners to factor in pregnancy in the decisions to detain and in reviewing the decision. Furthermore, the primary purpose of detention is removal, but this report showed that only in 5% of

cases were pregnant women actually removed.¹⁴⁴ The quality of healthcare for pregnant women in detention was assessed and found to be inadequate. The process of being detained meant women had their antenatal care interrupted and the stress of detention had negative impacts on their mental health.¹⁴⁵

The Royal College of Midwives supported Medical Justice's recommendation to end the detention of pregnant women. Louise Silverton, Director of Midwifery at the Royal College of Midwives has said: 'The detention of pregnant asylum seekers increases the likelihood of stress, which can risk the health of the unborn baby. The very process of being detained interrupts a woman's fundamental human right to access maternity care. The detention system makes it very difficult for midwives to put women at the centre of their care. We believe that the treatment of pregnant asylum seekers in detention is governed by outmoded and outdated practices that shame us all.'¹⁴⁶

Implementation of the policy relating to pregnant women has also been criticised by Her Majesty's Inspectorate of Prisons (HMIP). In the 2011 report on Yarl's Wood, the following was reported: 'Too many pregnant women, who should only have been held in exceptional circumstances, were detained in the centre. One of these women had had a four day journey from Belfast to Dungavel Immigration Removal Centre in Scotland and then to Pennine House at Manchester Airport where she had collapsed; from there she had been taken to hospital before completing her journey to Yarl's Wood.' In the same report, HMIP shared Medical Justice's concerns about the failures in reviewing pregnant women's detention: 'A number of pregnant women were detained and there was evidence of poor case-owner reviews of their detention, which took no account of the pregnancy'.¹⁴⁷ Again in the 2013 report on Yarl's Wood, HMIP noted: 'Some case files for pregnant women showed no evidence of the exceptional circumstances that justified their detention. One woman had been detained for over three and a half months and hospitalised twice because of pregnancy-related complications.'¹⁴⁸

The Medical Justice report called for an end to the detention of pregnant women on the basis that the detention of this group is ineffective, unworkable and damaging. We join this call. As Sarah said, 'I was taken to the airport for removal twice even though I was being very sick both times and had terrible pains in my belly. They knew I was not fit to travel because I was so ill and had a baby inside me. I am still so shocked and traumatised that the people who work for Yarl's Wood could have so little care for a pregnant woman.'

Separation from children

A quarter of the women in our sample had children in the UK and 20 had children in their home countries. None of them were being detained with their children, since children are now only detained for short periods in UK, usually at the Cedars Pre-departure Accommodation, or detention centre, in Sussex.

'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.'

Although we welcome the fact that children are no longer routinely detained for indefinite periods in Yarl's Wood, separation from children brings its own problems.

For instance, one woman came to this country from Nigeria in 2004 and claimed asylum as a lesbian, fleeing forced marriage and violence from her husband's family. She was first detained in Yarl's Wood for almost a year, and then transferred to prison for organising a protest in Yarl's Wood, until she was released on bail. 'When I was detained my daughter was 14 and she was outside staying with my sister. The UKBA wrote her a letter saying that she will be deported if she does not go back voluntarily. So my daughter stopped going to school because she was so fearful. I asked the school and social services to help her, but I was not able to do much from detention. All of a sudden she ran away from my sister's house because she was so fearful. My phone was taken away. I lost contact with her.' This woman does not even know if her daughter is still in the UK.

A recent report by Bail for Immigration Detainees on the experiences of over 100 parents who were separated from their children while they were in immigration detention found that: 'Children described their despair and misery at not knowing when or if they would see their parent again. The Border Agency displayed a callous indifference in continuing to detain parents, despite in some cases having clear evidence that children were extremely distressed or being neglected.'¹⁴⁹

Leaving detention

Detention is usually presented to the public as an efficient way to control and remove migrants and failed asylum seekers. However, as well as being extremely costly it is objectively poor at achieving its own desired outcomes of removal. Of the 1,867 women who had sought asylum who left detention in 2012, only 674, or 36%, were removed from the UK. The table below shows the outcomes for the others.

Reason	Total Detainees (women seeking asylum who have left detention in 2012)
Total detainees	1,867
Removed from the UK	674
Granted leave to enter / remain	5
Granted temporary admission / release	1,058
Bailed	127
Other	3

Source: Home Office

Thirty of the 46 women in our sample had received orders for their removal from the UK at some stage at the time we interviewed them. Of those who had been given removal directions, 15 had been taken all the way to the airport and four reported that they had been hurt or restrained during the attempted removal. These attempted removals were particularly distressing aspects of the experience of detention. 'They insisted on taking

