

DETAINED

PRISONERS WITH NO CRIME

Detention of trafficked women in the UK
Sarah Stephen-Smith 2008

ACKNOWLEDGEMENTS

This report is a collaborative effort from the POPPY Project. Sarah Edwards and Helen Atkins (former research and information assistants at the POPPY Project) and Dovile Mitkute (former POPPY Project volunteer) deserve particular mention, as do our team of dedicated senior support workers.

POPPY would also like to thank all the women who shared their experiences of detention with us. This report would not have been possible without their assistance. It is dedicated to them.

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1. INTRODUCTION

Prisoners With No Crime was initiated by the POPPY Project when staff became concerned about the increasing numbers of women who had been held in immigration detention or police custody or convicted of custodial offences, prior to being referred to the project.

Detention of women who have been trafficked contravenes international human rights law¹. This report produces evidence to show that women who were trafficked, but who were not identified as such, have been detained.

Detaining women in the UK

Nationals from European Union member states have a legal right to enter the UK, as long as they are able to provide evidence of identity and nationality, usually in the form of a passport². However, many women who have been trafficked do not enter the UK legally, which under current law means that they are liable to be detained. Of the 55 cases analysed for this study, 80% (n=44) were in the UK illegally at the time they were detained, 4% (n=2) had already applied for asylum, 7% (n=4) were in the UK legally and 2% (n=1) had had their asylum applications refused³.

While these women are frequently encouraged to cooperate with UK authorities by providing information and evidence about the crimes committed against them⁴, they may also be subject to detention and face prosecution for criminal offences such as illegal entry using forged documents. Women may then be deported without notice and without any victim support services, despite experiencing abuse and trauma in the UK⁵.

Detention of trafficked women can result in serious physical and psychological harm⁶ and may compound the effect of previous forms of imprisonment while trafficked. The POPPY Project believes that trafficked women should never be detained, as it serves only to increase the distress and suffering they have to endure.

It is of particular concern that these victims are identified at the earliest possible stage and that barriers which may prevent their release, such as fast-track deportation targets or criminal liability, are removed.

Who should read this report?

This report should be read by immigration staff, medical personnel, police officers and all other individuals who may come into contact with trafficked victims during the immigration and detention process, to ensure correct identification of and support for survivors for trafficking.

Methodology used

The data analysed in this study is collated from POPPY case files on women who have used the service since the project's inception in 2003. The sample group is based on 55 women who were subjected to immigration detention or received custodial sentences prior to joining the project or during their time as POPPY service users⁷. The time parameters of the sample are from February 2001⁸ to October 2007, thus the information refers only to cases during this period. These women represent 21% of POPPY's service user group for the same period⁹.

Limitations

Human trafficking remains a profoundly under-researched area, and because of the lack of case studies available, this research sample is unavoidably small. Nonetheless, the findings provide accurate and detailed information about the experiences of trafficked women in detention in the UK.

The report provides a snapshot analysis of these women's cases and concludes with a series of recommendations for best practice in the light of the preceding analysis.

2. SUMMARY AND KEY FINDINGS

- Between March 2003 and October 2007, the POPPY Project supported 55 women who had been detained in the UK, under the Immigration Act or by custodial powers, between 2001 and 2007¹⁰. The women were variously supported through direct and outreach work.
- All women had mental or physical health symptoms, which were found to be consistent with a history of trafficking by experts at the POPPY Project.
- All women displayed mental distress which varied, in nature and severity, across a wide spectrum. Depression, suicidal ideation, feelings of hopelessness, intrusive thoughts, flash backs, loss of concentration, insomnia and nightmares were the most common symptoms reported.
- Despite all exhibiting clear indications of post traumatic stress disorder (PTSD), only eight of the women (15%) mentioned receiving medical treatment in detention, in the form of painkillers or sleep-inducing medication.
- In addition to reporting physical health effects, 40% (n=22) disclosed having experienced physical and 38% (n=21) sexual violence of varying degrees prior to trafficking, either from family members or from others in their community.

For more than one-quarter of cases (35%, n=19), the Home Office¹¹ held information which suggested that the detainees were victims of trafficking. This knowledge, however, led to the immediate release of the women in **four** of these cases only.

- In ten of these cases, staff at the POPPY Project had provided evidence that women had spent time in a trafficking situation. However, this led to the women's rapid release¹² in only **three** cases.
- Information was also provided by the detainees themselves in three further cases and by legal representatives in five cases. This did not lead to release.
- In the remaining 36 cases (65%) surveyed, it is not known whether or not information stating that the detainees were victims of trafficking was made available to the authorities.

In addition to reporting these physical health effects, 40% (n=22) disclosed having experienced physical and 38% (n=21) sexual violence of varying degrees prior to trafficking, either from family members or from others in their community. Nineteen per cent (n=4) had been assaulted on a one-off basis by a man known to them (family member, partner or friend) and a further 81% (n=17) had been assaulted on a one-off basis by a male stranger.

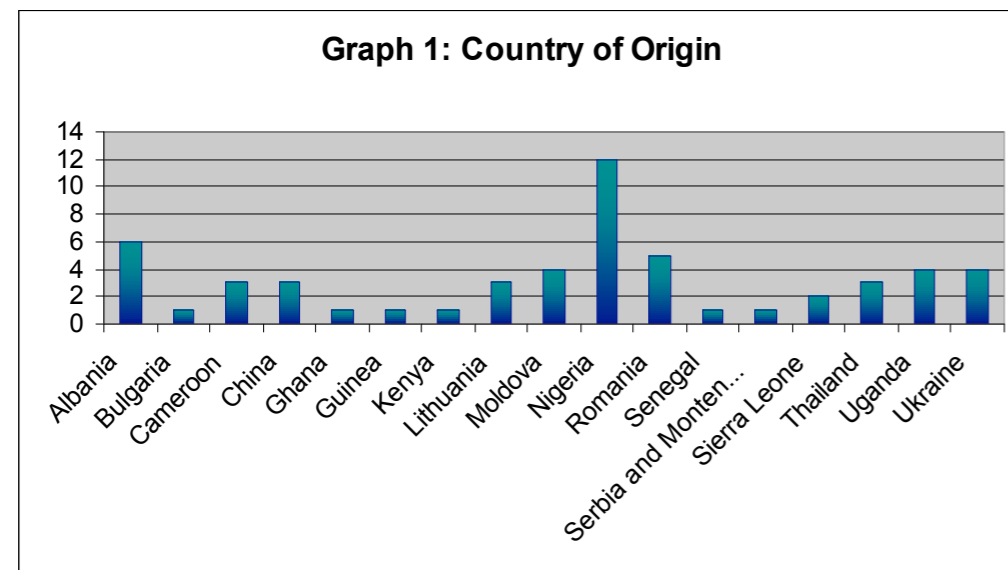
3. ANALYSIS

“At Oakington you are imprisoned. You can’t just leave, so you are in prison.”

