



**United Kingdom of Great Britain and Northern Ireland's Compliance with International Covenant on Civil and Political Rights: The impact of the hostile environment on the rights of Black and minoritised migrant women**

**Submitted by The Advocates for Human Rights**

A non-governmental organisation in special consultative status with ECOSOC since 1996  
and

**Hibiscus Initiatives**

A non-governmental organisation based in the United Kingdom

**for the 140th Session of the Human Rights Committee  
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**The Advocates for Human Rights** (The Advocates) is a volunteer-based nongovernmental organisation committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications.

The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence.

**Hibiscus Initiatives** supports Black and minoritised migrant women trapped in the immigration and criminal justice systems. The organisation has been delivering support for 35 years. From May 2022-April 2023, Hibiscus' project workers supported 839 women. Of these, 479 were supported by teams in Immigration Removal Centres (IRCs), 186 were supported in the community, and 174 were supported in prisons. Hibiscus offers holistic support including well-being services, trauma-informed support, access to welfare and benefits, advocacy, agency and empowerment services. [SheWise](#), [Latin American Women's Aid](#) (LAWA), [Latin American Women's Rights Service](#) (LAWRS) and [Women's Resource Centre](#) (WRC) also contributed via interviews.

## EXECUTIVE SUMMARY

1. The current report presents **The United Kingdom of Great Britain and Northern Ireland's** failure to fulfil its international obligations under the International Covenant on Civil and Political Rights. The report centres on the shortcomings of the State Party regarding its obligation to provide international protection to those fleeing persecution, as well as the absence of equal and fair treatment to migrants within their jurisdiction, especially Black and minoritised migrant women.
2. Building upon the expertise of frontline service providers and women lived experience, this report addresses how policies defined under the hostile environment impact Black and minoritised migrant women in terms of their access to rights and services. The report presents how the State fails to protect *the rights of individuals in need of international protection, especially* Black and minoritised migrant women. The State also **fails** to protect Black and minoritised migrant women against **violence against women and girls (VAWG)**. Lastly, the report presents the State Party's shortcomings in ensuring access to justice for Black and minoritised migrant women when encountering the immigration system and the criminal justice system.
3. The report calls for a strategic approach to achieve radical change and adequately address the rights of Black and minoritised migrant women. This requires meaningful dialogue between the government and women's civil society, particularly with women with lived experience. The authors' collective expertise lies in the experience of frontline provision and migrant women with lived-experience expertise for its analysis.

### **The United Kingdom of Great Britain and Northern Ireland fails to uphold its obligations under the International Covenant on Civil and Political Rights<sup>1</sup>**

4. The current report presents the current shortcomings of the United Kingdom of Great Britain and Northern Ireland ("The UK "or "State Party") regarding its obligations under the International Covenant on Civil and Political Rights due to its failings to ensure equality and fair treatment under the law to migrants within their jurisdiction, especially Black and minoritised migrant women.
5. This report focuses on the impact of legislation, policies and practices under the hostile environment on Black and minoritised migrant women's access to rights and services as witnessed by frontline organisations who support this group of women specifically, and women with lived experience. The report builds on desk research on the documented risks and outcomes of such policies and practices and semi-structured interviews about daily effects and dynamics from service providers, policy advocates and women lived experience. The organisations . [SheWise](#), [Latin American Women's Aid \(LAWA\)](#), [Latin American Women's Rights Service \(LAWRS\)](#) and [Women's Resource Centre \(WRC\)](#) also contributed with their expertise and experience via interviews.

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<sup>1</sup> This report was possible thanks to the contribution and expertise of civil society organisations, service providers and policy advocates, and people with lived experience who provided their time and expertise.

**I. Treatment of aliens, including migrants, refugees and asylum seekers (List of issues 19-21)**

6. In its List of Issues prior to Reporting, The Human Rights Committee (“the Committee”) requested information from The United Kingdom of Great Britain and Northern Ireland (“The UK “or “State Party”) about “the maximum time limit on immigration detention, on the average period immigrants stay in detention facilities and on available procedural guarantees to challenge immigration detention.” The Committee also requested comments from the State Party about “the practice of detaining parents of young children without making proper arrangements for the children.”<sup>2</sup> In its 2015 Concluding Observations, the Committee stated its concern about the absence of a fixed time limit for detention and the prolonged periods of detention individuals suffer<sup>3</sup>
7. In its 2015 Concluding Observations, The Committee recommended that the State Party implement a “statutory time limit on the duration of immigration detention and ensure that detention is a measure of last resort and is justified as reasonable, necessary and proportionate in the light of the relevant circumstance.”<sup>4</sup> In addition, The Committee recommended ensuring that the detained fast track system complies with international standards and that “the system protects vulnerable persons, and provides for effective safeguards against arbitrariness and effective access to justice, including to legal aid.”<sup>5</sup>
8. In its 2015 Concluding Observations, the Committee noted with concern “the publication of material containing extremely negative stereotypes of ethnic, religious or other minorities, including persons of African descent and Muslims and particularly migrants and asylum seekers [...]”<sup>6</sup> The Committee recommended to strictly apply the absolute prohibition on refoulement under articles 6 and 7 of the Covenant.<sup>7</sup>
9. In its 2021 Response, the State Party stated that less than 1% of those detained were held longer than six months, “clearly demonstrating the government's commitment to detaining for the shortest necessary period.”<sup>8</sup> The State Party also argued that families, particularly children and

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<sup>2</sup> Human Rights Committee, *List of issues prior to submission of the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland*, (5 May 2020), U.N. Doc. CCPR/C/GBR/QPR/8, ¶21

<sup>3</sup> Human Rights Committee, *Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland*, (17 August 2015), U.N. Doc. CCPR/C/GBR/CO/7, ¶21.

<sup>4</sup> Human Rights Committee, *Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland*, (17 August 2015), U.N. Doc. CCPR/C/GBR/CO/7, ¶ 21a.

<sup>5</sup> Human Rights Committee, *Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland*, (17 August 2015), U.N. Doc. CCPR/C/GBR/CO/7, ¶ 21b

<sup>6</sup> Human Rights Committee, *List of issues prior to submission of the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland*, (5 May 2020), U.N. Doc. CCPR/C/GBR/QPR/8¶ 5

<sup>7</sup> Human Rights Committee, *Concluding observations on the seventh periodic report of the United Kingdom of Great Britain and Northern Ireland*, (17 August 2015), U.N. Doc. CCPR/C/GBR/CO/7, ¶19

<sup>8</sup> Human Rights Committee, *Eighth periodic report submitted by the United Kingdom of Great Britain and Northern Ireland under article 40 of the Covenant pursuant to the optional reporting procedure*, (28 June 2021), U.N. Doc. CCPR/C/GBR/8, ¶179

their parents, are to remain together whenever possible.<sup>9</sup> According to the State Party, separation of children from their parents is not taken lightly.<sup>10</sup>

### ***The State Party fails to provide a safe environment for migrant and Black and minoritised women***

10. The UK has implemented policies that, in effect, create a “hostile environment” for migrants by hindering their rights and severely impacting their lives.<sup>11</sup> Civil society reports that “since 2010, the Government has launched a new wave of attacks on the human rights of undocumented people in the UK through a set of policies known as the ‘hostile environment,’<sup>12</sup> which has been described as “a sprawling web of immigration controls embedded in the heart of our public services and communities.” According to our interviewed experts, this hostile environment has created numerous barriers for migrants in their day-to-day living.<sup>13</sup> Interviewed experts commented on its impact, summarising: “You have the border controls moving from the borders to daily life.”<sup>14</sup> Interviewees also noted that government employees are not the only actors implementing these policies, but also private actors like landlords, banks, and others do so, as well.<sup>15</sup>
11. Some politicians continue to use an anti-migrant narrative,<sup>16</sup> reportedly instrumentalising hostility toward migrants to enact legislation, policies and practices that, in turn, violate human rights standards.<sup>17</sup> Such instrumentalisation is reflected in legislation, such as the Nationality and Borders Act 2022 and the Illegal Migration Act 2023, which brand various conduct that requires State Party protection under international law, such as seeking asylum, as “illegal migration.”<sup>18</sup> Further, according to expert interviews, the current hostile environment affects not only refugees and other immigrants but also British-born people from minoritised

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<sup>9</sup> Human Rights Committee, *Eighth periodic report submitted by the United Kingdom of Great Britain and Northern Ireland under article 40 of the Covenant pursuant to the optional reporting procedure*, (28 June 2021), U.N. Doc. CCPR/C/GBR/8, ¶191

<sup>10</sup> Human Rights Committee, *Eighth periodic report submitted by the United Kingdom of Great Britain and Northern Ireland under article 40 of the Covenant pursuant to the optional reporting procedure*, (28 June 2021), U.N. Doc. CCPR/C/GBR/8, ¶194

<sup>11</sup> Amelia Gentleman at the Guardian, “Uk’s hostile environment policies ‘disproportionately impact’ people of colour”, (9 Feb 2023), available at <https://www.theguardian.com/uk-news/2023/feb/09/uks-hostile-environment-policies-disproportionately-impact-people-of-colour>; Liberty, “Hostile environment”, (accessed 31 Jan. 2024), available at [https://www.libertyhumanrights.org.uk/fundamental/hostile-environment/#:~:text=Under%20the%20hostile%20environment%2C%20employers,housing%2C%20healthcare%20or%20other%20support.](https://www.libertyhumanrights.org.uk/fundamental/hostile-environment/#:~:text=Under%20the%20hostile%20environment%2C%20employers,housing%2C%20healthcare%20or%20other%20support.;); Natalie Sedacca, Migrant Work, Gender and the Hostile Environment: A Human Rights Analysis, *Industrial Law Journal*, 2024, <https://academic.oup.com/ilj/advance-article/doi/10.1093/indlaw/dwad034/7529020>;

<sup>12</sup> The UK government uses the concept “compliant environment.” See I. Liberty, “A guide to the Hostile Environment”, (May 2019) at 6. Available at [https://www.libertyhumanrights.org.uk/wp-content/uploads/2020/02/Hostile-Environment-Guide-%E2%80%93-update-May-2019\\_0.pdf](https://www.libertyhumanrights.org.uk/wp-content/uploads/2020/02/Hostile-Environment-Guide-%E2%80%93-update-May-2019_0.pdf)

<sup>13</sup> Interview conducted by the Report authors, 2024. On file.