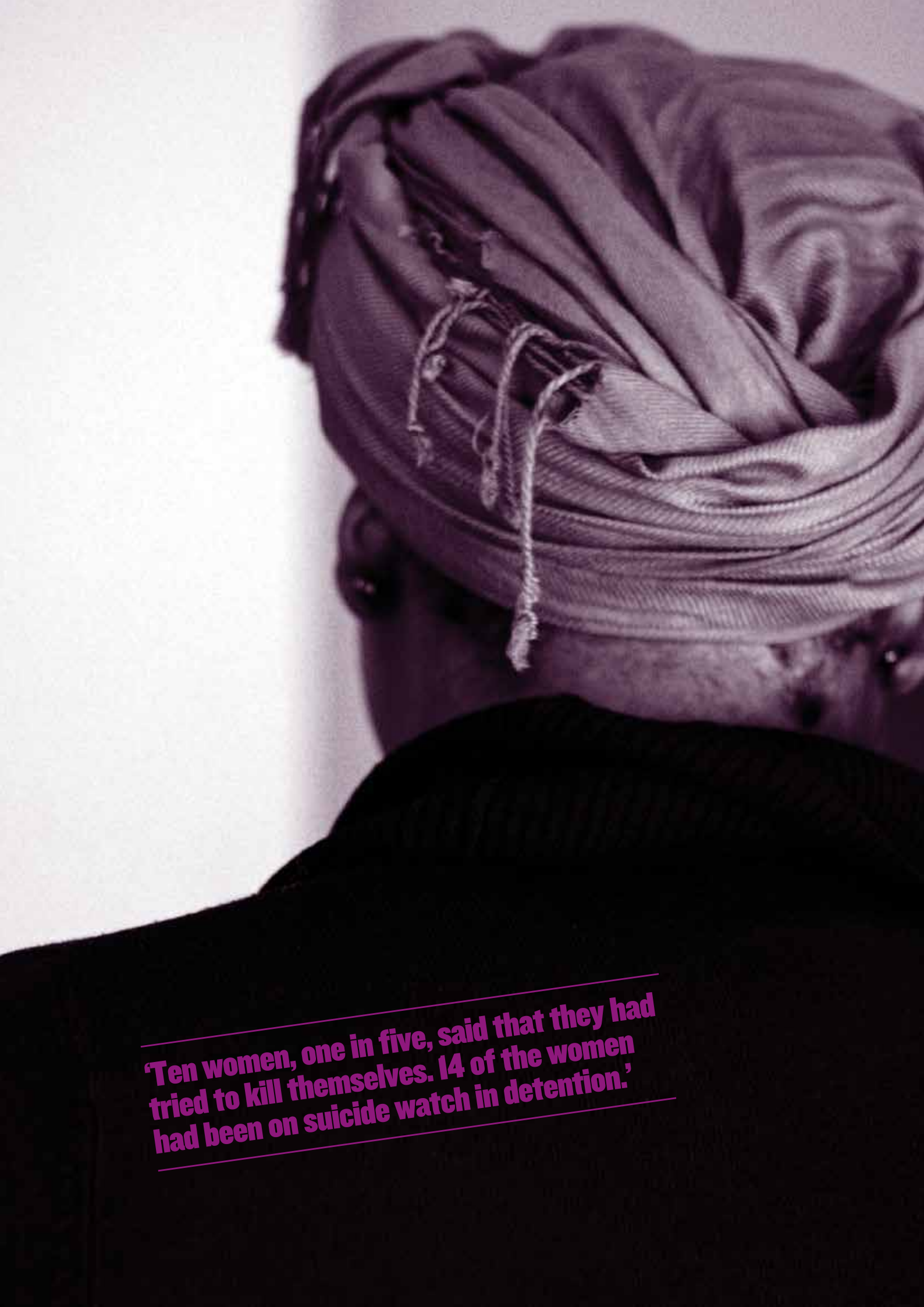
me to the airport though I gave them overwhelming evidence to prove that my ticket had been cancelled. This was frustrating because they just wanted to instil fear in people,' one woman told us, and another said, 'I don't like the way they take people as thief. They come many people for one person.' While the research was being carried out, the women in the sample were at different stages of the asylum process. Of those who told us their situation, four had refugee status or other leave to remain, 32 were awaiting a decision on their claim, and seven had exhausted all their appeal rights.

Seventeen of the women in the sample were in detention when they participated in this research. We tried to ascertain the outcomes of detention for these women as we were writing the report. Five of them were forcibly removed to their home countries and two had agreed to voluntary return. Three were still in Yarl's Wood, and five had been released into the community, while two were not answering their telephones. We were unable to track what happened to the five who had been removed against their will, but we know what they told us about why they had fled their countries in the first place. One, a lesbian from Malawi, said, 'I would go back but I would be harmed. People know that I am a lesbian', and one woman from Zimbabwe said, 'I'm afraid of the government in my home country. They accused me of being a spy.'

For women who leave detention to go into UK society, the chaotic nature of the detention process is just as obvious at the time of release as at the time of detention; women are released with no advice and no help. One woman told us that even the journey from the detention centre was difficult, 'I had to take three trains. I was destitute.' Nineteen women told us that the experience of leaving detention made it hard for them to settle in a new place afterwards, and one of them said, 'I was homeless, I was pregnant, I had no money.' Just as ex-prisoners may find it difficult to adjust to liberty, so too do ex-detainees. 'Re-integrating myself into the community was difficult,' said one. 'I was always walking into the road. I was taken to a psychiatric hospital.' Half of the women we spoke to had been destitute at some stage, with no support and nowhere to live.

Many of the women who are now outside detention told us that they felt unable to move on from the trauma they had suffered. Lydia Besong, who was detained twice in Yarl's Wood and now has refugee status, says: 'When I left detention, Yarl's Wood followed me to Manchester. Sometimes I feel like I'm in a trance, I feel I hear the footsteps of the officers, I hear the banging of the doors and the sound of their keys. Even though I'm out of detention, I'm not really out - I still have those dreams.' ■

'Even though I'm out of detention, I'm not really out - I still have those dreams.'



'Ten women, one in five, said that they had tried to kill themselves. 14 of the women had been on suicide watch in detention.'

My journey to Yarl's Wood

by Juliet Stevenson

Over the years I had heard about detention centres for asylum seekers, but I didn't really know what they were and what went on in them. So when Women for Refugee Women offered me the chance to visit Yarl's Wood detention centre in autumn 2007, I was curious to go.

