



Universal Periodic Review (Third Cycle)
Written submission by: Refugee Rights Data Project (RRDP)

Refugee Rights Data Project (RRDP) is a non-governmental human rights organisation and UK registered charity (1168841). We aim to fill information gaps relating to refugees and displaced people in Europe by conducting our own independent field research. Our organisation is run by individuals spanning a broad range of sectors and backgrounds. We are independent of any political ideology or religion, united by our commitment to defend the human rights of some of the world's most vulnerable groups of people.

Refugee Rights Data Project (RRDP) was founded on 10 December 2015, and subsequently registered as a UK charity (1168841) with the Charity Commission on 19 August 2016.



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This report has the following structure:

- **Introduction**
- **Thematic areas**
 - Refugee children (domestic/international)
 - Refugee women (domestic/international)
 - Trafficking
 - Detention
 - Access to asylum and immigration information
- **Conclusion**
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Introduction

1. This submission evaluates the UK government's action relating to the rights of refugees and displaced people in Europe. Government policy is assessed with reference to relevant international standards and the implementation of second cycle's recommendations.
2. This submission operates within certain parameters. The majority of our evidence, both first and second-hand, relates to the UK and northern France. The Refugee Rights Data Project (RRDP) has carried out field research in northern France as well as advocacy activities in the UK.
3. RRDP's first-hand research conducted from 20-26 February 2016 showed that the majority of displaced women, children and men currently living in northern France hope to cross the channel and apply for asylum in the United Kingdom. Few appear to be aware of viable alternatives and therefore continue to live in sub-standard conditions in northern France with the hope of accessing the United Kingdom: 86.4% said they would stay in Calais, sleep in the street, move to Dunkirk, or 'don't know' what they would do if the Calais camp were to be evicted. A significant number (12.9%) have already lived in its dire conditions for more than a year. Moreover, the situation on the ground in Calais must be understood in the context of the juxtaposed controls set out by the Le Touquet agreement and the British contribution to the overall security bill for border controls.ⁱ Plans to build the so called 'Great Wall of Calais' are the most recent example of collaboration on this issue.ⁱⁱ Given this background, it is our view that the UK government has a role to play in upholding the rights of the refugees and displaced people living in northern France.
4. A consistent theme, which runs through the results RRDP obtained through its field work as well as an analysis of the domestic situation, is that the principle of universality as contained in the Universal Declaration of Human Rights is under threat.

Refugees both in northern France and in the UK are either prevented from, or struggle to realise a number of rights.

5. In addition to this, the treatment of refugees and displaced people by the UK government runs contrary to some of its obligations under international law. Most notably, the Convention on the Rights of the Child and the 1951 Convention relating to the Status of Refugees.

Refugee children

Domestic

6. The UK government has not implemented recommendation 110.10 - Take all measures necessary to fully implement the CRC (France). [A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 9.] The Convention on the Rights of the Child remains unincorporated into domestic law by the UK government. Bearing in mind the Convention's general principles, such as non-discrimination (article 2) and best interests of the child (article 3), it is our view that the rights of refugee children in the UK would receive stronger protection if the CRC were fully implemented into domestic law.
7. We have observed that the best interests of the child are regularly rendered subordinate to immigration concerns. Refugee children are still placed in detention by the British authorities. The Coalition Government took the positive step of pledging to end detention for children in 2010. However, this summer the Government announced that Cedars Pre-Departure Accommodation would be closed and replaced by Tinsley House, an Immigration Removal Centre.ⁱⁱⁱ This is a regressive measure. Cedars had formed part of the Coalition Government's detention reform programme which had considerably reduced, although not eliminated child detention.^{iv} The running of Cedars had been overseen by Barnado's but the charity will not assist in the running of the Tinsley House. This is because Barnado's views the change in policy as contrary to the best interests of the child.^v

International

8. The UK Government has taken some positive action regarding family reunification such as the Syrian Vulnerable Person Resettlement Scheme. The Government has also committed to an initiative to resettle unaccompanied children from the conflict-affected region.^{vi}
9. However, RRDP is concerned that the needs of vulnerable children fleeing countries other than Syria are not being given due recognition. In addition to this the rights of refugee children lack adequate protection in Europe. There are currently an estimated 1179 children residing in the makeshift camps in Calais, 87% of whom are thought to be travelling alone.^{vii} RRDP's first-hand data presented in the research report '*The Long Wait: Filling Data Gaps Relating to the Calais Camp*'^{viii} demonstrates that conditions are dangerous for children due to unmet humanitarian standards, human rights infringements and related health and security dangers.