This report examines in detail the profile of the 55 women and investigates the way in which immigration officers applied, or failed to apply, Immigration & Nationality Directorate (IND) Operating Standards¹³ to the women in this sample. The subheadings reflect particular areas relevant to the experiences of trafficked women held in detention.

3.1 Country of origin

The countries of origin of the women detainees were as follows:

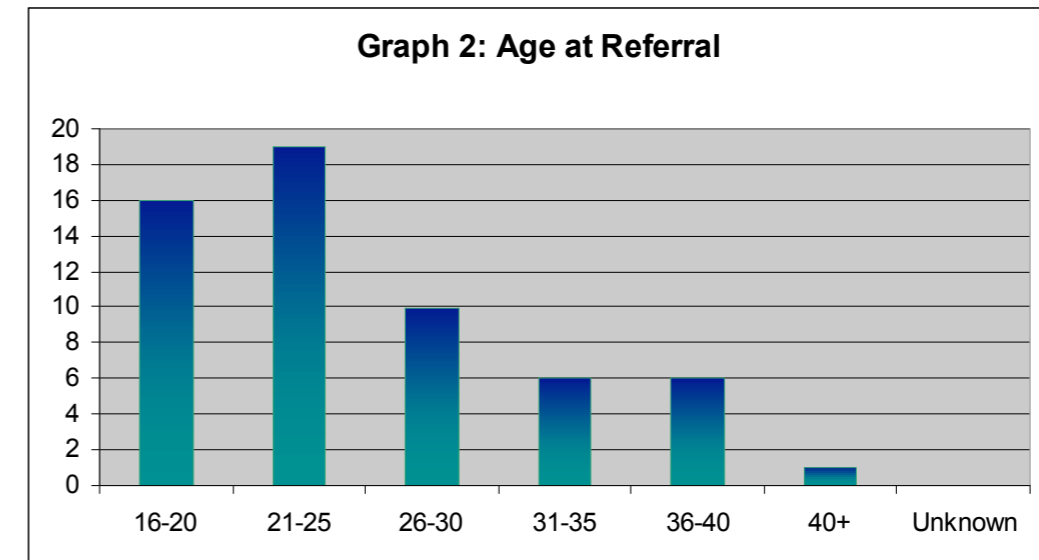


Of the 55 detainees, 22% (n=12) were from Nigeria, 11% (n=6) were from Albania, 9% (n=5) were from Romania, 7% (n=4) were from Ukraine, Uganda and Moldova, 5% (n=3) were from Lithuania, China, Thailand and Cameroon, 4% (n=2) were from Sierra Leone and 2% (n=1) were from Bulgaria, Ghana, Guinea, Kenya, Senegal and Serbia and Montenegro.

These 17 nations reflect the most common countries of origin from which the POPPY Project receives referrals. From March 2003 to October 2007, 770 women were referred from a total of 66 different countries¹⁴. The most prevalent countries of origin for referrals were Lithuania (15%, n=116), Nigeria¹⁵ (10.5%, n=81), Albania (9.6%, n=74), Thailand (6.6%, n=51), China (5%, n=39), Romania (4.5%, n=35), Moldova (3.8%, n=29), Russia (3.7%, n=25) and Ukraine (2.9%, n=23).

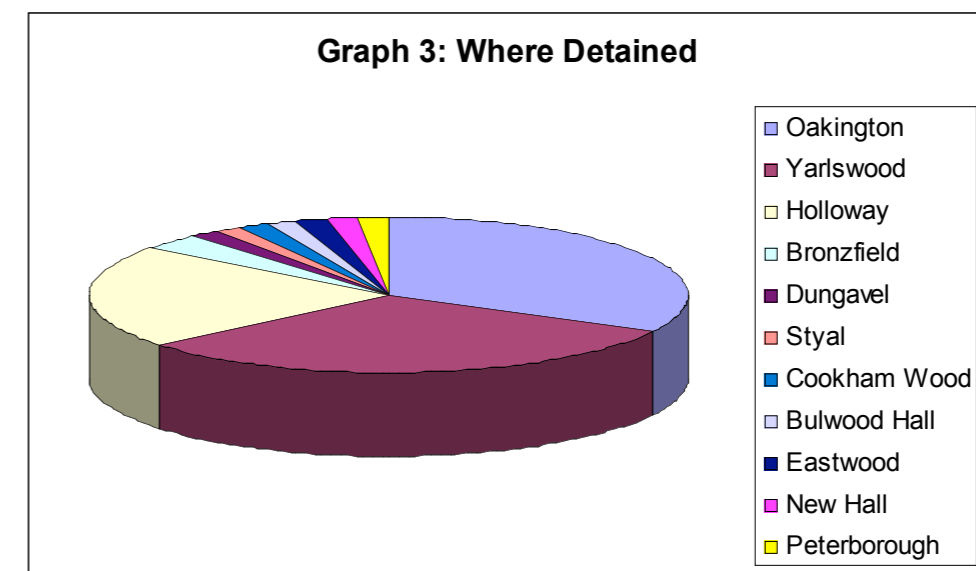
3.2 Age

The average age of women who had been detained when they were referred to the project was 26 years of age. The majority of women in the sample were 18 years old when they were first trafficked (16%, n=9). Eight women (15%) reported first being trafficked when they were 21, and a further seven women (13%) when they were 22 and 25 respectively. This can be accounted for by the emphasis placed on young women in the UK sex industry. Furthermore, it is known that young women in their late teens and early twenties are most likely to wish to travel or migrate, thereby increasing their vulnerability to traffickers¹⁶. The ages of women when they were referred to the POPPY Project vary between 14 and 50 years of age¹⁷.



3.3 Where women were detained

Of the 55 women surveyed, 20 were detained in Oakington (36%); 19 in Yarlswood (35%); 13 were held in custody at HMP Holloway (24%); two at HMP Bronzefield (4%); and one each (2%) at HMP New Hall, Dungavel, HMP Styal, HMP Bulwood Hall, HMP Eastwood Park, HMP Cookham Wood and HMP Peterborough.