I remember that day so clearly. It was one of those days - I think one has so many of them when one is young, and so few as one gets older - which begins in one way and then by the end of the day you've altered, irrevocably. I'll never forget that road, the road approaching Yarl's Wood; the barbed wire, like an internment camp; the fortress nature of the place. It was an unfamiliar landscape. It wasn't like our England. And the process of going in - giving your fingerprints, being searched, leaving all your possessions outside. It is like entering a prison.

And I remember going into a soulless waiting room, where Heather Jones and Gill Butler of the Yarl's Wood Befrienders introduced me to one of the families they were visiting: Meltem Avcil and her mother. They had come to this country when Meltem was five, but it wasn't until Meltem was 13 that they had been snatched from their house in a dawn raid and taken into detention. I was struck by the fact that Meltem's mother was so fragile - unsurprisingly, given the persecution she had suffered at home and her terror that she was going to be sent back to her country. Meltem had not only been ripped away from her life, taken away from her education and her friends, but she was now having to support her mother, having to be the adult. All the time I was talking to her I was conscious that my own daughter Rosalind was exactly her age, and as I sat there with them Rosalind was studying, playing with her friends, enjoying a strong sense of her expectations in life, while Meltem was facing this struggle for her freedom and her future. The shocking discrepancy between these parallel young lives gave me an increasing sense of incredulity.

When I got back on the train I remember saying, 'We have to tell these stories, these stories must be heard.' I felt I had come across an underbelly in Britain that people just didn't know about - a brutal and shameful aspect of governmental practice in this country of which most people were completely unaware.

For a long time I have been engaged with the experiences of refugees and asylum seekers. For me, it goes back to 1991 when I took the part of Paulina, a



woman who has been tortured, in Ariel Dorfman's play *Death and the Maiden*. While preparing for that play I met some members of the Chilean refugee community, and came across the Medical Foundation for the Care of Victims of Torture (now Freedom from Torture), and witnessed the extraordinary work that their founder Helen Bamber was doing to support these individuals who had had such a struggle to survive. So I'm fairly alert to the issues, but I had absolutely no concept that detention centres were like this, nor of what we were doing to people by locking them up.

I believed at that moment that if people heard and witnessed these stories, they would not tolerate what was going on. Whatever their views of numbers of foreigners coming into this country, they would find it unacceptable that we were doing this to people seeking refuge here. That's when we decided to make a piece of theatre out of these stories and experiences. I wanted to read the part of Meltem's mother and for my own daughter to read the part of Meltem, because I wanted to make that parallel. So we created a verbatim play, *Motherland*. It was very difficult for me to read the mother's part. Her relationship to language and to telling her story is very hesitant. She underwent persecution, and finds it very difficult to give voice to that. It isn't that she is not articulate, but for any woman to talk about rape is extremely challenging - even women in this country who are

'I hope that by telling these stories we can remind people that these women are individuals whose voices need to be heard.'

very established in their rights and expectations often can't speak of it and don't, and for a woman with no security and many cultural obstacles, it is even harder.

It was exhilarating and heartening to see the enthusiasm with which the piece was received. We invited survivors of detention to speak after the reading, together with Helena Kennedy, the lawyer, and Helen Bamber, who has been speaking up for survivors of human rights abuses all her life. We really wanted to shift opinion, to change minds, on the fact that children were being detained like this. I think we achieved that to some extent. If I can pick out one person whose response to the piece delighted me, it would be Michael Morpurgo. He came to see the piece at the Young Vic, and a huge shift took place in him that night. He wrote his next book on the subject, he chose to use his time as the Children's Laureate to speak of these issues, he even made a specific television programme in which he stood outside that barbed wire fence and talked about the horrors of Yarl's Wood. He really did pick up the baton.

But he wasn't the only one. We took Motherland to Westminster because we wanted it to be heard right inside the place where laws are made. We wanted to hold the Home Office to account, to shine a light on the hidden injustice and brutality in their policies, and on the ridiculous way key roles are commissioned out to companies like Serco, so that the kind of thuggish behaviour we would never expect to go on in this country is perpetuated by wilful negligence and unaccountability. It's a Herculean task to get MPs to listen on this subject, but symbolically it was important to go to Westminster, and to go there with Meltem herself, who had by then been released from detention.

Subsequently, we took the performance to Bedford too, because we wanted to generate the engagement of people who live in the community around Yarl's Wood. On that occasion Meltem spoke on stage, together with the local MP Alistair Burt, who was very sympathetic and supportive. I think the Bedford event was very powerful for some of the audience, people came who had no idea that this was happening on their doorstep. By then we were working as part of a coalition, so that performance was supported by other organisations such as the Children's Society and Medical Justice, and it felt heartening to be part of this growing circle of concern.

It wasn't long after that the policy changed, when the government announced it would no longer lock up children in immigration detention. Looking back, I feel that we identified something and the moment had come for it to be spoken of. It wasn't that the policy shifted just because of what we did, but we did help to

generate a climate around this issue, and many people picked it up and ran with it. It was an exhilarating experience to mobilise people's hearts and minds on this subject, and encourage them to engage. I know that there remain problems with the policy, so that children are still detained for short periods, but I do know that if I went into Yarl's Wood now I wouldn't meet girls like Meltem.

What worries me, however, is that I would still meet women like her mother. I saw myself how devastating it is for a woman who has survived persecution to find herself locked up, incarcerated. You can see why. The loss of liberty makes women relive the trauma that they have already gone through, and makes them feel that they have lost control over their lives all over again. These people have overcome unimaginable adversity which most of us would not survive. And then what do we do when they come here asking for safety? We lock them away in the most brutalising fashion, often with no legal representation. And our public representatives will not speak of it, but simply whip up this culture of labelling and denigrating, and those who came here for sanctuary are isolated and disappeared.