<sup>14</sup> Interview conducted by the Report authors, 2024. On file.

<sup>15</sup> Interview conducted by the Report authors, 2024. On file.

<sup>16</sup> Griffiths, M., & Yeo, C. (2021). *The UK’s hostile environment: Deputising immigration control. Critical Social Policy*, 41(4), 521-544. <https://doi.org/10.1177/0261018320980653>

<sup>17</sup> Lucie Audibert, Brian Dikoff, and Rudy Schilkind at Al Jazeera, “UK’s anti-migrant Hostile Environment policy dehumanizes us all”, (2 Jun 2022). Available at <https://www.aljazeera.com/opinions/2022/6/14/uks-anti-migrant-hostile-environment-policy-dehumanises-us-all>

<sup>18</sup> Interview conducted by the Report authors, 2024. On file.

populations, who are perceived as “possible immigration offenders.”<sup>19</sup> These policies and practices are both restrictive on immigration, as well as racially discriminatory, and end up targeting large communities based on race and national origin.<sup>20</sup>

12. One prominent example of the current hostile environment is the “No Recourse to Public Funds” (NRPF) policy, which prevents those being processed by the immigration system from accessing the normal public welfare system that is available to others in the UK. A person who is subject to immigration control cannot claim public funds (benefits and housing assistance) unless an exception applies.<sup>21</sup> National Health Service healthcare is not classed as “public funds”, but a person subject to the NRPF condition may find that their immigration status will affect whether they are required to pay for some services<sup>22</sup>. Interviewees also noted that “there is this narrative that migrants will ‘abuse’ the welfare system which furthers anti-migrant sentiment.”<sup>23</sup> At the same time, asylum seekers are denied the right to work, although they can apply for permission to work in certain roles if their claim has not been processed after 12 months (provided the delay was not their fault).<sup>24</sup> Asylum seekers also do not usually have the right to rent property.<sup>25</sup> The Home Office will provide limited support to destitute asylum seekers and some others, and in some limited cases social services support may be available.<sup>26</sup> According to interviewees and reports by civil society, backlogs in immigration applications and appeals processing maintain asylum seekers in a “vulnerable” and marginalised status for years.<sup>27</sup>
13. The hostile environment also materialises in the UK’s current data policies. Despite the creation of a Data Protection Act in 2018,<sup>28</sup> information related to the immigration status of individuals is exempted from such legislation. According to information provided by the UK government, “The exemption outlines specific rights in the UK [General Data Protection Regulation] which can be restricted if those rights would be likely to prejudice immigration matters. The exemption can only be applied by the Secretary of State (including the Home Office and its agencies), who processes data for the purposes of the maintenance of effective

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<sup>19</sup> Interview conducted by the Report authors, 2024. On file.

<sup>20</sup> Interview conducted by the Report authors, 2024. On file.

<sup>21</sup> NRPF Network, “Immigration status and entitlements: Who has no recourse to public funds (NRPF)”. (Accessed 02 Feb. 2024), available at: <https://www.nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/immigration-status-and-entitlements/who-has-no-recourse-to-public-funds#>.

<sup>22</sup> NRPF, “NHS Treatment”, (accessed 02 Feb 2024). Available at [https://www.nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/nhs-treatment#:~:text=NHS%20treatment%20is%20not%20classed,funds'%20\(NRPF\)%20condition.](https://www.nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/nhs-treatment#:~:text=NHS%20treatment%20is%20not%20classed,funds'%20(NRPF)%20condition.)

<sup>23</sup> Interview conducted by the Report authors, 2024. On file.

<sup>24</sup> GOV.UK, “UK Visas and Immigration. Guidance. Permission to work and volunteering for asylum seekers (accessible)”, (Updated 06 Jan. 2024). Available at <https://www.gov.uk/government/publications/handling-applications-for-permission-to-take-employment-instruction/permission-to-work-and-volunteering-for-asylum-seekers-accessible>

<sup>25</sup> Shelter England, “Right to rent immigration check”, (accessed 02 Feb 2024), available at [https://england.shelter.org.uk/housing\\_advice/private\\_renting/right\\_to\\_rent\\_immigration\\_checks#:~:text=If%20you're%20seeking%20asylum,if%20you%20still%20live%20there.](https://england.shelter.org.uk/housing_advice/private_renting/right_to_rent_immigration_checks#:~:text=If%20you're%20seeking%20asylum,if%20you%20still%20live%20there.)

<sup>26</sup> NRPF, “Overview”. (Accessed 02 Feb 2024), available at <https://www.nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/support-options-for-people-with-nrpf/home-office-support/overview>

<sup>27</sup> Interview conducted by the Report authors, 2024. On file; The Migration Observatory, “The UK’s asylum backlog”, (05 Apr. 2023), available at <https://migrationobservatory.ox.ac.uk/resources/briefings/the-uks-asylum-backlog/>; Refugee Council, “New figures reveal scales of asylum backlog crisis”, (14 Nov. 2022). Available at <https://www.refugeecouncil.org.uk/latest/news/new-figures-reveal-scale-of-asylum-backlog-crisis/>.

<sup>28</sup> Data Protection Act 2018, available at <https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

immigration control or the investigation or detection of activities that would undermine the maintenance of effective immigration control.”<sup>29</sup>

14. Because of the mentioned exception to data privacy and the hostile environment in the country, interviewees reported that even private actors are under the false perception that they have a legal obligation to share the data of individuals, including victims of gender-based violence, who approach them and who have insecure immigration status.<sup>30</sup> Interviewees also recalled that even the police, who do not have a legal obligation to share information with the Home Office, nevertheless share this information with them in practice.<sup>31</sup> Experts recalled that in cases of VAWG, women victims constantly live with fear of deportation, deterring them from reporting incidents of VAWG to the police lest the police report them to immigration authorities. In addition, perpetrators tend to use immigration status as a tool of control, threatening their victims of VAWG with deportation and the consequent separation from their children.<sup>32</sup> Interviewees also flagged that even charities, especially in the homelessness sector, have been forced to share data with the Home Office at times.<sup>33</sup>

***The State Party’s legislation and practices fail to respect and protect the rights of Black and minoritised migrant women in need of international protection***

15. The State Party continues to implement practices and policies that affect immigrants, refugees, and asylum seekers' rights to equality and non-discrimination. The Nationality and Borders Act 2022 and the Illegal Migration Act 2023 introduce new, severe restrictions which differentiate between migrants depending on their method of travel to the UK, deny admissibility of asylum claims and limit access to support for victims of human trafficking and modern slavery. The Nationality and Borders Act requires decision makers on claims of human trafficking to interpret “late” disclosure of abuse as damaging the claimant’s credibility. This is contrary to the well-established understanding, previously accepted by the UK government, that trauma, amongst other considerations, impacts women’s ability to self-identify as victims and disclose their experience. The Act also disqualifies women from support and adequate resources if they are considered to be a “threat to public order,” failing to take into account forced criminality as the most common and critical dynamic of modern slavery, trafficking and exploitation.<sup>34</sup> In 2022, ‘criminal exploitation’ was the second most common reported type of exploitation for referrals to the National Referral Mechanism (the UK’s framework for supporting victims of human trafficking).<sup>35</sup>

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<sup>29</sup>Ico., “Immigration exception: a guide” (Accessed 02 Feb 2024), available at <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/exemptions/immigration-exemption-a-guide/#:~:text=The%20exemption%20can%20only%20be,maintenance%20of%20effective%20immigration%20control>

<sup>30</sup> Interview conducted by the Report authors, 2024. On file.

<sup>31</sup> Interview conducted by the Report authors, 2024. On file.

<sup>32</sup> Interview conducted by the Report authors, 2024. On file.

<sup>33</sup> Interview conducted by the Report authors, 2024. On file.

<sup>34</sup> Hibiscus, “Support not Deport! The U.K. government is feeding into the hands of traffickers: a call to stop the criminalisation of potential victims of trafficking”. (Accessed 02 Feb. 2024), available at <https://hibiscusinitiatives.org.uk/blog/illegal-migration-bill-statement/>

<sup>35</sup> UK Home Office, ‘Official Statistics, Modern Slavery: National Referral Mechanism and Duty to Notify Statistics UK, End of Year Summary 2022, ( 2 March 2023) (GOV.UK).