Thirteen women (24%) had been detained in two or more institutions:

- One woman (2%) in HMP Holloway, HMP Peterborough and Oakington
- One woman (2%) in Oakington and police custody
- Two women (4%) in Yarlswood and police custody
- Three women (5%) in HMP Holloway and Yarlswood
- One woman (2%) in Yarlswood and HMP Cookham Wood
- One woman (2%) at HMP Holloway, Oakington and HMP Bulwood Hall

- One woman (2%) at YOI Foston Hall/HMP Eastwood Park
- One woman (2%) at HMP Bronzefield and Yarlswood
- One woman (2%) at HMP Styal, Yarlswood and police custody
- One woman (2%) in Yarlswood and two other prisons/detention centres.

At the end of September 2006, of the 1,455 asylum seekers in detention, 24% were being held at Harmondsworth (n=345); 11% (n=160) at Colnbrook; 11% (n=165) at Oakington; 8% at Dungavel (n=110) and 4% at Yarlswood (n=65).

3.4 Period of detention

Women were held in immigration detention for periods ranging from two nights to 18 months, with the average period of detention being 78 days. These figures show a different picture from the Home Office asylum statistics, which claim that 60% of all immigration detainees (asylum and non-asylum) were detained for fewer than 14 days during the second quarter of 2007; that 15% were detained for 15–29 days; that a further 15% were detained for one to two months¹⁸ and that 25 adults (0.4%) were detained for a year or more. Women serving custodial sentences were held for 45 to 356 days, with the average period of detention being five-and-a-half months.

3.5 Period spent in trafficking situation

This report found that the length of time women spent in their trafficking situation varied from 21 days to nine years, with the average being 24 months. A recent study that interviewed 207 women who had been trafficked into sexual exploitation and domestic labour found a similar pattern, with more than 80% of women exploited for at least one month and 20% for more than one year¹⁹.

Ten women were trafficked more than once, after being returned to their countries of origin by the UK authorities. Of these, three were removed from the country after having disclosed that they were a victim of trafficking, either while in immigration detention or prison. No referral to POPPY was made, nor a risk assessment carried out, in any of these cases before deportation was carried out. This is of great concern, given that the majority of victims are believed to be trafficked by people they know in their home region.

3.6 Asylum status

Eighty per cent (n=44) of the women surveyed were detained as illegal entrants²⁰, having been in the UK for some time without contacting, or without being able to contact, the immigration authorities. Of these women, ten have now been granted Indefinite Leave to Remain and Humanitarian Protection; two women have been granted Indefinite Leave to Remain only, and four women have been granted Humanitarian Protection. The cases of 14 women are ongoing at the time of writing; four women have abandoned their claim and eight women have had their application refused (of which three were certified²¹). The outcomes in a further eight cases are not known (in some instances this may be due to women leaving the project).

Two women were detained after applying for asylum, before the Home Office had made an initial decision on their asylum claim. Four women arrived on an EU passport, and were therefore in the UK legally.

Now I have been given refugee status in the UK. This means I can stay here and look for work and bring my baby over to be with me. But I will never forget what happened to me in that place.
L, Albania (21)

3.7 Grounds on which detention was authorised

Of the 55 women surveyed, 36% (n=20) were held in custodial detention. Of the remaining 75% (n=41) that were held in immigration detention:

- 34% (n=14) were detained on the basis that they were likely to abscond if given temporary admission or release
- 17% (n=7) were detained because there was a lack of satisfactory evidence of their identity
- 17% (n=7) were detained because the “immigration officer was satisfied that their application may be decided quickly using the fast track procedures” (i.e. that they could deport the detainee soon)
- 12% (n=5) were detained due to the fact that they “lacked close ties” to the UK
- 20% (n=8) were detained because they had used deception when entering the UK.

Immigration officers often relied upon several supplementary factors in making their decision to detain the women. These included the fact that there was insufficient reliable information to decide whether or not to grant the women temporary admission or release, that women had failed to comply with the admission conditions, or that they needed to be detained while alternative arrangements were made. The fact that the Home Office authorised detention despite holding information²² suggesting that 19 of these women were victims of trafficking raises serious concerns.

3.8 Conditions under which women were released

I wondered to myself why they were giving me the nice house and support, and I couldn't believe it at first.
G, Albania (24)

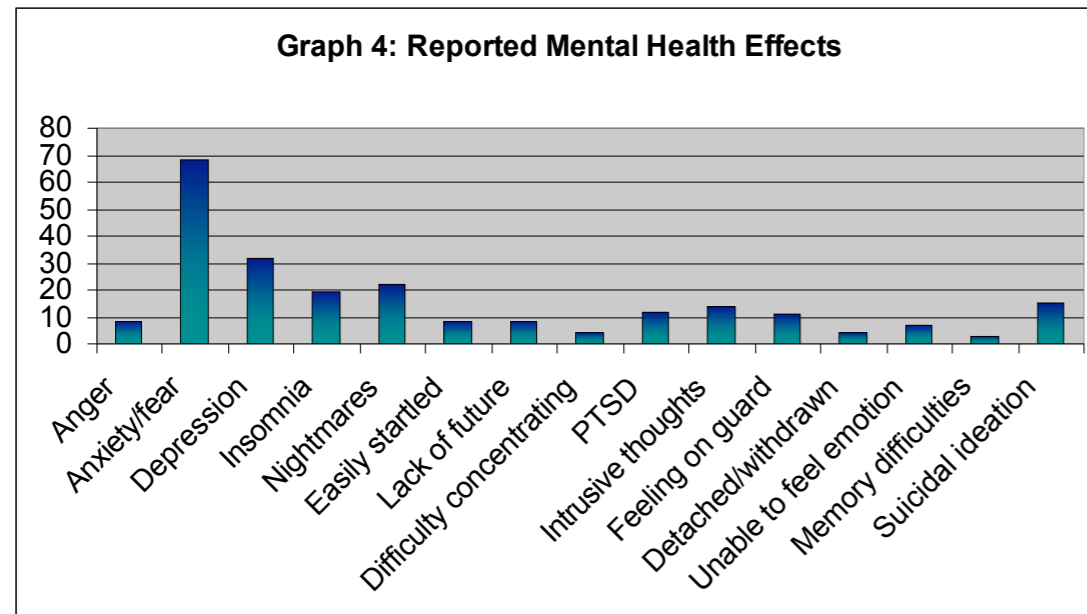
Of the women surveyed, 58% (n=32) were released on temporary admission, with 51% (n=28) being released into the care of the POPPY Project; 7% (n=4) were still in custody, of which 2% (n=1) were awaiting deportation; and 11% (n=6) were released on bail. Nine per cent (n=5) of women were only released after they had served their sentence, 4% (n=2) were removed following their detention and 2% (n=1) were released after the charges against them were dropped. No information was available on the method of release for the other five (9%) held in immigration detention or serving custodial sentences.