Right now, there is a reprehensible tone to this debate in politics and in the media - a kind of frenzy to show who can be toughest on immigration. Immigration and asylum are being lumped together in one conversation, so that no distinction is made between people who have fled great adversity, and migrants who do have a choice about whether they come to this country or not. We should not parcel people up together indiscriminately in this way.

I hope that by telling some of the stories of women in detention we can begin to break through that frenzy, and remind people that these women are individuals whose voices need to be heard. My experience in the campaign against the detention of children revealed that, given a chance, many people in this country do want to stand up for the protection of the vulnerable who seek sanctuary here. I still believe that we can build an asylum process that would give a fair hearing to those who look to us for refuge. I hope you will join me in this belief, and in this work. ■

'I'll never forget the road approaching Yarl's Wood; the barbed wire, like an internment camp; the fortress nature of the place.'



Recommendations

We believe that detention has no place in the asylum process and that individuals who seek sanctuary in the UK should not be detained while their cases are being considered. Their cases can be heard while they are living in the community at less cost and with less trauma to the asylum seekers themselves.

On the way to making this a reality, we recommend these immediate steps:

1. Women who have experienced rape, sexual violence and other forms of torture should not be detained.

If an individual raises these experiences at any point in her asylum claim, she should be released to continue her case in the community.
2. There should be no male staff employed in roles where they come into contact with women detainees at Yarl's Wood Immigration Removal Centre.
3. Pregnant women should not be detained under any circumstances.

4. If a woman must be detained prior to removal, this should be for the shortest possible time and only after alternatives to detention have been meaningfully considered.

There should be an upper time limit of 28 days on all immigration detention, after which people should be released on temporary admission for their cases to be considered in the community.

5. All individuals held in detention should be able to access free, quality legal advice throughout their stay in detention.
6. There are such serious flaws in the Detained Fast Track screening process and in asylum seekers' ability to get a fair hearing in the fast track that this process should be ended.

Methodology and Further Findings

Methodology

This report brings together previous research and official statistics on detention with the voices and experiences of 46 women who have recently been detained or are currently detained. To design the research we worked with two refugee women's groups, Women Asylum Seekers Together London and the London Refugee Women's Forum, who developed the questionnaires with us. There were 42 questions in total, with an extra ten questions specifically designed to find further information about the experience of Detained Fast Track. These questions were mostly closed, with many opportunities to elaborate if desired. The questionnaires focused on the participants' experiences in their home country, the asylum application process, and their experience of detention. We did not ask the participants for any corroborating evidence, but simply allowed them to tell their stories in their own way.

All of the participants had claimed asylum and had been detained any time from January 2011 onwards. They were at different stages of the asylum process at the time of completing the report, some had been granted refugee status or a form of leave to remain, while others were still in detention. In order to reach women who were currently in detention, we worked with the Yarl's Wood Befrienders and the Zimbabwean Association as well as through our own networks of refugee women. To contact women who had been released from detention, we worked in partnership with: Women Asylum Seekers Together Manchester, Women Seeking Sanctuary Advocacy Group Wales, Embrace in Stoke-on-Trent, Hope Housing in Birmingham, Northern Refugee Centre in Sheffield, Women Asylum Seekers Together in Leeds and Why Refugee Women in Bradford. We are extremely grateful to women in all of these organisations for their generosity in sharing their time and experiences with us.

We met the women in detention as visitors, without going through the Home Office or Serco for permission to talk to them. We were not prevented from meeting them, but at times our questionnaires were confiscated.

Ethical issues were of paramount importance when conducting this research. The research was completed in accordance with the Social Research Association Ethical Guidelines. Questionnaires were completed with the help of female staff and volunteers of Women for Refugee Women. Most of those who helped women

to complete the questionnaires had experience of seeking asylum in the UK themselves, and some were ex-detainees. We provided training for those refugee women who conducted the research with us. All participants were asked to give oral consent after the research aims and purposes were explained to them. Participants were informed that their names and details would be kept confidential. The research was carried out with care to the vulnerabilities of the individual woman. ■

Further Findings

About the women

- 46 women completed a questionnaire
- Of these 17 were in detention at the time of completion
- Everyone in the sample had claimed asylum
- 89% came from Sub Saharan Africa

Experiences at home

- 22% had been arrested or imprisoned
- 24% had forced marriages
- 24% suffered female genital mutilation
- 9% were forced into prostitution

Violence, Rape, Torture & Sexual Violence

- 87% had either been raped or tortured
- 87% experienced violence
- 72% had been raped
- 41% had been tortured
- 63% experienced other forms of sexual violence

Who the women fear (N. 43) Frequency Percentage

People in the family	25	58%
The state	24	56%
Non-state people	16	37%
Other ¹⁵⁰	3	7%

Reasons they were persecuted (N.44)

	Frequency	Percentage
Woman	23	52%
Politically active/ (perceived) political opposition	14	32%
Religion	13	30%
Ethnic background	11	25%
Lesbian	8	18%
Nationality	5	11%
Other ¹⁵¹	4	9%

The women's asylum applications

- 98% of respondents were refused at first instance
- All the women were detained at some point with 96% held in Yarl's Wood
- The shortest length of time in detention was 3 days and the longest was 11 months
- 17% noted problems with disclosure. The most common reason was because in their culture, people don't speak openly about these things

Women's experiences of immigration detention

- 100% (46) of women felt unhappy
- 93% (43) of women felt depressed
- 61% (28) of women thought about killing themselves
- 83% (38) of women felt lonely
- 85% (39) of women felt scared
- 72% (33) of women missed their friends and family

