

# Response to Engender call for evidence on CEDAW

## About Scottish Detainee Visitors (SDV)

SDV is an independent charity based in Glasgow that seeks to influence policy on immigration detention and provides support to people detained in Dungavel Immigration Removal Centre, and on release from detention. Since 2002, SDV volunteers have visited people in Dungavel twice a week to provide support. We visit over 200 people in Dungavel every year and are the only civil society organisation to visit people in Dungavel every week.

## Detention in the UK

The UK detains around 28,000 people a year for immigration purposes, in eight detention centres and two residential short-term holding facilities. Dungavel is the only detention centre in Scotland.

The power to detain for immigration purposes was created by the Immigration Act 1971. People are detained under the administrative authority of Home Office officials and, according to the UK Government's own guidance<sup>1</sup>, detention is used in the following circumstances: to effect removal; to establish a person's identity or basis of claim; 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.

People who can be detained include: asylum seekers whose applications have been refused; people who have overstayed their visas; people who have breached the terms of their visas; people who have been refused permission to enter the UK; and foreign nationals who have served a prison sentence and have been issued with a deportation order.

Uniquely in Europe, there is no time limit on detention in the UK, and it can be very prolonged in some cases. At the end of December 2017, 70% of the 2,545 people in detention had been detained for more than 28 days, 64 people had been detained for more than a year. One man had been detained for more than four and a half years (1,698 days). None of the recorded 20 longest lengths of detention at the end of 2017 were of women<sup>2</sup>.

## Women in detention

Detention is a predominantly male experience. Just 17% of the people entering detention in 2017 were women, and at the end of 2017, 11% of the 2,545 people in detention were women.<sup>3</sup> They are detained mainly in Yarl's Wood in Bedfordshire, but there are also places for women at Tinsley House at Gatwick airport and at Dungavel.

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<sup>1</sup> <https://www.gov.uk/government/collections/enforcement-instructions-and-guidance>

<sup>2</sup> Ibid.

<sup>3</sup> <https://www.gov.uk/government/publications/immigration-statistics-october-to-december-2017/how-many-people-are-detained-or-returned>

Recent research by Women for Refugee Women<sup>4</sup> examined the experience of asylum seeking women in detention in Yarl's Wood in the context of the new Adults at Risk policy<sup>5</sup> introduced by the Immigration Act 2016. This policy is intended to reduce the both number of vulnerable people detained and the length of detention of vulnerable people. The policy states that there should be a presumption against detention for people identified as being at risk, but that this will be balanced against immigration control considerations. It includes a list of conditions or experiences that will normally indicate that a person will be at risk of harm if detained. These include: having been the victim of sexual or gender based violence including FGM, having been a victim of human trafficking or modern slavery, and being pregnant.

Women for Refugee Women found that:

- Survivors of sexual and gender-based violence are routinely being detained
- Women who are already vulnerable as a result of sexual and gender-based violence become even more vulnerable in detention
- Survivors of sexual and gender-based violence are detained for significant periods of time
- Despite the introduction of a 72 hour time limit on the detention of pregnant women in 2016, pregnant women were still being unnecessarily detained. Fewer than 20% of pregnant women detained were removed from the country, the rest were released back into the community.

Interviews for the research with women detained since the new Adults at Risk policy was introduced found that it was failing in key respects:

- There is no screening process that actively identifies if a woman is vulnerable or “at risk” before they are detained, so survivors of sexual and gender-based violence are going into detention before any attempt has been made to find out about their previous experiences
- Survivors of sexual and gender-based violence are not believed when they disclose their previous experiences, and find it difficult to obtain supporting evidence the Home Office will accept
- Even when they obtain evidence the Home Office accepts, survivors of sexual and gender-based violence are being kept in detention
- Even when their mental and/or physical health is clearly deteriorating, and they are becoming significantly more vulnerable, survivors of sexual and gender-based violence are being kept in detention.
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## Women in Dungavel

There are just 14 bed spaces for women in Dungavel compared to 235 for men. In a film made by SDV, one woman who had been detained there described it as being ‘like a chicken surrounded by dogs’.<sup>6</sup> Over the years that SDV has been visiting, it has been commonplace

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<sup>4</sup><http://www.refugeewomen.co.uk/2016/wp-content/uploads/2017/10/We-are-still-here-report-WEB.pdf>

<sup>5</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/547519/Adults\\_at\\_Risk\\_August\\_2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/547519/Adults_at_Risk_August_2016.pdf)

<sup>6</sup> <https://vimeo.com/47544343>

for just one or two women to be detained at the centre: an isolating and potentially frightening experience, particularly in light of earlier research by Women for Refugee Women showing the histories of gender-based violence of many detained women.<sup>7</sup>

As visitors to people in detention, we prioritise detained women for support as our experience is that they can feel particularly vulnerable and isolated in detention. Even the visits room is a very male environment and we suspect that some women are reluctant to come for visits as it is difficult to talk privately in the visits room.

The most recent inspection report of Dungavel, in 2015, noted that ‘there were inevitable risks associated with holding women in a predominantly male centre. There were no specific policies focusing on this issue’ and recommended that a specific safer custody and safeguarding policy should be developed for women.<sup>8</sup>

The report also noted that accommodation for women in Dungavel was worse than the accommodation for men. It noted that men had access to some single and double rooms but that women were all housed in dormitory accommodation, one room with six beds and another with eight. Women we speak to often note this as a concern. The rooms are often too noisy to sleep and privacy is impossible. Although freedom of movement within the centre and its ground is better than in most detention centres, our experience is that women are less likely to take advantage of this as communal and outside areas at the centre are dominated by men.

## Other issues

There are a number of other issues concerning detention at Dungavel which are not specific to women but which also have an impact on the women detained there. These include:

- The isolation of Dungavel, six miles from Strathaven, the nearest town, and not on any public transport routes makes it difficult for people to maintain contact with their family, friends and legal representatives
- The continued detention of vulnerable people. As visitors we meet women and men with serious physical and mental health issues and people who tell us they have been trafficked and tortured.
- People in detention are frequently moved around the detention estate which can have particularly serious consequences when moves are between Dungavel and the centres in England, because of the different legal systems in Scotland and England.
- According to the UK Government’s own guidance<sup>9</sup> a key purpose of detention is to effect removal from the country, yet the majority of people leaving detention are released back into the community. In 2017, 47% of those leaving detention were removed. For those leaving detention from Dungavel, the figure was even lower: 38%. This clearly raises questions as to why they were detained in the first place.

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<sup>7</sup> <http://www.refugeewomen.co.uk/2016/wp-content/uploads/2016/07/WRWDetained.pdf>

<sup>8</sup> <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2015/07/Dungavel-web-2015.pdf>

<sup>9</sup> <https://www.gov.uk/government/collections/enforcement-instructions-and-guidance>

## Conclusion

We believe that a move to community-based alternatives to detention, coupled with a strict time limit on detention are key to reducing the detrimental impacts of detention on the women and men affected by it.

Immigration is a reserved matter. But Scotland has a devolved Parliament with wide powers, a separate legal system, and a generally more progressive approach to immigration and asylum than the rest of the UK. We believe that makes Scotland the ideal place to pilot such an approach.

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