3.9 Known health effects of trafficking

Of the 55 cases that were analysed in this sample, every woman interviewed had symptoms and behaviours that they attributed to their trafficking situation and which the POPPY Project found to be consistent with a trafficking history. Several women had gynaecological injuries resulting from being repeatedly raped. Evidence of the women's mental states was included in the analysis where relevant.

3.9i Mental health

All of the 55 women disclosed one or more symptoms of mental distress. This high figure reflects the difficulties women experience in disclosing mental health symptoms due to stigma, particularly when ethnicity and cultural differences are considered. Of the women surveyed, 58% (n=32) displayed symptoms of mental health distress after escaping their trafficking situation that were so serious they have sought counselling and been diagnosed with depression or prescribed anti-depressants by their general practitioner.



How far the psychological disturbances described were caused or exacerbated by detention cannot be determined from the sample of cases analysed.

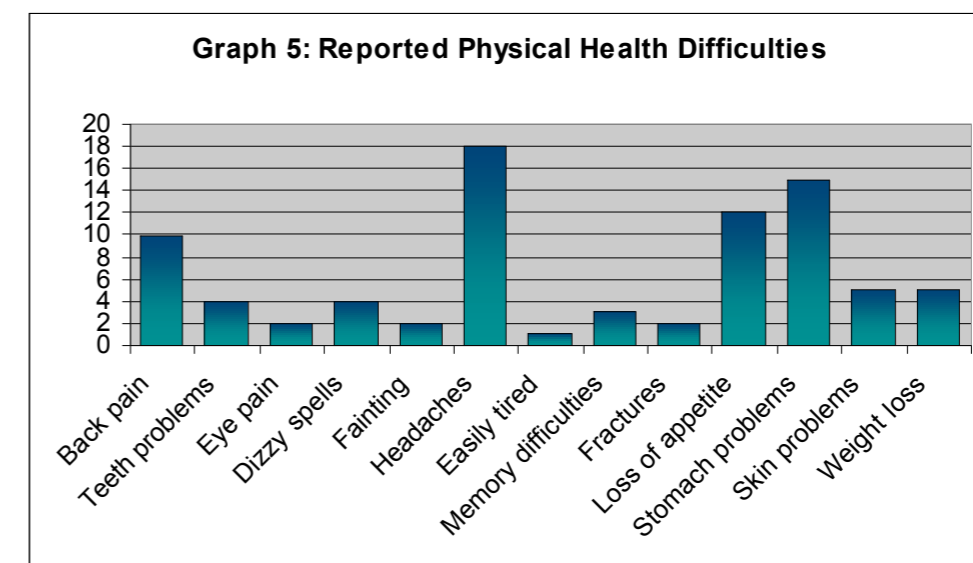
I felt crazy being in Oakington.
K, Albania (21)

A study of the health needs of trafficked women and adolescents acknowledges that “at present, there is very little research on women’s experiences in detention or on health-related procedures for women held in detention by authorities²³.” The consequent report²⁴ recommends that states “do not remove or detain women from destination or transit country settings without providing appropriate medical care to meet their immediate healthcare needs²⁵.”

Despite such recommendations, this study discovered that only eight women disclosed having been prescribed medication (usually pain-killers, sleeping pills or anti-depressants) for their mental health condition while in detention²⁶. The fact that more women failed to report receiving medication while in detention does not necessarily mean that treatment was not offered; however, the fact that so few women recalled receiving any treatment is alarming, particularly when the health study on which the original recommendation was based found that even after 90 days or more in a specialist care setting, nearly one in five women were still burdened with a long list of mental health symptoms.

3.9ii Physical health

In addition to ongoing severe mental health issues, at least 76% of the women (n=42) suffered from physical health complaints, usually resulting from their experiences of forced sexual activity, including requiring treatment for sexually transmitted infections. Of the sample, 85% (n=47) did not receive treatment for sexual health complaints while in detention although, once released from detention, required treatment associated with having been subjected to repeated sexual intercourse. Requisite medical care included antibiotic courses for vaginal infections, treatment for cervical abnormalities and other gynaecological problems, pelvic pain and pelvic inflammatory disease, cystitis and treatment for sexually transmitted infections contracted while being prostituted. These include HIV, Hepatitis B, Hepatitis C, syphilis, Chlamydia, genital herpes and genital warts.



Once released from detention, 33% (n=18) sought treatment for chronic headaches. Similar symptoms were commonly reported by women interviewed as part of a two-year multi-country study on the health needs of trafficked women and adolescents²⁷. In total, 81% of respondents in the study complained of symptoms relating to the central nervous system (i.e. headaches, memory difficulty, and dizzy spells). Many women reported little improvement in their symptoms over time and few recalled being prescribed pain-killers while in detention. This shows systemic inadequacy in meeting the specific health needs of trafficked women.

In total, just eight of the women referred to receiving some sort of treatment in detention, usually pain-killers or sleep-inducing medication. Many women’s sleeping problems were exacerbated by nightmares or flashbacks of their previous experiences. Pain-killers were prescribed to counteract the high levels of back and physical pain that women reported²⁸. Although medication was prescribed, it did not replace the need for adequate treatment, as one woman explained:

“If you were in pain, the women security officers were not interested; they did not listen to you if you could not explain your problem in English. If you did explain, they would say you were pretending.”
G, Cameroon (18)

The feelings of distress and isolation felt by women were compounded by being detained alongside those convicted of, or charged with, serious criminal offences. Women reported that they were not given sufficient information about the grounds for, or likely duration of, their detention in a language that they understood.

One woman recalled:

“They do not speak to you like an immigrant; they speak to you like a terrorist. There is no freedom there. English people should not work there, only foreign people who understand people’s feelings. Foreign people would not treat people like this. There was no support from anyone in there.”
L, Moldova (22)

3.9iii Violence prior to trafficking

In addition to reporting these physical health effects, 40% (n=22) disclosed having experienced physical and 38% (n=21) sexual violence of varying degrees prior to trafficking, either from family members or from others in their community. Nineteen per cent (n=4) had been assaulted on a one-off basis by a man known to them (family member, partner or friend) and a further 81% (n=17) had been assaulted on a one-off basis by a male stranger.