Common problems in detention

- 41 women (89%) found it difficult to sleep
- 32 women (70%) found it hard to eat the food
- 28 women (61%) found it hard to contact friends
- 27 women (59%) found it hard to find out about their case
- 21 women (46%) reported problems using the Internet. This included poor connectivity and a lack of privacy

Detention centre staff

- 50% of women had been abused by staff by something they said
- 22% said that a member of staff had been racist toward them
- The majority of women who were guarded by male guards felt uncomfortable
- 3 women stated that they had been physically or sexually assaulted in detention by staff.
- The comments made by women about the staff described them to be patronising, bullying and uncaring

Legal representation, Home Office caseworkers and Interpreters

- 54% noted difficulties in contacting a lawyer
- 36 of the women said that were unhappy with the Home Office caseworker. Nine of the women stated that they did not know who their caseworker was
- 24% of the women found it hard to understand the information because they did not speak enough English and were not given an interpreter

Detained Fast Track

- 26% had been on Detained Fast Track (DFT)
- All of the women, except one, were victims of rape and/or torture (92%)
- 75% felt that they did not have enough time to prepare their case
- 92% of women (11) felt the fast track system was an unfair process
- 83% of women felt that DFT should be abolished

- 2 were forced into prostitution, 4 had forced marriages and 4 suffered FGM

Leaving detention

- 21 women reported that the experience of detention had made it hard for them to settle in a new place afterwards
- Problems included: the journey from the detention centre; homelessness and destitution; no transitional care; and inappropriate housing
- 23 women who had been refused asylum were destitute at some stage, with no support, no benefits and no home.

Healthcare in detention

Reported health problem	No. women
Mental health issues ¹⁵²	17
High blood pressure	9
Diabetes	6
Migraines and headaches	4
HIV	2
Urinary tract infections	2
Tuberculosis	1
Cancer	1
Pregnancy	1

Mental health issues

- 37% of participants reported suffering from mental health problems. This included psychosis, PTSD, depression, insomnia, flashbacks, stress and nightmares
- 14 women (30%) were on suicide watch at some point during their detention
- Ten women (22%) stated that they had attempted to kill themselves in detention. A further three women expressed suicidal ideation

Quality of healthcare

- The majority of women (42%) described the level of care as "very bad"
- 67% stated that they did not trust the medical staff in detention

Removals and return at time of completing the questionnaire

- 39 of the participants had never considered returning home voluntarily (5 had considered it and 2 did not respond)
- 65% reported that they had received order(s) for their removal from the UK whilst in detention

Situation of the women at time of completing questionnaire

- 32 women were awaiting a decision on their claim
- 7 were appeal rights exhausted
- 4 had refugee status or other leave to remain
- 3 did not answer ■