16. Recent legislation increases the government’s powers to detain “illegal” migrants.<sup>36</sup> The Illegal Immigration Act ignores the fact that most migrants crossing the channel in small numbers by the so-called “illegal routes” are coming from war-torn countries, such as Afghanistan and Syria, or are from countries where they faced severe persecution, such as women from Iran, Eritrea, and Sudan.<sup>37</sup> The Illegal Migration Act also fails to acknowledge that, for many individuals, especially women, the routes branded as “illegal” are often the only possible routes for refugees to escape persecution; “legal” routes are either unavailable or severely backlogged in the UK and the situational realities in the refugees’ countries of origin make migration by any other means impossible.<sup>38</sup>
17. The Illegal Migration Act was intended to expand the rapid deportation of asylum seekers to supposed “alternative safe countries,” and the UK government has reached an agreement with Rwanda to accept such refugees.<sup>39</sup> This plan has been temporarily suspended after the UK Supreme Court found that the government’s plan to expel people seeking asylum in the UK to Rwanda is unsafe and unlawful.<sup>40</sup> The Safety of Rwanda (Asylum and Immigration) Bill is an attempt to overcome this judgment and to prevent any further judicial consideration of the evidence and facts that could prevent the government pursuing its Rwanda plan in future.<sup>41</sup>
18. The government has also announced it is expanding its list of safe countries to include all members of the European Union plus, among others, Albania. However, for 2022, around 25 per cent of all referrals for trafficking to the UK’s National Referral Mechanism were from Albania, a rate higher than any other country.<sup>42</sup> To declare Albania a safe country for

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<sup>36</sup> Refugee Council, “What is the Illegal Migration Act”. (Accessed 02 Feb 2024). Available at <https://www.refugeecouncil.org.uk/information/what-is-the-illegal-migration-act/#:~:text=The%20Act%20places%20a%20legal,third%20country%20such%20as%20Rwanda.>

<sup>37</sup> Press Release, OHCHR, “UN experts urge UK to halt implementation of Illegal Immigration Bill”, (20 Jul 2023). Available at <https://www.ohchr.org/en/press-releases/2023/07/un-experts-urge-uk-halt-implementation-illegal-immigration-bill>; Refugee Council, “Majority of people on small boats crossing Channel last year are refugees, new analysis shows”, (31 Jan 2023). Available at <https://www.refugeecouncil.org.uk/latest/news/majority-of-people-on-small-boats-crossing-channel-last-year-are-refugees-new-analysis-shows/>;

<sup>38</sup> Hibiscus, “Support not Deport! The U.K. government is feeding into the hands of traffickers: a call to stop the criminalisation of potential victims of trafficking”. (Accessed 02 Feb. 2024). Available at <https://hibiscusinitiatives.org.uk/blog/illegal-migration-bill-statement/>

<sup>39</sup> Hanne Beirens and Samuel Davidoff-Gore, “The UK-Rwanda Agreement Represents Another Blow to Territorial Asylum” (Migration Policy Institute, Apr 2022). Available at <https://www.migrationpolicy.org/news/uk-rwanda-asylum-agreement>

<sup>40</sup> Emilie McDonnell, “UK Supreme Court Finds UK-Rwanda Asylum Scheme Unlawful”, (Human Rights Watch, 15 Nov. 2023). Available at <https://www.hrw.org/news/2023/11/15/uk-supreme-court-finds-uk-rwanda-asylum-scheme-unlawful>.

<sup>41</sup> Amnesty International UK, *Analysis of Safety of Rwanda (Asylum and Immigration) Bill (as introduced to Parliament)*, (19 Dec 2023), available at [https://www.amnesty.org.uk/files/2023-12/Safety%20of%20Rwanda%20and%20Immigration%29%20Bill\\_2.pdf?VersionId=BrnmmsE5dvsFSMvnyCUVly\\_nbx4DQ\\_wL&\\_gl=1\\*slyy\\*r\\*\\_up\\*MQ..&gclid=Cj0KCQiAwvKtBhDrARIsAJj-kThvL5aksgRvA55BQLtTEPtsXNu0vRk8qLovloBV50wVcGEvaTj2M4EaAjpQEALw\\_wcB](https://www.amnesty.org.uk/files/2023-12/Safety%20of%20Rwanda%20and%20Immigration%29%20Bill_2.pdf?VersionId=BrnmmsE5dvsFSMvnyCUVly_nbx4DQ_wL&_gl=1*slyy*r*_up*MQ..&gclid=Cj0KCQiAwvKtBhDrARIsAJj-kThvL5aksgRvA55BQLtTEPtsXNu0vRk8qLovloBV50wVcGEvaTj2M4EaAjpQEALw_wcB)

<sup>42</sup> Melanie Gower, Georgina Sturge, *Modern slavery cases in the immigration system. Research Briefing*. (House of Commons Library 8 Mar 2023). Available at <https://researchbriefings.files.parliament.uk/documents/CBP-9744/CBP-9744.pdf>; See also GOV.UK, “Official Statics on Modern Slavery: National Referral Mechanism and Duty to Notify Statistics UK, Quarter 2 2023- April to June” (10 Aug 2023). Available at <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-april-to-june-2023/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-quarter-2-2023-april-to-june>

deportation both disregards and potentially aggravates the high incidence of trafficking there, while subjecting refugees to significant risk in violation of international requirements.

***The current UK immigration legislation, policies, and practices violate the rights of women seeking asylum due to domestic abuse and other violence against women and girls.***

19. The Nationality and Borders Act negatively impacts women subjected to VAWG. The Act introduces a new two-part test for determining whether asylum claimants have a well-founded fear of being persecuted if returned to their home country. The two parts require claimants to prove both that: 1) they have a protected characteristic and 2) they, in fact, have a well-grounded fear of persecution for that reason if returned.<sup>43</sup> For victims of violence against women who may lack legal counsel, do not speak English, and/or are likely suffering the mental and physical effects of trauma, they are expected to show not only what happened to them but also the country conditions for and perceptions of women to demonstrate a “well-founded fear.”<sup>44</sup>
20. The two-part test thus requires evidence that women enduring abuse are often deterred from providing out of fear, cultural considerations or lack of understanding. Experts with lived experience shared that the current legislation, plus systemic distrust of refugees by UK authorities, fosters a practice where Home Office officers require intrusive evidence and undertake interrogations that re-victimise women.<sup>45</sup> The British Red Cross has reported these practices and condemned the lack of safety and trauma-responsive processes that fail to create safe environments for women to share the violence they experienced. Further, the British Red Cross reported, “[d]espite policy guidance on gender-sensitive interview processes, women described having to disclose rape and sexual assault in interviews conducted by men and experiences where they were interrogated and disbelieved by interviewers.”<sup>46</sup>
21. Testimonies by experts with lived experience also identified practices, such as intrusive interrogations from Home Office officers in the asylum process, especially in detention centres, that lack a trauma-informed response and protection of the right to privacy. Examiners ask questions related to sexual practices, inquire about graphic details and pictures relating to sexual abuse, and demand complex information that may well be forgotten because of trauma. Experts with lived experience shared examples of these questions: “How violent, how often, how many texts do you receive per day?”<sup>47</sup> Further, experts with lived experience regard such systemic practices as another prevalent example of the “general environment of distrust” by authorities towards refugees.<sup>48</sup>

***Administrative Immigration Detention***

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<sup>43</sup> See Nationality and Borders Act 2022, available at <https://www.legislation.gov.uk/ukpga/2022/36/contents/enacted>.

<sup>44</sup> See Women for Refugee Women at al. “Joint Briefing on Clause 31 Well-founded Fear Test Nationality and Borders Bill, House of Lords Report Stage.” (Accessed 02 Feb 2024). Available at: [https://www.refugeewomen.co.uk/wp-content/uploads/2022/02/NEW-WRW\\_ILPA-Clause-31-briefing-2.pdf](https://www.refugeewomen.co.uk/wp-content/uploads/2022/02/NEW-WRW_ILPA-Clause-31-briefing-2.pdf)

<sup>45</sup> Interview conducted by the Report authors, 2024. On file.

<sup>46</sup> British Red Cross and Voces Network, *We want to be strong, but we don't have the chance*, (2022), available at <https://www.redcross.org.uk/about-us/what-we-do/we-speak-up-for-change/womens-experiences-of-seeking-asylum-in-the-uk>

<sup>47</sup> Interview conducted by the Report authors, 2024. On file.

<sup>48</sup> Interview conducted by the Report authors, 2024. On file.



22. Migrants, including asylum seekers who have a claim in process, may be held in immigration detention for a range of reasons.<sup>49</sup> The administrative immigration detention system in the UK fails to ensure fair and humane treatment. Research by Women for Refugee Women has found that the majority of asylum-seeking women who are detained are survivors of rape and other forms of gender-based violence, including domestic violence, forced marriage, female genital mutilation and sexual exploitation.<sup>50</sup> Centres do not provide physically and emotionally safe conditions for Black and minoritised women and violate due process.<sup>51</sup> Service providers stated, “Challenges within immigration detention are not solely about physical conditions but also about the broader human rights concerns related to due process, fairness, and individual circumstances. While the facilities may meet basic standards, the system's shortcomings in terms of individualised assessments and transparency can result in negative emotional and mental consequences for Black and minoritised women in detention.”<sup>52</sup> Migrants, including migrant women, continue to be held in prison for immigration purposes after the end of their sentence. In relation to this, the HM Chief Inspector has reported, “The lack of an equivalent to Detention Centre Rule 35 meant that vulnerable detainees, including victims of torture, were not routinely being identified and the Home Office was not considering their release in the same way as they were obliged to for those held in [administrative immigration removal centres] IRCs.”<sup>53</sup>
23. Of grave concern, the UK’s immigration system is authorised to hold Black and minoritised women in detention indefinitely.<sup>54</sup> Findings by civil society indicate that mental health deteriorates after just one month in detention, yet people are held in immigration detention “for months on end, some for years.”<sup>55</sup> Because of that, service providers interviewed highlighted individuals and women whose mental health and well-being are severely impacted.<sup>56</sup> Women and individuals do not receive therapeutic and emotional support to address the violence they fled nor the conditions they currently endure.<sup>57</sup> Mental health care services are particularly insufficient.<sup>58</sup> According to a report by the HM Chief Inspector of Prisons, the Home Office is

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<sup>49</sup> AVID, “What is immigration detention?”, (accessed 04 Feb 2024). Available <https://aviddetention.org.uk/immigration-detention/what-immigration-detention>

<sup>50</sup> Women for Refugee Women, “Detention”. (Accessed 15 Dic 2023). Available at <https://www.refugeewomen.co.uk/welcome-every-woman/detention/>

<sup>51</sup> The Migration Observatory, “Immigration Detention in the UK” (02 Nov 2022). Available at <https://migrationobservatory.ox.ac.uk/resources/briefings/immigration-detention-in-the-uk/>; Zara Asif, Hanna Kienzler, Structural barriers to refugee, asylum seeker and undocumented migrant healthcare access. Perceptions of Doctors of the World caseworkers in the UK, SSM - Mental Health, Volume 2, 2022,100088, ISSN 2666-5603, I. IBERTY, “Immigration Detention”. (Accessed 02 Feb 2024). Available at <https://www.libertyhumanrights.org.uk/fundamental/immigration-detention/>

<sup>52</sup> Interview conducted by the Report authors, 2024. On file.