I was born in Romania and grew up in a village. I came from a family which had many problems, and my father was an alcoholic. My family often beat me up and called me names. When I got pregnant and had a baby I needed to find some way to support myself. I was tricked by a school friend who said they knew of restaurant work, which is how I came to be trafficked to the UK and forced into prostitution.
C, Romania, (25)

Sixteen per cent (n=9) of women disclosed having experienced domestic violence prior to being trafficked. Of these, 78% (n=7) disclosed experiencing domestic violence from a male partner and 22% (n=2) disclosed having experienced violence during childhood at the hands of a parent²⁹. For seven out of these eight women, this parent was male – either a father or a step-father. One woman experienced domestic violence solely from her mother.

Experience of violence prior to trafficking means that women will have multi-layered physical and mental health issues requiring in-depth, specialist treatment, and that trauma resulting from the trafficking may well be the tip of the iceberg in terms of total trauma experienced.

This will lengthen the time it takes for a woman to fully disclose her experiences, and makes it even more important that women are given access to specialist support as soon as they disclose a history of trafficking.

A 2006 report into the health consequences to trafficked women and adolescents acknowledges that, “the negative effects of multiple traumas are greater than those of a single traumatic experience, which suggests that for those women who have been abused prior to departure, trafficking will add to the cumulative deleterious toll on their physical and psychological health³⁰.”

4. CONCLUSION

The results from the analysis of the POPPY sample demonstrate that women trafficked into the UK are routinely held in immigration detention centres or prison. International guidelines recommend that victims of serious sexual violence must not be held in prison-like conditions.

I was too afraid to go outside the bedroom because there were too many men. I think it would be better if they separated the men and women. Women would feel safer.
P, Nigeria (24)

Of the 55 detainees in the sample, 53% (n=29) pursued claims for asylum having been released on temporary admission. More than 50% (n=15) of these claims were successful, with 67% of claims (n=10) being granted Indefinite Leave to Remain and Humanitarian Protection. In all but three of the cases analysed (95%), the Home Office did not use a policy of detention in order to facilitate removal, but rather to prevent the woman from absconding. The two women awaiting deportation, for whom we have information, were held for 28 days and 55 days respectively. The POPPY Project regards this as a disproportionate length of time to detain any person pending deportation, particularly a victim of trafficking, while denying them access to specialist support.

Information about the detainees' past trafficking history was made available to Home Office officials when making applications for release, yet detention was maintained. The Home Office already had information from interviews and asylum statements that these women were victims of trafficking. Criminal justice issues, for example women entering the country by deceptive means (irrespective of the fact that such an act was likely to have been under duress), were seen as overriding factors, thereby neglecting the paramount status of victims' human rights.

In March 2007, the UK Government signed the Council of Europe's Convention on Action Against Trafficking in Human Beings³¹. POPPY welcomes the Government's commitment to upholding the rights encapsulated within the Convention while urging the Government to proceed to ratification as soon as possible. Initial indications were that the Government aimed to realise fully the procedural responsibilities contained within the Convention prior to ratification, a process that was likely to take many years. However, in January 2008, Home Secretary Jacqui Smith announced that the Government intended to accelerate plans to ratify the Convention by the end of the year.

The issue of trafficking is topical and receives considerable attention from the media. Despite this heightened awareness, enforcement services appear to be failing to implement the guidelines on appropriate procedures in dealing with women who disclose a history of trafficking and/or sexual violence. The decisions to detain demonstrate a lack of understanding of the protection needs of trafficked women. The process of challenging a decision to detain is not only profoundly stressful for the woman involved, but also exacerbates pre-existing health problems and may create new medical complaints. If trafficked women are to receive the protection they are entitled to in the UK, improvement in the quality of health-related procedures for women held in detention is essential.

The Government has declared its commitment to tackling human trafficking and providing assistance to the victims in the recent UK Action Plan on Tackling Human Trafficking. If these intentions are to be realised, human rights must be central to all Government policy, procedure and practice. Recognition of the detrimental effects of detention on victims of trafficking, coupled with an immediate cessation of such detention, are prerequisites to the development of immigration policy in the UK.

5. RECOMMENDATIONS

5.1 Victims of trafficking should not be detained

The POPPY Project welcomes the Government's commitment to introducing a human rights approach towards protection and assistance for trafficked victims, outlined in the UK Action Plan on Tackling Human Trafficking³². However, there is no explicit consideration of the plight of trafficked women detained in the UK.

Recommendation 1

POPPY strongly urges the Government to consider establishing a memorandum of understanding between the POPPY Project and immigration officials so that potential or confirmed trafficking victims are not detained in Immigration Removal Centres.

Recommendation 2

There should be a prohibition on the detention of those suspected of having been trafficked pending an assessment by a specialist NGO.

5.2 Identification of victims of trafficking

Evidence from this study suggests that there are still no satisfactory mechanisms in place to ensure that women are correctly identified at the earliest opportunity, nor that their immediate healthcare needs are met while in detention.

Recommendation 3

In order to implement, successfully, its commitment to a victim-centred approach to human trafficking³³, the Government must ensure that those authorising detention are able to identify victims of trafficking. In addition, immigration personnel should understand the related physical and psychological health needs of this particular group, as well as their subsequent healthcare requirements.

5.3 Recovery services for trafficked women

At present, the POPPY Project is the only provider of Government-funded specialist support and housing for women who have been trafficked into prostitution in the UK³⁴. Police raids on locations harbouring trafficked victims as part of Operation Pentameter³⁵ have highlighted the urgent need for an increase in specialist service provision, which is controlled and implemented by organisations with an established history of expertise in working with survivors of sexual violence and domestic violence.

Recommendation 4

A full range of recovery services needs to be provided to all trafficked women, including safe and private accommodation, specialist healthcare, counselling and legal advice.

5.4 Factors to consider when authorising detention

While there are 'tick-box' options to record experiences of torture and other factors that might mitigate against detention, there are no such options to record factors of and relating to trafficking.

Recommendation 5

IS91 forms should be amended so that immigration officers have the opportunity to record a history of trafficking or related health problems (which would indicate a trafficking experience to specialists).

Recommendation 6

Where detention is imposed immediately following an immigration raid, immigration officials should refer women to a specialist NGO (such as the POPPY Project) for a comprehensive assessment of her trafficking experience, rather than undertake questioning themselves. If a referral is not possible, women should be offered the same needs assessment within the first 24 hours of being detained. This must be carried out by appropriately trained medical staff, with a female interpreter present.