Endnotes

1. Figures supplied by Asylum Aid from Home Office sources.
2. Correspondence from Home Office to Women for Refugee Women, 13 November 2013: 'Of the 28,905 people entering detention in 2012, 4,424 were female of whom 1,902 had sought asylum at some stage.'
3. Correspondence from Home Office to Women for Refugee Women, 3 December 2013
- 3b. The proportion of our sample who said they had attempted suicide or had been placed on suicide watch is much higher than in official statistics. Published figures for 2012 show that there were officially 32 incidents of self-harm requiring medical treatment in Yarls Wood Immigration Removal Centre, and 249 'Individuals on Formal Self-Harm at Risk'. Figures from the Home Office, downloadable from <http://www.no-deportations.org.uk/Media-1-2012/Self-Harm2012.html>
4. Home Office, *Immigration statistical summary 1999-2008*, p2.1a; <https://www.gov.uk/government/publications/immigration-statistical-summary-1999-2008>
5. Home Office, *Immigration Statistics, October - December 2012*, Volume 1, as.01; <https://www.gov.uk/government/publications/data-tables-immigration-statistics-october-to-december-2012>
6. Correspondence from the Home Office to Women for Refugee Women, 3 December 2013. Of the 1,867 women who had sought asylum who left detention in 2012, 674 were removed, 5 had leave to remain, 1,058 were given temporary admission/release, 127 were given bail, and 3 were 'other'.
7. For more on the costs of detention, see page 24.
8. HM Government, *A Call to End Violence Against Women and Girls: Action Plan*, 2013; https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/181088/vawg-action-plan-2013.pdf
9. This report is only concerned with female detainees who have sought asylum. The total number of detainees, male and female, who have sought asylum was 13,161 in 2012, and the total number of immigration detainees was 28,909 (Source: Home Office, *Detention data tables, Immigration Statistics October to December 2012*, Volume 1; <https://www.gov.uk/government/publications/data-tables-immigration-statistics-october-to-december-2012>)
10. Home Office, *Admissions data tables October to December 2012*, 2013; <https://www.gov.uk/government/publications/data-tables-immigration-statistics-october-to-december-2012>
11. Figures supplied by Asylum Aid from Home Office sources.
12. Migration Observatory, *Migration to the UK: Asylum*, February 2013; <http://migrationobservatory.ox.ac.uk/briefings/migration-uk-asylum>
13. UNHCR, *The UK and asylum*, 2013; <http://www.unhcr.org.uk/about-us/the-uk-and-asylum.html>
14. UNHCR, *Global report 2012 - Lebanon*, 2012, p2; <http://www.unhcr.org/528a0a2da.html>
15. Figures supplied by Home Office to Women for Refugee Women and Asylum Aid
16. Home Affairs Select Committee, *Asylum*, 2013, p9; <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/71/71.pdf>
17. Home Office, *Immigration Statistics: October to December 2012*, 2013, p9.2; <https://www.gov.uk/government/publications/immigration-statistics-october-to-december-2012/immigration-statistics-october-to-december-2012-asylum-part-1-applications-initial-decisions-and-outcome>
18. 2012 figures supplied by Asylum Aid from Home Office sources. 2011 figures from Home Office, *Asylum data tables Immigration Statistics October - December 2011 Volume 3*, 2011, as14; <https://www.gov.uk/government/publications/immigration-statistics-october-to-december-2011>
19. Home Affairs Select Committee, *Asylum*, 2013, p11; <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/71/71.pdf>
20. Amnesty International and Still Human Still Here, *A Question of Credibility*, 2013; http://www2.amnesty.org.uk/sites/default/files/a_question_of_credibility_final_0.pdf
21. For more on issues with credibility and disclosure, see Asylum Aid, *Unsustainable: the quality of initial decision-making in women's asylum claims*, 2011, and Women for Refugee Women, *Refused: the experiences of women denied asylum in the UK*, 2012.
22. For more recent information on other aspects of the asylum process and their impact on women, see Women for Refugee Women, *Refused*, 2012; <http://www.refugeewomen.co.uk/images/refused.pdf>; Asylum Aid, *I Feel as a Woman I'm not Welcome*, 2012; http://www.asylumaid.org.uk/wp-content/uploads/2013/02/Ifeelasawoman_EXEC_SUM_WEB.pdf; Home Affairs Select Committee, *Asylum*, 2013; *Report of the Parliamentary Inquiry into Asylum Support for Children and Young People*, 2013 http://www.childrensociety.org.uk/sites/default/files/tes/asylum_support_inquiry_report_final.pdf;
23. UNHCR, *Guidelines on International Protection: Gender-related persecution in the context of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, Geneva 2002, p2; <http://www.unhcr.org/3d58ddef4.html>
24. Women for Refugee Women, *Refused*, 2012, p7; <http://www.refugeewomen.com/images/refused.pdf>
25. UK Border Agency, *Asylum Instruction: Gender Issues in the Asylum Claim*, 2010; <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumpolicyinstructions/apis/gender-issue-in-the-asylum.pdf?view=Binary>
26. For instance, the Charter of Rights of Women Seeking Asylum, which states that it reflects 'the concerns of the signatories that the present asylum process fails, systematically and repeatedly, to provide protection for women', has been signed by over 300 organisations; <http://www.asylumaid.org.uk/womens-asylum-charter/>
27. Asylum Aid, *Unsustainable*, 2011, p26; <http://www.asylumaid.org.uk/wp-content/uploads/2013/02/unsustainableweb.pdf>
28. UK Border Agency, *Enforcement Instructions and Guidance, Detention and Removals*, Ch 55; <http://www.ind.homeoffice.gov.uk/sitecontent/documents/policyandlaw/enforcement/detentionandremovals/>
29. Women for Refugee Women, *Refused*, 2012, p7; <http://www.refugeewomen.com/images/refused.pdf>
30. Refugee Council, *The Vulnerable Women's Project, Refugee and Asylum Seeking Women affected by Rape or Sexual Violence*, 2009, p9; http://www.refugeecouncil.org.uk/assets/0001/7039/RC_VWP-report-web.pdf
31. See for instance, R (on the application of AM) v. SSHD, EWCA Civ 521, United Kingdom: Court of Appeal, 2012; <http://www.refworld.org/docid/4fd74e272.html>; E v the Home Office, Unreported, Central London County Court, 9CL01651, 10 June 2010]
32. William Hague, 30 January 2013; <https://www.gov.uk/government/speeches/preventing-sexual-violence-initiative-uk-team-of-experts>
33. Justine Greening, Speech on protecting girls and women from all forms violence and abuse in emergency situations, 13 November 2013; <https://www.gov.uk/government/speeches/keep-her-safe-protecting-girls-and-women-in-emergencies>
34. Home Office, *Ending violence against women and girls in the UK*, 2013; <https://www.gov.uk/government/policies/ending-violence-against-women-and-girls-in-the-uk>
35. Crown Prosecution Service, *CPS Policy for Prosecuting Cases of Rape*, 2012; http://www.cps.gov.uk/publications/prosecution/rape.html#_07
36. HM Government, *A Call to End Violence Against Women and Girls: Action Plan*, 2013; https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/181088/vawg-action-plan-2013.pdf
37. UNHCR, *Detention Guidelines*, 2012; <http://www.refworld.org/cgi-bin/texis/vtx/rwmain/docid=503489533b8>
38. UNHCR, *Guidelines on International Protection*, 2002; <http://www.unhcr.org/3d58ddef4.html>
39. European Union Council Directive, *Laying down minimum standards for the reception of asylum seekers*, 2003, p6; <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0:035:EN:PDF>
40. KarloFaravelli et al, 'Psychopathology after rape', *American Journal of Psychiatry*, 161, 8, 1 August 2004
41. Home Affairs Select Committee, *Asylum*, 2013, p20; <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/71/71.pdf>
42. EO and others vs SSHD, [2013] EWHC 1236]
43. Anne Kalt, MazedaHossain, Ligia Kiss, and Cathy Zimmerman, 'Asylum Seekers, Violence and Health: A Systematic Review of Research in High-Income Host Countries', *American Journal of Public Health*, March 2013, 103, 3, p30-42.
44. UK Border Agency, *Enforcement, Guidance and Instructions*, Chapter 55.10; <http://www.ind.homeoffice.gov.uk/sitecontent/documents/policyandlaw/enforcement/detentionandremovals/>
45. Medical Justice, *The Second Torture: The immigration detention of torture survivors*, 2012; <http://www.medicaljustice.org.uk/images/stories/reports/secondtorturesummaryreport.pdf>
46. Independent Monitoring Board, *HarmondsworthImmigration Removal Centre Annual Report 2012*, March 2013; <http://www.justice.gov.uk/downloads/publications/corporate-reports/imb/annual-reports-2012/harmondsworth-2012.pdf>
47. Independent Chief Inspector of Borders and Immigration & Her Majesty's Inspectorate of Prisons, *The effectiveness and impact of immigration detention casework*, 2012; <http://icinspector.independent.gov.uk/wp-content/uploads/2012/12/Immigration-detention-casework-2012-FINAL.pdf>
48. Alan Travis, 'Torture victims win test case over detention', *The Guardian*, 21 May 2013; <http://www.theguardian.com/uk/2013/may/21/torture-victims-win-case-over-detention>
49. Sarian Karim, 'Women at risk of FGM should not be refused asylum', 12 November 2013; <http://womenforrefugeewomen.wordpress.com/>
50. UKBA, *Asylum Policy Instructions, Gender Issues in the Asylum Claim*, 2013, p16; <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumpolicyinstructions/apis/gender-issue-in-the-asylum.pdf?view=Binary>The Home Office Enforcement Instructions and Guidance also make clear that: 'Persons identified by the competent authorities as victims of trafficking' should normally only be considered suitable for detention in exceptional circumstances. See Chapter 55.10; <http://www.ind.homeoffice.gov.uk/sitecontent/documents/policyandlaw/enforcement/detentionandremovals/>
51. Medical Justice, *The Second Torture: the Immigration Detention of Torture Survivors*, 2012; <http://www.medicaljustice.org.uk/reports-a-intelligence/mj/reports/2058-the-second-torture-the-immigration-detention-of-torture-survivors-22052012155.html>
52. Chief Inspector of Borders and Immigration and HM Inspectorate of Prisons, *The effectiveness and impact of immigration detention casework*, 2012; <http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/thematic-reports-and-research-publications/immigration-detention-casework-2012.pdf>
53. HM Chief Inspector of Prisons, *Report on an Unannounced Inspection of Yarls Wood Immigration Removal Centre*, 2013; p15; <http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/immigration-removal-centre-inspections/yarls-wood/Yarls-Wood-2013.pdf>
54. Human Rights Watch, *Fast-Tracked Unfairness: Detention and Denial of Women Asylum Seekers in the UK*, 2010; <http://www.hrw.org/sites/default/files/reports/uk0210webcover.pdf>
55. The Anti-Trafficking Monitoring Group, *Hidden in Plain Sight*, 2013; http://www.antislavery.org/includes/documents/cm_docs/2013/h/hidden_in_