<sup>53</sup> HM Chief Inspector of Prisons, *The experience of immigration detainees in prisons*. Short thematic review. (Sep 2022), at 6. Available at <https://www.justiceinspectors.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2022/10/The-experience-of-immigration-detainees-in-prisons-web-2022.pdf>

<sup>54</sup> British Red Cross, “Scared, confused, alone: the stark truth behind immigration detention”, (20 Sep 2023). Available at <https://www.redcross.org.uk/stories/migration-and-displacement/refugees-and-asylum-seekers/scared-confused-alone-the-dark-truths-of-immigration-detention>

<sup>55</sup> I. IBERTY, “Immigration Detention”, (Accessed 02 Feb 2024). Available at <https://www.libertyhumanrights.org.uk/fundamental/immigration-detention/>

<sup>56</sup> Interview conducted by the Report authors, 2024. On file.

<sup>57</sup> Interview conducted by the Report authors, 2024. On file.

<sup>58</sup> Interview conducted by the Report authors, 2024. On file

not providing important data to determine gaps and limitations of the administrative immigration detention system.<sup>59</sup>

24. Interviewees with lived experience, frontline experts and policy experts highlighted that detention centres do not provide adequate information to immigrants in detention.<sup>60</sup> Service providers explained that on many occasions, only very basic information about detainees' rights is provided, and only when people are first brought into the centres. Because of the trauma related to being detained, as well as the immigration journey that persons have endured, asylum seekers may not necessarily grasp this vital information at the time when it is presented.<sup>61</sup> Experts with lived experience flagged that women are in constant fear of being deported at any moment, as on many occasions, Black and minoritised women in detention are removed in the middle of the night.<sup>62</sup>
25. NGO staff who work in the centres reported that funding for NGOs to perform their work in the centres has been drastically reduced, leaving many organisations unable to meet all the needs for social and legal services.<sup>63</sup> Similarly, reduced funding and high demand has made translation services harder to obtain at all stages of the system.<sup>64</sup> As a result, there is considerable reliance on telephone translation services that may not be reliable.<sup>65</sup>

### ***Accommodations for asylum seekers***

26. Accommodations for asylum seekers do not fulfil the minimum standards of safety and dignity. Reports by Doctors of the World document the poor living conditions and inadequate health care in hotels and former military barracks where they may be housed.<sup>66</sup> Human Rights Watch has also reported significant deficiencies in contingency hotel accommodation in the UK, which violate the rights to “housing, health, food, education, and social security and impede access to asylum.”<sup>67</sup> Hibiscus' Closed Doors report (2020) outlined the inadequacies of accommodation provided by the Home Office for women trafficking victims who are seeking asylum. The report examined the inequalities faced by female asylum seekers who were victims of trafficking in accessing safe and appropriate housing. The research presented that despite eligibility for safe house accommodation, some trafficked women were still receiving mainstream asylum accommodation and support, which was not suitable for them. Among issues, Hibiscus found: i) lack of safety, ii) Lack of gender sensitivity, iii) overcrowding, iv)

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<sup>59</sup> HM Chief Inspector of Prisons, The experience of immigration detainees in prisons. Short thematic review. (Sep 2022), at 6. Available at <https://www.justiceinspectorates.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2022/10/The-experience-of-immigration-detainees-in-prisons-web-2022.pdf>

<sup>60</sup> Interview conducted by the Report authors, 2024. On file.

<sup>61</sup> Interview conducted by the Report authors, 2024. On file.

<sup>62</sup> Interview conducted by the Report authors, 2024. On file.

<sup>63</sup> Interview conducted by the Report authors, 2024. On file.

<sup>64</sup> Interview conducted by the Report authors, 2024. On file.

<sup>65</sup> Interview conducted by the Report authors, 2024. On file.

<sup>66</sup> Nicola Kelly at The Guardian, “Unsafe’ UK accommodation threatens asylum seekers’ health – report”, (27 Apr 2022). Available at <https://www.theguardian.com/global-development/2022/apr/27/unsafe-uk-accommodation-threatens-asylum-seeker-health-doctors-of-the-world-report>; Doctors of the World, *They Just left me. Asylum seekers, health, and access to healthcare in initial and contingency accommodation*, (Apr 2022). Available at <https://www.doctorsoftheworld.org.uk/wp-content/uploads/2022/04/DOTW-Access-to-healthcare-in-initial-and-contingency-accommodation-report-April-2022.pdf>

<sup>67</sup> Human Rights Watch, “*I Felt So Stuck*” *Inadequate Housing and Social Support for Families Seeking Asylum in the United Kingdom*, (14 Sept 2023). Available at <https://www.hrw.org/report/2023/09/14/i-felt-so-stuck/inadequate-housing-and-social-support-families-seeking-asylum>

poor housing and sanitation conditions, and iv) overlooked mental health needs. The report recommended improvements to i) the Modern Slavery Victim Care Contract, ii) the training for those delivering services, and iii) the provision of appropriate and secure accommodation, as well as iv) the Strengthening of monitoring and accountability mechanisms.<sup>68</sup>

27. A report published earlier this year by Migrant Voice provides evidence of ongoing inadequacies in asylum seekers' hotel accommodation including "rancid" food, cramped conditions and lack of privacy; lack of adequate toilet and washing facilities; verbal abuse from some staff, and issues accessing healthcare.<sup>69</sup> NGOs have raised concerns about new regulations, which exempt landlords from providing Housing with Multiple Occupancy to asylum seekers from mainstream health and safety monitoring requirements.<sup>70</sup> 'Awaab's Law', recently introduced to strengthen requirements on landlords to address hazardous conditions in rented accommodation, following the tragic death of a young child due to mould in his rented home, will not apply to accommodation for asylum seekers.<sup>71</sup>
28. Lived-experience experts highlighted how current accommodations for asylum seekers are neither culturally-appropriate nor trauma-informed. One such witness stated, "They place people in a room who don't know each other, there are a lot of fights and commotion... it is not the right thing to do. You can't just put people [of different backgrounds] into a room."<sup>72</sup> Service providers also reported that often women, experience sexual harassment and abuse, and discrimination by the property management in governmental accommodations without any protection or control by the authorities.<sup>73</sup>

### ***Mental and Physical Health Care***

29. Undocumented migrant women experience severe barriers to accessing mental and physical healthcare in the UK. Experts with lived experience reported that for many migrant women, the only way to access care and treatment is through free clinics. Interviewees highlighted that the hostile environment policy, including the exception to data privacy for immigration control purposes, has fostered systemic fear among migrants to register and access the General Practitioner (GP) office of their zone of residency because of any potential risk of being reported to the Home Office.<sup>74</sup> Investigations by independent news outlets and researchers reported that, despite the National Health Service (NHS) policy which states that any can

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<sup>68</sup> Hibiscus Initiatives. *Closed Doors: inequalities and injustices in appropriate and secure housing provision for female victims of trafficking who are seeking asylum* (2020). Available at <https://hibiscusinitiatives.org.uk/resource/closed-doors-report/>

<sup>69</sup> Migrant Voice. *No rest. No security. Report into the experiences of asylum seekers in hotels* (Apr 2023). Available

[https://www.migrantvoice.org/img/upload/No\\_rest\\_no\\_security\\_Report\\_into\\_the\\_experiences\\_of\\_asylum\\_seekers\\_in\\_hotels\\_-\\_Migrant\\_Voice\\_2023\\_.pdf](https://www.migrantvoice.org/img/upload/No_rest_no_security_Report_into_the_experiences_of_asylum_seekers_in_hotels_-_Migrant_Voice_2023_.pdf)

<sup>70</sup> Legislation GOV UK "The Houses in Multiple Occupation (Asylum-Seeker Accommodation) (England) Regulations 2023". (Accessed 15 Jan 2024). Available at <https://www.legislation.gov.uk/ukdsi/2023/9780348246889>

<sup>71</sup> Diane Tayler at The Guardian, "Asylum accommodation to be excluded from social housing landlords crackdown" (15 Jan 2024). Available at <https://www.theguardian.com/uk-news/2024/jan/15/asylum-accommodation-to-be-excluded-from-social-housing-landlords-crackdown>

<sup>72</sup> Interview conducted by the Report authors, 2024. On file.

<sup>73</sup> Interview conducted by the Report authors, 2024. On file.