Recommendation 7

The POPPY Project strongly recommends that Home Office officials reviewing a decision to detain should be required to ascertain whether there is any information on the asylum application relating to allegations of trafficking. If such information is identified, detention should not be imposed.

Recommendation 8

While a trafficked victim remains in detention, every opportunity should be taken to pass information to the relevant authorities. This information should then be taken into account when the decision to detain is reviewed. The IND's Immigration Rules³⁶ currently place duties upon medical personnel to alert the manager to detainees held in detention centres who allege a history of torture. Current Operating Standards should be amended to ensure that information about detainees who may have been trafficked is also acted upon.

Recommendation 9

Immigration staff, medical personnel, police officers and all other individuals who may come into contact with trafficked victims during the immigration and detention process should be required to undergo appropriate training and sensitisation to ensure that they can address health and well-being issues of trafficking survivors. Health professionals should receive specialist medical training on issues relating to work with victims of trafficking.

6. TABLES

Immigration status of POPPY referrals

Nationality	Age at referral	Status when detained	Detention facility	Total length of detention (days)	Year detained	Method of release	Status now
Albania	24	I/E (arrested on arrival)	OAK/PC	15	2001	Released on TA	ILR & HP
Albania	31	I/E	OAK	14	2004	Released on TA	ILR & HP
Albania	25	I/E	OAK	13	2005	Released on TA	ILR & HP
Albania	21	I/E	YW/PC	14	2005	Released on TA	HP
Albania	26	I/E	HMP Holloway	45	2007	Released on ball	ONG
Albania	33	A/S (failed)	YW/PC	28	2005/06	Released on TA	RFD
Bulgaria	26	I/E	YW	3	2003	Released on TA	RFD & CFD
Cameroon	18	A/S	OAK/HMP Holloway/Peterborough	345	2005	Released on TA	RFD
Cameroon	25	I/E	HMP Cookham Wood/YW	N/K	2007	Released on TA	ONG
Cameroon	18	I/E	YW/HMP Holloway	677	2005	Released on TA	ONG
China	33	I/E	OAK	10	2006	Released on TA	HP
China	19	I/E	YW	56	2007	Released on TA	ABD
China	20	I/E	YW & 2 other detention centres/prisons	154	2007	N/K	N/K
Ghana	16	I/E	OAK	12	2003	Released on TA	ILR & HP
Guinea	22	I/E	YW	23	2007	Released on TA	ILR & HP
Kenya	40	Legal entrant	YW	37	2007	N/A (still in custody)	N/A
Lithuania	19	Legal entrant	OAK	28	2004	Released on TA	ABD
Lithuania	28	Legal entrant	YOI New Hall	154	2005	Charges were dropped	N/A
Lithuania	31	Legal entrant	OAK	N/K	2004	Released on TA	N/A
Moldova	22	I/E	YW	57	2003	Released on TA	N/K
Moldova	23	I/E	OAK	56	2003	Released on TA	ABD
Moldova	18	I/E	OAK	9	2005	Released on TA	ABD
Moldova	23	I/E	YW	42	2007	N/K	ONG
Nigeria	16	I/E	YW	N/K	2007	Removed	RFD
Nigeria	19	I/E	HMP Holloway	49	2004	Released on ball	ILR & HP
Nigeria	25	I/E	OAK	7	2005	Released on TA	ILR & HP
Nigeria	18	I/E	Foston Hall YOI/HMP Eastwood Park	112	2007	Released on ball	ONG
Nigeria	20	I/E	HMP Holloway	280	2007	N/A (awaiting deportation)	N/A
Nigeria	19	I/E	HMP Holloway/Bulwood Hall/OAK	280	2006	Served sentence	ONG ³⁷
Nigeria	23	I/E	HMP Holloway/YW	580	2006	Released on ball	ONG ³⁸
Nigeria	24	I/E	OAK	6	2005	Released on TA	ILR & HP
Nigeria	18	I/E	HMP Bronzefield/YW	168	2007	Released on ball	N/K

Immigration status of POPPY referrals continued

Nationality	Age at referral	Status when detained	Detention facility	Total length of detention (days)	Year detained	Method of release	Status now
Nigeria	29	I/E	HMP Bronzefield	28	2007	Released on TA	ONG
Nigeria	30	I/E	HMP Holloway	84	2006	Served sentence	ONG
Nigeria	19	I/E	HMP Holloway	168	2007	Served sentence	N/K
Romania	38	I/E	HMP Holloway	121	2002	Served sentence	HP
Romania	20	A/S	OAK	2	2005	Released on TA	RFD & CFD
Romania	26	I/E	OAK	6	2005	Released on TA	RFD & CFD
Romania	20	I/E	OAK	42	2003	Released on TA	ILR and HP
Romania	22	I/E	OAK	28	2002	Removed	ONG ³⁹
Senegal	26	I/E	HMP Holloway	224	2007	N/A (still in custody)	RFD
Serbia & Montenegro	22	I/E	OAK	7	2004	Released on TA	RFD
Sierra Leone	24	I/E	OAK	3	2006	Released on TA	ILR
Sierra Leone	21	I/E	YW	2	2007	Released on TA	ONG
Thailand	25	I/E	YW	56	2007	N/K	ONG
Thailand	24	I/E	N/K	22	2007	N/K	N/K
Thailand	24	I/E	HMP Holloway/YW	84	2006	Released on TA	ONG
Uganda	15	I/E	YW	140	2007	Released on TA	N/K
Uganda	20	I/E	Dungavel	40	2007	Released on TA	ONG
Uganda	31	I/E	YW	252	2007	N/A (still in custody)	N/K
Ukraine	22	I/E	OAK	6	2004	Released on TA	ILR & HP
Uganda	32	I/E	HMP Syal/YW/PC	560	2005/07	Served sentence	RFD
Ukraine	34	I/E	Immigration (not specified)	N/K	2006	N/K	HP
Ukraine	24	I/E	OAK	10	2004	Released on TA	ILR (5 yrs)
Ukraine	26	I/E	HMP Holloway	168	2006	Released on ball	N/K

ABS = Absconded

A/S = Asylum seeker

CFD = Certified

DL = Discretionary Leave

HP = Humanitarian Protection

I/E = Illegal entrant

ILR = Indefinite Leave to Remain

N/K = Not known

ONG = Ongoing

RFD = Refused

TA = Temporary admission

APPENDIX A METHODOLOGY

The data analysed in this study is collated from POPPY case files on women who have used the service since the project's inception in 2003. The sample group is based on 55 women who were subjected to immigration detention or received custodial sentences prior to joining the project or during their time as POPPY service users⁴⁰. The time parameters of the sample are from February 2001⁴¹ to October 2007, so the information refers only to cases during this period. These women represent 21% of POPPY's service user group for the same period⁴².