132. Detainee Action, *Detained Lives: the real cost of indefinite detention*, 2009; <http://detentionaction.org.uk/wordpress/wp-content/uploads/2011/10/Detained-Lives-report1.pdf>; Medical Justice, *State sponsored cruelty: children in immigration detention*, 2010, <http://medicaljustice.org.uk/new/about/mj-reports/139-mj-reports/1420-medical-justice-qstate-sponsored-cruelty-children-in-immigration-detention-090910>
- Medical Justice, *The Second Torture: The immigration detention of torture survivors*, 2012, <http://www.medicaljustice.org.uk/images/stories/reports/secondtorturesummaryreport.pdf>
133. Medical Justice, *op cit*
134. Mind, *A Civilised Society- Mental Health provision for Refugees and Asylum seekers in England and Wales*, 2009, p26; <http://www.mind.org.uk/media/273472/a-civilised-society.pdf>
135. Home Affairs Select Committee, 2012, *The Work of the UK Border Agency, April-June 2012*; <http://www.parliament.uk/documents/commons-committees/home-affairs/28361%20Cm%208591.pdf>
136. R (S) v Secretary of State for the Home Department [2011] EWHC 2120 (Admin); R (BA) v Secretary of State for the Home Department [2011] EWHC 2748 (Admin); R (HA) v Secretary of State for the Home Department [2012] EWHC 979 (Admin); R (D) v Secretary of State for the Home Department (2012) EWHC 2501 (Admin)
137. Medical Justice, *The Second Torture: the immigration detention of torture survivors*, 2012; <http://www.medicaljustice.org.uk/images/stories/reports/2ndfull.pdf>
138. Medical Justice, *Denied: the clinical care of immigration detainees living with HIV*, 2011; <http://www.medicaljustice.org.uk/reports-a-intelligence/mj/press-releases/1726-qdetained-a-denied-the-clinical-care-of-immigration-detainees-living-with-hiv-q-220311142.html>
- 138b. Her Majesty's Inspectorate of Prisons (HMIP), *Inquiry into the quality of healthcare at Yarl's Wood immigration removal centre*, 2006, p5, http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/immigration-removal-centre-inspections/yarls-wood/yarls_wood_inquiry_final-rps.pdf
139. Her Majesty's Inspectorate of Prisons (HMIP), *Report on an Unannounced Inspection of Yarl's Wood Immigration Removal Centre*, 2013, p16; <http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/immigration-removal-centre-inspections/yarls-wood/Yarls-Wood-2013.pdf>
140. UK Border Agency, *Enforcement Instructions & Guidance*, Chapter 55.9.1
141. UNHCR, *Revised guidelines on applicable criteria and standards relating to the detention of asylum seekers*, 1999; www.unhcr.org.au/pdfs/detentionguidelines.pdf
142. Bail for Immigration Detainees (BID), Maternity Alliance, London Detainee Support Group, *A crying shame: Pregnant asylum seekers and their babies in detention*, 2002, <http://www.biduk.org/424/bid-research-reports/a-crying-shame-pregnant-asylum-seekers-and-their-babies-in-detention.html>; Medical Justice, *Expecting Change: the case for ending the immigration detention of pregnant women*, 2013, <http://www.medicaljustice.org.uk/images/stories/reports/expectingchange.pdf>
143. Cited in BID & ILPA, Emily Burnham, *Challenging Immigration Detention - a best practice guide*, October 2003; p56; http://www.ilpa.org.uk/data/resources/13274/bpg_challenging_detention.pdf
144. Medical Justice, *Expecting Change: the case for ending the immigration detention of pregnant women*, 2013; <http://www.medicaljustice.org.uk/new/about/mj-reports/2186-expecting-change-the-case-for-ending-the-immigration-detention-of-pregnant-women-11-06-13.html>
145. Medical Justice, *op cit*
146. Quotation by Louise Silvertown, 26 July 2013; <http://www.medicaljustice.org.uk/about/mj-reports/2186-expecting-change-the-case-for-ending-the-immigration-detention-of-pregnant-women-11-06-13.html>
147. Paragraph 3.21 notes that of the 7 women detained, HMIP reviewed the files of 5 of them and found that: 'Only one of the monthly review letters mentioned pregnancy, and even that one suggested that the pregnancy was disputed, although it had been confirmed for some time'. At paragraph 3.15 noted that most monthly reviews were served on time but some were late or missing completely. UKBA had no adequate system for monitoring monthly reviews. HMIP, *Report on an announced inspection of Yarl's Wood immigration removal centre*, 2011; <http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/immigration-removal-centre-inspections/yarls-wood/yarls-wood-2011.pdf>
148. HMIP, *op cit*, p15
149. BID, *Fractured Childhoods: the separation of families by immigration detention*, 2013; <http://www.biduk.org/848/news/first-uk-study-finds-200-children-split-from-parents-in-immigration-detention.html>
150. This category comprises: black magicians; fear of destitution as lone woman; health.
151. Two women supplemented their "other" answer. One stated she was the wife of a soldier; and the other stated voodoo.
152. Mental health issues covers: psychosis, PTSD, depression, insomnia, flashbacks, stress and nightmares.