<sup>74</sup> Interview conducted by the report authors, 2024. On file.

register at their GP without proof of address or immigration status,<sup>75</sup> “less than a quarter of GP surgeries (24%) surveyed in cities across England, Scotland and Wales would register someone without proof of address, proof of ID or legal immigration status.”<sup>76</sup>

30. Regarding mental health services, counselling, and rehabilitation, service providers and experts with lived experience agreed that the main resources and support for refugees, survivors of trafficking and exploitation, and domestic violence come from charities.<sup>77</sup>
31. Hibiscus Initiatives and The Advocates for Human Rights respectfully suggest that The Committee provide the following recommendations to the Government of the United Kingdom of Great Britain and Northern Ireland regarding their treatment of aliens, including migrants, refugees and asylum seekers:
  - Implement measurable steps to dismantle the set of legislation, policies and practices that foster the current “hostile environment,” including:
    - Awareness-raising campaigns to remove stigma and barriers to counter disinformation about immigration and migrants, and to explain and support international obligations to protect refugees.
    - Abolish the No Recourse to Public Funds condition.
    - Eliminate restrictions on asylum seekers' right to work and right to rent.
    - Repealing those portions of the Nationality and Borders Act and the Illegal Migration Act that create a two-tier system curbing rights for those who arrive by “illegal routes” or “illegal means” and limiting the rights of victims of human trafficking and modern slavery.
    - Amending the clauses of the Nationality and Borders Act that impose disproportionate requirements on vulnerable groups , including women fleeing VAWG.
    - Re-evaluate the Nationality and Borders Act’s two-part test and take steps to ensure it accommodates the needs of VAWG in a way that is victim-centred, trauma-informed, including providing vetted interviewers and interpreters of the interviewees’ preferred sex.
    - Abandoning the notion of removing asylum seekers to so-called “alternative safe countries,” such as Rwanda or Albania, where there remains a likelihood of persecution and danger and where there are inadequate provisions to accommodate the needs of the refugees.
  - Ensure due process in asylum screen interviews and removal proceedings, including implementing trauma-sensitive, cultural, and gender-appropriate procedures.
  - End the use of prison for administrative immigration purposes. Including

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<sup>75</sup> GOV.UK. “Guidance. NHS entitlements: migrant health guide.” (Accessed 02 Feb 2024). Available at <https://www.gov.uk/guidance/nhs-entitlements-migrant-health-guide#:~:text=GP%20practices%20are%20not%20required,of%20address%20or%20immigration%20status>.

<sup>76</sup> The Bureau of Investigative Journalism. “Most GP surgeries refuse to register undocumented migrants despite NHS policy”, (17 Jul 2021). Available at <https://www.thebureauinvestigates.com/stories/2021-07-15/most-gp-surgeries-refuse-to-register-undocumented-migrants>

<sup>77</sup> Interview conducted by the report authors, 2024. On file.

- Implement actions to cease arbitrary detention by eliminating mandatory detention of women seeking asylum upon arrival by “illegal routes.” In the meantime:
  - Adequately monitor detention centres to ensure that the facilities and procedures comply with the required standards of safety and dignity.
- Undertake effective measures to improve the conditions of accommodations for women seeking asylum by ensuring places are culturally appropriate, trauma-informed and safe from abuse and discrimination within the installations.
- Implement measurable steps to increase public outreach to inform individuals about their rights, available support, and current procedures, including:
  - Increasing access to linguistically accessible materials to inform individuals upon arrival about community resources, including public funds and NGO service providers.
- Establish extensive and effective training for all actors in the immigration and criminal justice system on cultural sensitivity, the rights of migrants, the dynamics of domestic abuse/VAWG and human trafficking, and the needs of its victims, that are led by or done in consultation with organizations that serve migrants and best understand their needs.

## **II. Non-discrimination and violence against women and girls, including the elimination of slavery, servitude and trafficking in persons (List of Issues para. 8, 9 and 17)**

32. In its 2015 Concluding Observations, the Committee noted the ongoing reports of VAW in the country, “mainly affecting black and ethnic minority women.”<sup>78</sup> On this matter, the Committee recommended, “Ensuring that victims have access to effective remedies and means of protection, including strong police protection, adequate emergency shelter, rehabilitative services, legal assistance and other support services.”<sup>79</sup>
33. The UK has severe shortcomings in effectively protecting women from violence. The UK’s Domestic Abuse Act 2021 was presented as a landmark piece of legislation which for the first time defined “domestic abuse: in law. This Act includes a focus on early intervention and prevention of violence, including changing harmful attitudes; it also aims to boost reporting of documented violence cases and enhance police responses.”<sup>80</sup> The Domestic Abuse Act 2021, however, does not adequately protect migrant women.<sup>81</sup> It also provides no protection to survivors of VAWG who are accused of offending that is directly connected to their experience of abuse.<sup>82</sup> According to consulted experts, fear of deportation based on immigration status

<sup>78</sup> Human Rights Committee, *List of issues prior to submission of the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland*, (5 May 2020), U.N. Doc. CCPR/C/GBR/QPR/8¶ 13

<sup>79</sup> Human Rights Committee, *List of issues prior to submission of the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland*, (5 May 2020), U.N. Doc. CCPR/C/GBR/QPR/8¶ 13 (d)

<sup>80</sup> Interview conducted by the report authors, 2024. On file.

<sup>81</sup> Human Rights Watch, “UK: Tackling Violence against Some Women, But Not All Government Set to Exclude Migrant Women in Ratification of Key Treaty” (22 Jul 2022). (Accessed 02 Feb 2024). Available at <https://www.hrw.org/news/2022/07/22/uk-tackling-violence-against-some-women-not-all>

<sup>82</sup> Centre for Women’s Justice, “Stop Criminalising Survivors”, (Accessed 03 Feb 2024). Available at <https://www.centreforwomensjustice.org.uk/stop-criminalising>

hinders migrant women from seeking protection from VAWG. Interviewees highlighted that the current legal system does not treat such women as entitled to rights under the 2021 Act, leaving them vulnerable to labour exploitation, gender-based violence, and other types of exploitation.<sup>83</sup> Experts stated, “You constantly need to demonstrate your rights.”<sup>84</sup>

34. The UK government failed to introduce protective measures for migrant women through the Domestic Abuse Act 2021 and has so far failed to put such protections forward for the Victims and Prisoners Bill currently going through Parliament. The Latin American Women’s Rights Service (LAWRS), Southall Black Sisters (SBS) and other NGOs and expert bodies have called on the government to legislate<sup>85</sup> in order to:
- a) Introduce a firewall to stop data sharing between statutory agencies and Immigration Enforcement to enable victims to come forward to report abuse and seek help, as recommended by the Justice Select Committee and Independent Domestic Abuse Commissioner.
  - b) Extend the Domestic Violence Indefinite Leave to Remain (DVILR) and Destitution Domestic Violence Concession (DDVC) model for those on partner/spousal visas to all migrant victims of abuse regardless of their immigration status, to prevent them from being trapped in violent relationships due to no recourse to public funds.
  - c) Extend the current three-month provision to six months under the DDVC to give victims the ‘breathing space’ to resolve problems by seeking advice and recover from abuse, and to encourage more refuge providers to accept referrals and not turn victims away.
35. The Centre for Women’s Justice and the Tackling Double Disadvantage partnership have pointed out that these proposals would have the additional benefit of reducing the risk of migrant victims’ criminalisation.<sup>86</sup>
36. The DVILR and DDVC are limited in accessibility.<sup>87</sup> The DVILR “only applies to spousal visa holders, leaving other visa categories, such as work visas, visitor visas, student visas, domestic workers, or status under rights to family life rules, vulnerable to abuse and discrimination.”<sup>88</sup>

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<sup>83</sup> Interview conducted by the report authors, 2024. On file.

<sup>84</sup> Interview conducted by the report authors, 2024. On file.

<sup>85</sup> See UK Parliament, “Written evidence submitted by the Centre for Women’s Justice (VPB13).” (Accessed 04 Feb 2024). Available at <https://publications.parliament.uk/pa/cm5803/cmpublic/VictimsPrisoners/memo/VPB13.htm>

<sup>86</sup> Centre for Women’s Justice and Tackling Double Disadvantage Partnership. *Westminster Hall debate to be held on 5 July: That this House has considered the criminalisation of victims of violence against women from ethnic minority and migrant communities – Briefing for MPs.* (2023). Available at <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/64b54ffae4f9f66b7f5a7588/1689604090962/Tackling+DD+Westminster+Hall+debate+briefing+FINAL+27+Jun.pdf>

<sup>87</sup> Interview conducted by the report authors, 2024. On file.

<sup>88</sup> Shadow Report on the Implementation of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), <https://www.endviolenceagainstawomen.org.uk/wp-content/uploads/2023/12/Shadow-Report-on-the-Istanbul-Convention-VAWG-Sector-England-and-Wales-December-202381-copy.pdf>; Southall Black Sisters, “The Domestic Violence Destitution Concession (DDVC),” accessed Jan. 31, 2024, <https://southallblacksisters.org.uk/resource/the-domestic-violence-destitution-concession-ddvc/>.