The report also aggregates quantitative and qualitative data to provide a detailed picture of the experiences of POPPY service users who have been detained in immigration detention or received custodial sentences. The study evaluates the reasons for detention, along with the submissions indicating a history of trafficking.

Primary qualitative information was taken from Home Office decisions authorising detention, asylum interviews and personal statements from service users. Primary quantitative data was drawn from Home Office statistics, which has been used to provide a baseline for this report.

The Home Office publishes annual asylum statistics which include a breakdown, by gender, of the number of people detained under immigration powers since 1999⁴³. According to latest Home Office figures, a total of 320 women were held in detention, compared with 1,795 men, at the end of June 2007⁴⁴. Of these, 230 women were seeking asylum, compared with 1,205 men. Meanwhile, gender-disaggregated information relating to custodial detention was first published in 1997⁴⁵.

Ethical considerations

The women supported by the POPPY Project represent an extremely vulnerable service user group, and this study made every effort to ensure that research processes did not negatively impact upon them. All service users gave written permission for their cases to be used, and all cases were made anonymous and localities generalised to protect the service users' safety. To avoid re-traumatising POPPY service users, information was drawn from case files, questionnaires and discussion with senior support workers, rather than through structured interviews.

APPENDIX B BIBLIOGRAPHY

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APPENDIX C REFERENCES

- 1 Several provisions in international human rights instruments are relevant to the deprivation of liberty, violence and enslavement to which trafficked women are subjected: Article 7 of the International Covenant of Civil and Political Rights (ICCPR) states that no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In addition, Article 9 (ICCPR) guarantees the right to liberty and security of person.
- 2 Part 1, Law & Policy, Border & Immigration Agency. Available at <http://www.ind.homeoffice.gov.uk/lawandpolicy/immigrationrules/> [Accessed on 10th April 2007]
- 3 There was no information on file for four women to indicate their immigration status at time of detention.
- 4 In order to qualify for longer term assistance from the POPPY Project, women are encouraged to co-operate with the authorities. This might entail giving information to law enforcement agencies for intelligence purposes or agreeing to be a witness in court. Women who do not meet these criteria may be eligible for support with the POPPY Outreach Service, launched in January 2007. The outreach team works to improve the safety and wellbeing of women from all over the UK who have been trafficked and who are in need of short-term support and advocacy. The team works in close partnership with law enforcement agencies, immigration officials and sexual health outreach projects.
- 5 The CPS recently issued guidance on the non-prosecution of victims of trafficking for possession of false documents, and cases are dealt with on a case-by-case basis. To date, POPPY has successfully intervened on behalf of five POPPY service users, whose cases were subsequently dropped. Article 10 of the Council of Europe Convention on Action against Trafficking in Human Beings [hereinafter CAHTEH] provides that a person will not be removed from the territory of the receiving state as soon as the "competent authority" considers that there are reasonable grounds to believe that the individual concerned is a victim. The words "removed from its territory" refer both to removal to the country of origin and removal to a third country for example under the Dublin arrangements (the Dublin Convention and Regulation (EC) No. 343/2003 "Dublin II" that replaced the Convention). http://www.coe.int/t/dg2/trafficking/campaign/Source/PDF_Conv_197_Trafficking_E.pdf [Accessed on 25th March 2008]
- 6 Zimmerman, C (2006) "Stolen Smiles: The physical and psychological health consequences of women and adolescents trafficked in Europe." (LSHTM)
- 7 A total of 170 women referred to but not accepted onto the POPPY Project were detained during the same period.
- 8 Although POPPY began receiving referrals in March 2003, some trafficked women were detained prior to the launch of the POPPY Project, from February 2001 onwards.
- 9 By the end of October 2007, POPPY had received 770 referrals, accommodated 164 women and provided outreach support to an additional 103 women.
- 10 Although POPPY began receiving referrals in March 2003, some trafficked women were detained prior to the launch of the POPPY Project, from February 2001 onwards.
- 11 Both the Immigration & Nationality Directorate (IND) and Border & Immigration Agency (BIA).
- 12 Information provided by the UKHTC also led to a woman's release in a further case.
- 13 Immigration & Nationality Directorate Operating Standards, available at <http://www.ind.homeoffice.gov.uk/6353/6355/operating-standards.pdf> [Accessed on 10th April 2007]
- 14 POPPY Project cumulative statistics, October 2007.
- 15 The POPPY Project has found that black African women are more likely to be trafficked to private establishments where they are less visible to police and sexual health outreach services. This may go some way to explaining why so many black African women are not immediately identified as having been trafficked and are therefore taken to detention centres or prisons rather than being immediately referred to the POPPY Project. Sachrajda, A, 'POPPY Project Outreach Service: A review of work to date, January – September 2007', (2008).
- 16 Younger women and adolescent girls are especially vulnerable to gender-based violence. UNFPA (2003) UNFPA and Young People: Imagine, New York: UNFPA
- 17 POPPY Project cumulative statistics, October 2007. Although Home Office criteria preclude the project from accepting under 18s, such referrals are considered on a case-by-case basis.
- 18 Home Office (2006) Asylum Statistics: 3rd quarter 2006, UK. Available at: <http://www.homeoffice.gov.uk/rds/pdfs07/hosb1407.pdf> (Accessed 5th December 2007)
- 19 Zimmerman, C (2006) "Stolen Smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe." (LSHTM)
- 20 The term 'illegal entrant' covers a wide range of people, who, broadly speaking, have no valid leave to remain in the UK and/or had no leave to enter. Official figures suggest the UK has an irregular migrant population of up to 575,000. Home Office (2005), Sizing the unauthorised (illegal) migrant population in the United Kingdom in 2001, RDS Online Report 29/05 <http://www.homeoffice.gov.uk/rds/pdfs05/rdsolr2905.pdf>. At its current rate of 20,000 deportations a year it will take the Government at least another 25 years to remove more than half a million undocumented migrants from the UK (Former Immigration Minister Tony McNulty, interviewed on BBC Newsnight Tuesday 16th May 2006)
- 21 A procedure introduced by the 1999 Immigration and Asylum Act, allowing the Secretary of State to remove the right of appeal to the Tribunal by certifying that a claim for asylum fell within one of the categories set out in the Act. This principle has been maintained by Schedule IV, Paragraph 9 of the 1999 Act, and the certification procedure has been applied to other areas such as certification that a human rights claim has been made simply to delay removal, or certification that a third country EU member state has accepted responsibility for determining the asylum-seeker's claim.
- 22 A letter from the Strategic Director for Asylum, Border and Immigration Agency to Asylum Aid and the Anti-Trafficking Legal Project, 3rd October 2007 states that "...if, following an interview/assessment, a representative from the POPPY Project or the UKHTC has reasonable grounds to believe that an individual has been trafficked, we already try to release them as quickly as possible, usually within 24 hours."
- 23 Zimmerman, C (2003) "The health risks and consequences of trafficking in women and adolescents: findings from a European study." (LSHTM) p 75
- 24 Zimmerman, C (2006) "Stolen Smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe." (LSHTM)
- 25 Supra note 23 p 3
- 26 This particular case concerned a woman who was remanded in custody for 3 ½ months on charges of actual bodily harm until the Crown Prosecution Service dropped the charges against her.
- 27 Supra note 23
- 28 These findings again mirror the recent two-year multi-country study on the health needs of trafficked women and adolescents. In that study, the most prevalent and severe symptoms women reported included headaches, fatigue, dizzy spells, back pain, stomach or abdominal pain and memory difficulties.
- 29 These figures are illustrative of the link between women experiencing domestic violence and increased vulnerability to trafficking. See Dickson, When Women Are Trafficked (2004) Eaves POPPY Project
- 30 Supra note 24
- 31 Full text and summary information is available at: http://www.coe.int/T/E/Human_Rights/Trafficking/ [Accessed on 9th November 2007]
- 32 http://www.coe.int/t/dg2/trafficking/campaign/Source/PDF_Conv_197_Trafficking_E.pdf [Accessed on 10th April 2007]
- 33 UK Action Plan on Tackling Human Trafficking (March 2007), Home Office. Available from: <http://www.homeoffice.gov.uk/documents/human-traffick-action-plan?view=Binary> [accessed 10th April 2007].
- 34 Home Secretary Jacqui Smith announced in January 2008 that the Government intended to accelerate plans to ratify the Convention, doing so by the end of the year. Article 26 of CAHTEH explicitly states that "Each Party shall, in accordance with the basic principles of its legal system, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so." In order to comply with their obligation under this Article, the UK will have to improve current identification mechanisms that result in victims of trafficking facing trial for offences resulting from their trafficking situation.
- 35 There is no other specialist accommodation and support service in England and Wales which equates with the POPPY Project in terms of services for trafficked women. Since 2003 Glasgow City Council and partner organisations including Strathclyde Police, UKIS and Greater Glasgow NHS have been actively exploring the issue of trafficking in women and have been providing services to trafficked women in partnership with Base 75 since 2004. This concentrates on outreach support but does not offer specialist accommodation.
- 36 Operation Pentameter, a nationwide campaign to tackle the illegal exploitation of trafficking victims and the largest UK police operation to date, took place during spring 2006 involving all 55 police forces across the British Isles. <http://www.pentameter.police.uk/>. A follow-up operation, Pentameter 2, was launched on 3 October 2007.
- 37 Full details of IND Immigration Rules and Current Operating Standards can be found at <http://www.ind.homeoffice.gov.uk/lawandpolicy/immigrationrules/>. [Accessed on 10th April 2007]
- 38 Claimed asylum while in prison. Not recommended for deportation
- 39 Claimed asylum in May 2006. Asylum and human rights refusal has not been certified but without having been given right of appeal.
- 40 Appealing refusal
- 41 A total of 170 women referred to but not accepted onto the POPPY Project were detained during the same period.
- 42 Although POPPY began receiving referrals in March 2003, some trafficked women were detained prior to the launch of the POPPY Project, from February 2001 onwards.
- 43 By the end of October 2007, POPPY had received 770 referrals, accommodated 164 women and provided outreach support to an additional 103 women.
- 44 Asylum Statistics United Kingdom 1999, Issue 17/00, 12 Oct 2000. Available at: <http://www.homeoffice.gov.uk/rds/pdfs/hosb1700.pdf> [Accessed on 10th April 2007]
- 45 Home Office Asylum Statistics: 2nd Quarter 2007. Available at: <http://www.homeoffice.gov.uk/rds/pdfs07/asylumq207.pdf> [Accessed on 10th November 2007]
- 46 Home Office Research and Statistics Directorate, No. 76 'The Prison Population in 1997: A Statistical Review'. Available at: <http://www.homeoffice.gov.uk/rds/pdfs/r76.pdf> Accessed on 10th April 2007]