Acknowledgements

Thank you to all members of Women Asylum Seekers Together London and the London Refugee Women's Forum, who developed the questionnaires with us.

Thank you to Hana Ayele, Dania Bitar and Ghada Shakir Humood who worked with us to carry out the research, to Kamena Dorling who assisted with the literature review, and to Isabelle Kershaw who helped in fact-checking and proof-reading.

Thank you to Boaz Trust, Lydia Besong at Women Asylum Seekers Together Manchester, Constance Nzeneu at Women Seeking Sanctuary Advocacy Group Wales, Embrace in Stoke-on-Trent, Hope Housing in Birmingham, Northern Refugee Centre in Sheffield, Women Asylum Seekers Together in Leeds, Beatrice Botomani at Why Refugee Women in Bradford, and the Zimbabwe Association, who helped us to contact women who had been in detention, and particularly to Heather Jones and Tim Davies of the Yarl's Wood Befrienders.

Thank you to Sarah Campbell of Bail for Immigration Detainees, Emma Mlotshwa of Medical Justice, Jerome Phelps of Detention Action, Holly Dustin of End Violence Against Women Coalition, Lee Eggleston and Sheila Coates of South Essex Rape and Incest Crisis Centre, and Klara Skrivankova of Anti-Slavery International.

Thank you to our funders Barrow Cadbury Trust, Comic Relief, Esmee Fairbairn Foundation, Joseph Rowntree Charitable Trust, Trust for London and Unbound Philanthropy.

Thank you to Alison Pickup, Eiri Ohtani of Detention Forum, Debora Singer of Asylum Aid, and Harriet Wistrich, who read drafts of the report and made helpful comments, and to Claire Bennett who shared her research with us.

Thank you to Kate Nustedt, who was interim director of Women for Refugee Women while this report was being written and steered it through its initial stages.

Thank you above all to all those women who shared their experiences of detention with us. Without your generosity and bravery this report would not be possible.

Contributors

Lydia Besong is the author of *How I Became an Asylum Seeker*, and chair of Women Asylum Seekers Together Manchester.

Marchu Girma is the grassroots co-ordinator of Women for Refugee Women, where she manages WRW's work with asylum seekers and refugees; she is also a project co-ordinator at Narrative Eye.

Natasha Tsangarides is a freelance researcher and author of a number of reports on the asylum process, including *The Second Torture: the immigration detention of torture survivors*; *Expecting Change: the case for ending the detention of pregnant women*; and *Refugee Roulette: the role of country information in refugee status determination*.

Sophie Radice is a journalist and novelist, author of *The Henry Experiment*, and communications executive of Women for Refugee Women.

Philippe Sands QC is a barrister at Matrix Chambers and Professor of Law at University College London. He is the author of *Lawless World: Making and Breaking Global Rules*.

Juliet Stevenson is one of the UK's leading actresses of stage and screen, best known for her roles in *Death and the Maiden*, *Duet for One*, *Bend It Like Beckham* and *Truly Madly Deeply*.

Natasha Walter is the author of *The New Feminism* and *Living Dolls: the Return of Sexism*, and director of Women for Refugee Women.

*women for **refugee** women*

Women for Refugee Women
Tindlemanor
52 Featherstone Street
London EC1Y 8RT
020 7250 1239
admin@refugeewomen.co.uk
www.refugeewomen.co.uk