Likewise, the DDVC, which gives migrant women access to the welfare system for three months, is restricted to a small pool of immigrant victim-survivors,<sup>89</sup> as “you must be a migrant spouse to a British citizen or a settled person in the UK.”<sup>90</sup> Due to the law’s differentiation of treatment, perpetrators of multiple types of gender-based violence can exploit the immigration system as the “essential key ingredient” to control and coerce women, because “that’s all they need; perpetrators use all of the rest, but they don’t need it because all it takes is a call to Home Office to report you.”<sup>91</sup>

37. Like the Domestic Abuse Act 2021, the Victims and Prisoners Bill, “does not address the gaps in law and practice that can lead to the unjust criminalisation of victims of domestic abuse and other forms of VAWG and exploitation, including Black, minoritised and migrant victims.”<sup>92</sup> Legislation is needed to modernise outdated common law defenses which do not adequately protect victims of VAW who are accused of offending, and to reflect current understanding of domestic abuse and controlling or coercive behaviour, in order to protect victims from “unjust criminalisation”.
38. Black, minoritised and migrant victims of VAWG are particularly vulnerable to unjust criminalisation because they experience additional barriers to disclosing abuse and accessing support, and they face systemic racism from criminal justice agencies. This is partly due to a lack of cultural competency as agencies fail to respond appropriately to evidence of abuse, misinterpret women’s behaviour, and fail to ensure women are able to understand and participate fully in proceedings against them.<sup>93</sup> Statutory defenses have been tabled in the Criminal Justice Bill for use in cases where survivors of domestic abuse are accused of offenses that were committed in self-defense or due to control by an abuser, but they are currently opposed by the UK Government.<sup>94</sup> Pending the introduction of these statutory protections, interviewed experts stressed the need for training and improved accountability throughout the system to prevent inappropriate arrests and prosecutions of domestic abuse victims for actions done in self-defense or while under the control of their abusers, in line with the public interest.<sup>95</sup>

### ***Access to safe housing, welfare and health care***

39. The UK presents serious shortcomings in providing protective measures to women enduring violence within its jurisdiction. When discussing the restrictions that migrant women suffer in

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<sup>89</sup> Sulaiha Ali at Free Movement, “The domestic violence concession: for the few, not the many” (17 Aug 2020). Available at <https://freemovement.org.uk/the-domestic-violence-concession-for-the-few-not-the-many/>

<sup>90</sup> Interview conducted by the report authors, 2024. On file.

<sup>91</sup> Interview conducted by the report authors, 2024. On file.

<sup>92</sup> Hibiscus, *Race, Migration, Criminalisation and Mental Health*, (2023), at 17. Available online at <https://hibiscusinitiatives.org.uk/media/2023/06/rmc-mental-health-report-document.pdf>

<sup>93</sup> Centre for Women’s Justice and Tackling Double Disadvantage Partnership (2023) Westminster Hall debate to be held on 5 July: That this House has considered the criminalisation of victims of violence against women from ethnic minority and migrant communities – Briefing for MPs

See also: Hibiscus et al, *Tackling Double Disadvantage*. ‘One Year On’ Progress Report (2023), available at <https://hibiscusinitiatives.org.uk/media/2023/07/dd-action-plan-one-year-on-1-3.pdf>

<sup>94</sup> Criminal Justice Bill (Sixteenth sitting) - Hansard - UK Parliament. See also: Hibiscus, *Race, Migration, Criminalisation and Mental Health*, (2023), at 17.

<sup>95</sup> Interview conducted by the report authors, 2024. On file. See also: Centre for Women’s Justice, *Double Standard: ending the unjust criminalisation of victims of violence against women and girls*, (2022).

<https://www.centreforwomensjustice.org.uk/double-standard>

accessing protection, including welfare services, a policy expert stated, “It does not work brilliantly because the system is not functioning properly. Nevertheless, as a Black or minoritised migrant woman, you have to fight every step of the way to access these services. The police will focus on your immigration status and overlook the violence perpetrated on you. It protects perpetrators and allows for impunity. Victims face immigration control measures in trying to access social services.”<sup>96</sup> The inaccessibility of the systems ensures that women at risk or victims of violence remain vulnerable when they remain economically dependent on their abusers. Interviewees shared: “If you can’t access the refuge, the welfare net, benefits, protection for you and your children, even police reporting in itself is going to make possible that you endure abuse for longer and your risks levels are going to go up.”<sup>97</sup>

40. The NRPF condition has been identified as one of the biggest obstacles to protection, support and accommodation for migrant women experiencing VAWG.<sup>98</sup> This policy impacts victims of violence, restricts access to welfare benefits, and denies them safe housing, including shelters. The NRPF policy also strains statutory services, with women and children often being denied support, reinforcing power imbalances and presenting barriers to essential assistance and protection for migrant women.<sup>99</sup> According to a Shadow Report on the Implementation of the Istanbul Convention, authored by 58 organizations that specialize in VAWG, “Women’s economic inequality significantly impacts experiences of VAWG and the ability to escape and recover - for example, the high cost of renting privately creates a barrier for women leaving and moving on from a relationship with an abusive partner.”<sup>100</sup> The NRPF also makes migrant women ineligible for local authority homelessness assistance or housing allocation.<sup>101</sup> In addition, women seeking asylum are ineligible to apply for work authorisation for at least 12 months from the date of their asylum application or the end of the appeals in their case.<sup>102</sup> Even in cases in which women have access to refuge, service providers highlighted the necessity to advocate for long-term accommodation and rent support to women survivors of VAWG as a measure to alleviate of the current shortage of refuges spaces.<sup>103</sup>

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<sup>96</sup> Interview conducted by the report authors, 2024. On file

<sup>97</sup> Interview conducted by the report authors, 2024. On file

<sup>98</sup> Interview conducted by the report authors, 2024. On file

<sup>99</sup> End Violence Coalition, Shadow Report on the Implementation of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2023/12/Shadow-Report-on-the-Istanbul-Convention-VAWG-Sector-England-and-Wales-December-202381-copy.pdf>; Rebecca, Dudley, *Domestic Abuse and Women with No Recourse to Public Funds: Where Human Rights Do Not Reach* (January 1, 2015). Available at SSRN: <https://ssrn.com/abstract=2724370> or <http://dx.doi.org/10.2139/ssrn.2724370>.

<sup>100</sup> End Violence Coalition, *Shadow Report on the Implementation of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention)*, at 12. Available at <https://www.endviolenceagainstwomen.org.uk/wp-content/uploads/2023/12/Shadow-Report-on-the-Istanbul-Convention-VAWG-Sector-England-and-Wales-December-202381-copy.pdf>.

<sup>101</sup> Id. at 55; According to legislation, women must be given information and advice to help prevent homelessness but no eligibility for ‘homelessness assistance’ or ‘housing allocation, see <https://www.nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/benefits-and-housing-public-funds/housing>.

<sup>102</sup> GOV.UK, “Guidance. Permission to work and volunteering for asylum seekers (accessible), (26 Jan 2024), (Accessed 02 Feb 2024), available at <https://www.gov.uk/government/publications/handling-applications-for-permission-to-take-employment-instruction/permission-to-work-and-volunteering-for-asylum-seekers-accessible#:~:text=To%20consider%20any%20permission%20to,date%20the%20claim%20was%20lodged>

<sup>103</sup> Interview conducted by the report authors, 2024. On file



41. The Independent Domestic Abuse Commissioner has also highlighted the main shortcomings of the current NRPF policy and the gaps in the current legislation. In her report *Safety Before Status: the Solutions*, the Domestic Abuse Commissioner described barriers faced by migrant women survivors of domestic abuse, as well as the benefits of eliminating the current policy restrictions. In her analysis, she highlighted evidence from the Support for Migrant Victims pilot. The Commissioner found that eliminating restrictions would benefit public budgets and called on the “government to provide an estimated £537 million funding over 10 years. This solution would have almost £2.3 billion social gains over a 10-year period.”<sup>104</sup>

***Migrant women enduring VAWG are at higher risk of losing custody of their children on the basis of their immigration status***

42. In England and Wales, according to information provided by the Domestic Abuse Commissioner, only 29% of survivors of domestic abuse are able to provide economic support for their children.<sup>105</sup> Due to the restrictions in accessing public funds and support, migrant women victims of VAWG are restricted from finding accommodation and services for their children; this restriction places them at risk of homelessness, further abuse, and increased risk of losing custody of their children, perhaps to their abuser. Impeding their access to support can leave mothers less able to escape exploitation and abuse, with implications for both their own and their children’s wellbeing. Unsurprisingly, research finds that the “hostile environment” presents particular challenges for mothers and their children.<sup>106</sup>

43. Because women with insecure immigration status,<sup>107</sup> including refugees and asylum seekers, are unable to access public funds and shelters, in many cases children are separated from their mothers. One interviewee reported, “Social services take the children away from victims of domestic abuse as a way to giving housing to the mother, and children go into the [local authority care] system or back to the perpetrator.”<sup>108</sup> These described dynamics occur despite the protections provided by the Children Act 1989.<sup>109</sup>

44. Interviewees emphasised how perpetrators also utilise the current immigration system to control and commit acts of violence against women. For example, “it happens to women who can visit their home country with their perpetrator, the perpetrator comes back to the UK and takes the children, calls to the home office and cancels your immigration status and women can’t even come back to the country to contest.”<sup>110</sup> Likewise, in situations of domestic violence,

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<sup>104</sup> Domestic Abuse Commissioner, “The government’s own analysis shows support for migrant victims is urgently needed”. (Accessed 02 Feb. 202). Available at <https://domesticabusecommissioner.uk/blogs/the-governments-own-analysis-shows-support-for-migrant-victims-is-urgently-needed/>.