APPENDIX D ABOUT EAVES HOUSING FOR WOMEN

Eaves is a London-based charity which provides high-quality housing and support to vulnerable, homeless women – including those trafficked into prostitution and those who have experienced domestic violence – through two housing projects. We also carry out research, advocacy and campaigning to prevent all forms of violence against women, through two research projects.

Accommodation projects

Eaves Women's Aid (EWA)

One of the largest refuge providers in London, offering 66 bed spaces across four boroughs to women and children fleeing domestic violence. Services include child and family work, outreach support for women who wish to remain in their homes and free specialist legal advice. EWA also provides resettlement support for women moving on from the refuge.

The POPPY Project

Provides accommodation and support to women trafficked into the UK for the purposes of sexual exploitation. It is the only specialist service in the UK – and the only Government-funded service – for women trafficked into prostitution. It has 35 bed spaces and an outreach team which works with women still involved in the sex industry. It also offers resettlement support for women moving on from POPPY accommodation.

Research & development projects

The Lilith Project

The Lilith Project is a dynamic London-based organisation which works to eliminate all aspects of violence against women. It has a wide remit and work ranges from research into various aspects of violence against women, to training and education for the women's sector, to lobbying for legislative change and to working directly with women who have experienced sexual violence. A major part of its work is to provide support and networking opportunities for the women's sector – to enable them to keep up-to-date with new legislation, best practice and developments in the field. It also works to demonstrate, through campaigning and training, that violence against women is both a cause and effect of gender inequality.

POPPY Project Research & Development

POPPY Research and Development is a centre of excellence for research, education and training on issues relating to trafficking of women for sexual exploitation and women wishing to exit prostitution. Its unique position of conducting research about trafficking, alongside providing support and accommodation for women who have been trafficked, results in detailed and informed analysis that can help to shape public policy around prostitution and trafficking.

Funders

Eaves' work is made possible by funding from London Councils, the Office for Criminal Justice Reform (reporting to the Ministry of Justice), grants from foundations and from individual donations.

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