<sup>105</sup> Domestic Abuse Commissioner, ‘A Patchwork of Provision: How to meet the needs of victims and survivors across England and Wales’, 2022. Available online: [https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC\\_Mapping-Abuse-Suvivors\\_Long-PolicyReport\\_Nov2022\\_FA.pdf](https://domesticabusecommissioner.uk/wp-content/uploads/2022/11/DAC_Mapping-Abuse-Suvivors_Long-PolicyReport_Nov2022_FA.pdf) cited in Shadow Report 11

<sup>106</sup> Rachel Benckroun. *Strategic mothering in a hostile environment: how hostile immigration policies shape mothering, belonging and citizenship in the UK*, 2023 (Ethnic and Racial Studies, 46:15, 3316-3337), DOI: 10.1080/01419870.2023.2193253

<sup>107</sup> Insecure immigration status include those on student visas, visitor’s visas, work visas or those who are undocumented.

<sup>108</sup> Interview conducted by the Report authors. On file.

<sup>109</sup> <https://www.legislation.gov.uk/ukpga/1989/41/section/17>

<sup>110</sup> Interview conducted by the Report authors, 2024. On file

perpetrators often hold child custody and threaten to deny victims access to their children as a means of coercing victims to remain in the relationship.<sup>111</sup>

45. The precarity of migrant mothers restricts their access to justice. Service providers reported cases in child custody procedures in which “[t]he judge focuses on the idea of the women being undocumented and not having a status, so not being able to stay in the country, and then the custody is given to the perpetrators.”<sup>112</sup>

***UK’s legal system, police and practices fail to protect victims of trafficking***

46. The UK’s legal system and practices fail to provide adequate protection to women victims of trafficking and exploitation, with additional barriers to protection and justice faced by migrant women.<sup>113</sup> This is a consequence of the absence of cultural competency and a victim-centred approach from agencies, as well as barriers to disclosing abuse and accessing support.<sup>114</sup> Even when promptly identified, research by Hibiscus found that “most women were not offered a safe house option at any point during the National Referral Mechanisms process and, instead, most were staying either in asylum accommodation or with friends.”<sup>115</sup> The HM Chief Inspector of Prisons on the experiences of people in immigration detention observed, “a poor understanding of the National Referral Mechanism (NRM) among prison and Home Office staff. Several detainees we spoke to had experiences of trafficking and been referred to the NRM, but they remained in prison without access to any specialist support.”<sup>116</sup>
47. Interviewed experts said that while trafficking victims had somewhat less restrictive access to shelters than others,<sup>117</sup> the Nationality and Borders Act and Illegal Migration Act as well as cutbacks in funding have restricted access to support for trafficking victim-survivors.<sup>118</sup>
48. Hibiscus Initiatives and The Advocates for Human Rights respectfully suggest that The Committee provide the following recommendations to the Government of the United Kingdom of Great Britain and Northern Ireland regarding the non-discrimination of Black and minoritised migrant women and their protection against violence against women and girls:

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<sup>111</sup> Interview conducted by the Report authors. On file

<sup>112</sup> Interview conducted by the report authors, 2024. On file

<sup>113</sup> Prison Reform Trust. *Still no way out: foreign national women and trafficked women in the criminal justice system*. (2018). Available at <https://prisonreformtrust.org.uk/publication/still-no-way-out-foreign-national-women-and-trafficked-women-in-the-criminal-justice-system/>

<sup>114</sup> Hibiscus Initiatives. *Closed Doors: inequalities and injustices in appropriate and secure housing provision for female victims of trafficking who are seeking asylum* (2020) at 3. Available at <https://hibiscusinitiatives.org.uk/resource/closed-doors-report/>

<sup>115</sup> Hibiscus Initiatives. *Closed Doors: inequalities and injustices in appropriate and secure housing provision for female victims of trafficking who are seeking asylum* (2020) at 23. Available at <https://hibiscusinitiatives.org.uk/resource/closed-doors-report/>

<sup>116</sup> HM Chief Inspector of Prisons, *The experience of immigration detainees in prisons*. Short thematic review. (Sep 2022), at 6. Available at <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2022/10/The-experience-of-immigration-detainees-in-prisons-web-2022.pdf>

<sup>117</sup> Hibiscus Initiatives. *Closed Doors: inequalities and injustices in appropriate and secure housing provision for female victims of trafficking who are seeking asylum* (2020) at 15. Available at <https://hibiscusinitiatives.org.uk/resource/closed-doors-report/>

<sup>118</sup> Interview conducted by the report authors, 2024. On file

- Comply with the international standards and obligations related to preventing violence against women and girls, ensure that the safety of victim-survivors is a high priority with adequate resources and measures, and hold perpetrators accountable.
- Implement the recommendations made by the Domestic Abuse Commissioner in her report *Safety Before Status: the Solutions*.
- Support ongoing monitoring of the impacts, including unintended consequences, of the immigration system, laws, and practices on migrant women survivors of VAWG with a view to amending legislation and policies in ways that best support survivors' needs and safety. Such monitoring should also assess the impacts on the criminalisation of victims of VAWG, particularly Black, Asian, minoritised and migrant women.
- Implement the recommendation made by civil society actors and the Justice Select Committee and Independent Domestic Abuse Commissioner to introduce a firewall to immediately stop data sharing between statutory agencies and Immigration Enforcement with a view to enabling victims to report abuse and seek support without retribution to their immigration status.
- Amend the Data Protection Act to remove the exemption for the sharing of immigration-related information.
- Amend the Domestic Abuse Act 2021 to ensure to:
  - Extend the DVILR and DDVC so they are available to all migrant women regardless of their immigration status.
  - Extend the three-month period in the DDVC to six months, to give victims of abuse more time to recover from their trauma.
- Legislate to provide effective defenses for victims of domestic abuse who are accused of offending and implement reforms in practice, including mechanisms for accountability and effective training for systems actors, led by or conducted in consultation with NGO services providers, on the dynamics of domestic abuse and other forms of VAWG, and how to prevent inappropriate criminalisation of victims.
- Implement substantive measures to ensure safe refuge and accommodation to women experiencing VAWG, including:
  - Pending the abolition of the NRPF condition, creating an exemption for migrant women to access homelessness assistance or housing allocation or, in the alternative, provide adequate and ongoing financial support to housing providers to meet the needs of migrant women experiencing VAWG in need of accommodation without restrictions based on their immigration status.
  - Improving coordination and communication between providers in order to ensure more women entitled to space at a safe house can access beds.<sup>119</sup>
- Ensure mandatory training to social services, the judiciary, and other systems actors on screening for and taking into account domestic violence experienced by migrant mothers and recalling the best interests of the child in any custody decisions.
  - Ensure that any allegations or evidence of domestic violence and other forms of VAW be referred to in any evaluations and decisions on child custody and that any experts appointed to provide information on the child's best interests

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<sup>119</sup> Hibiscus Initiatives. *Closed Doors: inequalities and injustices in appropriate and secure housing provision for female victims of trafficking who are seeking asylum* (2020) at 38. Available at: <https://hibiscusinitiatives.org.uk/resource/closed-doors-report/>

be regularly trained on the dynamics of domestic violence and its impacts on children.

- Increase investment in women-specific services for Black and minoritised migrant victims of VAWG at risk of homelessness to ensure they have access to safe accommodation and support.

### **III. Access to justice, independence of the judiciary, and fair trials (List of Issues para. 221)**

49. In its List of Issues Prior to Reporting, The Committee requested information about the actions taken by the State Party to enhance the accessibility of the legal aid system.<sup>120</sup> The Committee also inquired about attempts to revise the Legal Aid, Sentencing and Punishment of Offenders Act of 2012.<sup>121</sup>
50. In its 2021 Response, the State Party reiterated that legal aid is available, particularly for victims of domestic violence.<sup>122</sup> The State Party also included information about the Exceptional Case Funding scheme, the Legal Support Action Plan, and proposals for reform of Legal Aid in Scotland, all of which is evidence of a commitment to ensuring proper legal representation for those who need it.<sup>123</sup>
51. Access to Legal Aid has been significantly reduced in recent years in the UK, including in relation to criminal law, immigration law, housing law and family law. According to the Law Society, since 2013, private firms have been forced to close legal aid departments due to lack of funding, and Legal Aid advice agencies and law centres dropped by 59 per cent, leaving millions without providers, and creating advice deserts.<sup>124</sup>
52. Lack of access to legal aid in asylum cases is a systemic problem in the UK.<sup>125</sup> According to information from interviewed policy experts, there is a systemic absence of legal counsel for those asking for asylum.<sup>126</sup> It was stated that “solicitors believe that there is no gain in doing legal aid cases and the complexity.”<sup>127</sup> Because of the current system, in which asylum seekers are distributed geographically, women are hindered from accessing legal counsel, as “There are areas in the UK where you don’t find a single solicitor taking asylum cases. So, there are people who end up self-representing and not being able to seek asylum.”<sup>128</sup> Interviewed service

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<sup>120</sup> Human Rights Committee, *List of issues prior to submission of the eighth periodic report of the United Kingdom of Great Britain and Northern Ireland*, (5 May 2020), U.N. Doc. CCPR/C/GBR/QPR/8, ¶22

<sup>121</sup> Ibid.

<sup>122</sup> Human Rights Committee, *Eighth periodic report submitted by the United Kingdom of Great Britain and Northern Ireland under article 40 of the Covenant pursuant to the optional reporting procedure*, (28 June 2021), U.N. Doc. CCPR/C/GBR/8, ¶ 200.

<sup>123</sup> Human Rights Committee, *Eighth periodic report submitted by the United Kingdom of Great Britain and Northern Ireland under article 40 of the Covenant pursuant to the optional reporting procedure*, (28 June 2021), U.N. Doc. CCPR/C/GBR/8, ¶¶ 201-204.

<sup>124</sup> The Law Society. “LASPO Act”. (11 Jan 2024). (Accessed 02 Feb 2024). Available at <https://www.lawsociety.org.uk/topics/legal-aid/laspo-act>

<sup>125</sup> NRPf Network, “Legal aid” (Accessed 02 Feb 2024). Available at <https://www.nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/legal-aid/immigration-and-asylum-cases#:~:text=In%20England%20and%20Wales%2C%20legal,Asylum>

<sup>126</sup> Interview conducted by the report authors, 2024. On file

<sup>127</sup> Interview conducted by the report authors, 2024. On file

<sup>128</sup> Interview conducted by the report authors, 2024. On file

providers shared that, in practice, high service fees hinder women from hiring a private attorney.<sup>129</sup> Likewise, experts with lived experience reported that in many cases, lawyers do not provide adequate support to clients, and often, women seeking asylum become victims of scams or bad representation.<sup>130</sup> One interviewee reported a growing number of predatory solicitors who charge outrageous fees to refugees in situations of vulnerability and desperation.<sup>131</sup> According to interviewees, more control and oversight from the authorities is required.<sup>132</sup>

53. Migrant women experiencing VAWG, and especially domestic violence, encounter significant barriers to access legal representation and legal aid. According to service providers and policy experts interviewed, “Court systems are very complex, and there is a lack of access to legal aid, which results in women having to represent themselves. There is a power imbalance in comparison to the perpetrator as they speak the language and know the system. Additionally, the judge can be focused on your immigration status.”<sup>133</sup>

***The criminal justice system discriminates against migrant women in practice.***

54. Migrant women make up a significant and increasing proportion of remand admissions to prison.<sup>134</sup> According to the Centre for Women’s Justice and Tackling Double Disadvantage partnership, “At least 57% of women in prison and under community supervision by probation services are victims of domestic abuse, and for many this is directly linked to their offending.”<sup>135</sup> The organisations also reported that Black, Asian, minoritised and migrant victims of VAWG are “particularly vulnerable to being unfairly swept into the criminal justice system.”<sup>136</sup>
55. Government authorities, including law enforcement, lack training to identify and protect migrants experiencing trafficking and exploitation. According to an expert with lived experience, law enforcement officers ignore the risks that migrant women experience and do not undertake the necessary assessments and evaluations to identify any exploitation risk or

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<sup>129</sup> Interview conducted by the report authors, 2024. On file

<sup>130</sup> Interview conducted by the report authors, 2024. On file

<sup>131</sup> Interview conducted by the report authors, 2024. On file

<sup>132</sup> The current phenomena has been reported by Haroon Siddique at The Guardian, “Watchdog shuts three solicitors firms accused in asylum sting”, (31 Jul 2023), available at <https://www.theguardian.com/uk-news/2023/jul/31/watchdog-shuts-three-solicitors-firms-accused-in-asylum-sting>

<sup>133</sup> Interview conducted by the report authors, 2024. On file

<sup>134</sup> Robson, M. (2020) A suspect population? An examination of bail decision making for foreign national women in criminal courts in England and Wales See also: Prison Reform Trust (2018) Still no way out: foreign national women and trafficked women in the criminal justice system

<sup>135</sup> Centre for Women’s Justice and Tackling Double Disadvantage partnership, Briefing for MPs. Westminster Hall debate to be held on Wednesday 5 July 2023 from 9.30-11.00Am, (*accessed on January 2024*) at,1. Available at <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/64b54ffae4f9f66b7f5a7588/1689604090962/Tackling+DD+Westminster+Hall+debate+briefing+FINAL+27+Jun.pdf>

<sup>136</sup> Centre for Women’s Justice and Tackling Double Disadvantage partnership, Briefing for MPs. Westminster Hall debate to be held on Wednesday 5 July 2023 from 9.30-11.00Am, (*accessed on January 2024*),1. Available at <https://static1.squarespace.com/static/5aa98420f2e6b1ba0c874e42/t/64b54ffae4f9f66b7f5a7588/1689604090962/Tackling+DD+Westminster+Hall+debate+briefing+FINAL+27+Jun.pdf>

forced criminality.<sup>137</sup> Testimonies also indicate that often, in cases when migrant women lack a fixed address, survivors of exploitation and trafficking are sent to prison even before a hearing, instead of being referred into safe accommodations and adequate services.<sup>138</sup>

56. Justice actors also lack proper training in trauma-informed response, gender power dynamics, and exploitation. An expert with lived experience opined: “The minute you enter their zone, you are a criminal to them.”<sup>139</sup> Due to the authorities’ lack of training on exploitation and abuse and the dynamics of forced criminality that may be present in VAWG, victim-survivors are left with the daunting requirement of finding a “good lawyer that can bring it up”<sup>140</sup>—in the context of tremendous barriers to legal services as described above.
57. Moreover, testimonies from service providers and experts with lived experience identified discrimination and a culture of disbelief in relation to Black and minoritised women in immigration detention and in the criminal justice system. Practices include the systemic mistrust of women regarding their accounts of abuse and exploitation or health decrease or sickness.<sup>141</sup>
58. Hibiscus Initiatives and The Advocates for Human Rights respectfully suggest that The Committee provide the following recommendations to the Government of the United Kingdom of Great Britain and Northern Ireland regarding the access to justice, independence of the judiciary, and fair trials of Black and minoritised migrant women:
  - Increase funding for legal aid, NGOs, translators, peer mentors, and other actors in the immigration system to levels sufficient to ensure that the rights of migrants are protected.
  - Collect and analyse disaggregated data to improve understanding of the criminalisation of victims of VAWG, including intersectional discrimination experienced by Black, Asian, minoritised and migrant women.
  - Implement public awareness and outreach campaigns under the advice and support of civil society organisations to provide information to asylum seekers, especially Black and minoritised migrant women, about their rights, legal processes, as well common scams they could face when enduring the immigration and/or criminal justice system.
  - Ensure that law enforcement agents and other systems actors are trained in and respect the principle of non-punishment, which posits that victims of trafficking in persons are not to be held liable for unlawful acts or immigration offences committed by them, to the extent that such actions were a direct consequence of their situation as trafficked persons,

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<sup>137</sup> Interview conducted by the report authors, 2024. On file. See also: Prison Reform Trust, *Still no way out: foreign national women and trafficked women in the criminal justice system*, (2018). Available at <https://prisonreformtrust.org.uk/publication/still-no-way-out-foreign-national-women-and-trafficked-women-in-the-criminal-justice-system/>; Modern Slavery and Human Rights Policy and Evidence Centre, *Tackling the blind spot of the UK anti-slavery regime: the role and responsibility of prisons in securing the rights of modern slavery survivors* (2023). Available at: <https://modernslaverypec.org/resources/modern-slavery-uk-prisons>

<sup>138</sup> Interview conducted by the report authors, 2024. On file

<sup>139</sup> Interview conducted by the report authors, 2024. On file

<sup>140</sup> Interview conducted by the report authors, 2024. On file

<sup>141</sup> Megan Crossley at Transforming Society, “Immigration detention centres and the women they harm”, (04 Jan 2022). (Accessed 02 Feb 2024). Available at <https://www.transformingsociety.co.uk/2024/01/04/immigration-detention-centres-and-the-women-they-harm/#:~:text=Pregnant%20women%20are%20a%20category,were%20still%20being%20detained%20unnecessaril>  
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as well as on how trauma and forced criminality increases interactions with the criminal justice system.<sup>142</sup>

- Refrain from detaining, charging or prosecuting trafficked persons for the illegality of their entry into or residence in the UK, as well as of their involvement in any unlawful actions to the extent that such involvement was a direct consequence of their being trafficked. placing trafficked persons in immigration detention or otherwise restricting their freedoms. In cases where criminal proceedings against trafficking victims have ended in their conviction, vacatur of their criminal records should be available and accessible.<sup>143</sup>
- Establish early supports for trafficking victims, including “appropriate and secure accommodation, psychological and material assistance, access to health-care, translation and interpretation services, counselling and information, access to education for children, vocational and professional training and, if appropriate, access to formal education for adults.”<sup>144</sup>
- Increase investment in women-specific services for victims of VAWG facing criminal proceedings to ensure they have a safe space to disclose abuse without fear of consequences to their immigration status and receive support at the earliest stage in proceedings, including services led by and for Black, Asian, minoritised and migrant women.
- Take proactive steps to train and ensure the accountability of justice system actors, such as judges, prosecutors, defence attorneys and police, on the dynamics of domestic violence, women victims’ use of self-defense and alleged offending in response to their experience of abuse, and identification of the predominant aggressor to avoid inappropriate or dual arrests in cases of domestic violence.

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<sup>142</sup> Mria Grazie Giammarinaro, UN Special Rapporteur on Trafficking in Persons, Especially Women and Children, *The IMportance of Implementing the Non-punishment Provision: The Obligation to Protect Victims*, 2021, U.N. Doc A/HRC/47.34, para. 29, available at

<https://www.ohchr.org/sites/default/files/Documents/Issues/Trafficking/Non-Punishment-Paper.pdf>.

<sup>143</sup> Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children, *Trafficking in Persons, Especially Women and Children*, Apr. 6, 2020, U.N. Doc. A/HRC/44/45, para. 66, available at <https://www.undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F44%2F45&Language=E&DeviceType=Desktop&LangRequested=False>.

<sup>144</sup> Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children, *Trafficking in Persons, Especially Women and Children*, Apr. 6, 2020, U.N. Doc. A/HRC/44/45, para. 69, available at <https://www.undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F44%2F45&Language=E&DeviceType=Desktop&LangRequested=False>.