10. The aforementioned comprehensive research study conducted by RRDP in Calais in February 2016 provides a situational analysis of conditions on the ground in the camp. Our researchers interviewed approximately 15% of the camp's population at the time - 870 individuals of which 121 were aged under 18 (all aged from 12 – 17 years). Findings from this study gave serious cause for concern. Results showed that:
- Only 6.7% were in the camp with their mother and/or father.
 - 61.1% '*never feel safe*'.
 - 89.6% had experienced police violence in Calais.
 - 73.9% had experienced health problems in Calais.
 - 73.8% said there wasn't enough food.
 - 71.3% do not have enough water to wash and shower themselves.
 - 75.2% do not have access to education.
 - 44.5% want to live in the UK because they have family members there.
11. RRDP carried out a subsequent field research study^{ix} in spring 2016, in collaboration with the Dunkirk Legal Support Team, which involved the surveying of 506 individuals in Dunkirk, or 29.8% of the estimated population of 1,700. Here RRDP found similarly concerning statistics:
- The average time spent in camp among children was 5 months.
 - 30% of children had experienced police violence.
 - 46.7% of children had been jailed or detained. ^x
12. The UK government has pledged to 'meet obligations under the Dublin Regulations' ^{xi} and reports that 120 children have entered the UK since January 2016.^{xii} However, delays have been widely reported in the application of Dublin III to refugee children in northern France.^{xiii}
13. The passing of the Dubs Amendment in May 2016 was a welcome measure in that it directed the Secretary of State to '*as soon as possible... make arrangements to relocate to the United Kingdom and support a specified number of unaccompanied refugee children from other countries in Europe...*'^{xiv} Therefore, it has broadened the focus of the government's assistance so as to include refugees already inside Europe and not just regions in the Middle East and North Africa directly affected by the Syrian conflict. However, implementation of the Dubs Amendment has been disappointingly slow. Not one child appears to have been relocated under the Amendment.^{xv} Given the harm that living in these camps can cause to children, such delay indicates a failure to protect and promote the rights of unaccompanied minors. Worryingly, first-hand field research undertaken by RRDP in July and August 2016 showed that 9.77% of minors (accompanied and unaccompanied) reported living in the Calais camp for more than one year.^{xvi} No substantial information has been shared on the government's plans to press on with the implementation of the Dubs Amendment or how it will collaborate with local councils as they take refugee children.

Refugee Women

Domestic

14. The UK noted recommendation 110.13 - Remove reservations to the CEDAW (Greece)[A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 11]. Significantly, the Government still *'reserves the right to continue to apply such immigration legislation governing entry into, stay in, and departure from, the United Kingdom as it may deem necessary from time to time.'*^{xvii}
15. This year has seen the passing into law of the 72-hour time limit on the detention of pregnant women.^{xviii} This is a positive development but as in the case of refugee children we have observed that immigration concerns too often trump the government's obligation to uphold the rights of refugee women in accordance with its international obligations. Female asylum-seekers can be detained indefinitely at Yarl's Wood Immigration Removal Centre which was recently described as *'failing to meet the needs of the most vulnerable women held.'*^{xix}

International

16. The UK Government has only partially implemented recommendation 110.29 - Sign and ratify the Council of Europe Convention on Preventing and Combating Violence against Woman and Domestic Violence (France). [A /HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 9]. The UK has signed but not ratified the Convention. Given the Convention's prohibition of discrimination (paragraph 3) and that its non-discrimination grounds include refugee and migrant status this has significance for our area.^{xx}
17. RRDP's first-hand field research evidenced that a number of rights violations were being experienced by refugee women in northern France.^{xxi} Results showed that:
 - 41.7% of respondents reported being subject to gender-based violence inside the camp.
 - A total of 73% of the women surveyed reported that they "never feel safe" or "do not feel very safe" in the camp. Key reasons for feeling unsafe included: absence of a secure home (22%); unhealthy environment in the camp (11%); police violence (15%) and fights inside the camp (11%); presence of people smugglers (7.4%); unwanted male attention (3.7%).
 - 81.5% of women surveyed reported that they had experienced police violence since arriving in Calais and 58.3% of female respondents had been exposed to tear gas "every day" or "several times a week".
 - 69.2%, said their shelter leaks water when it rains, and only 29.6% had their own bed to sleep in. 51.9%, revealed they did not have a secure lock on their shelter – a major factor contributing to them feeling unsafe inside the camp.
 - 56% of women had experienced health problems since arriving in the camp, including sexual or reproductive health concerns. Others cited suffering from eczema, stress related health issues, and tooth infections. On average, each of our respondents had experienced health problems 3.9 times since arriving in Calais – some of which were long-term issues ongoing at the time of the interview.
 - 92.3% said they did not have access any form of education. ^{xxii}

Trafficking

18. A key recommendation on trafficking has been implemented.^{110.74} - implement the EU Directive on trafficking in human beings by April 2013 and sign the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Australia); [A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add.1 - Para. 16] The government has signed the Convention and passed the Modern Slavery Act 2015. However, NGOs such as the Refugee Council argue that ‘more work needs to be done across social care and the criminal justice system’ to ensure that the response to trafficking focuses on protection, particularly where children are concerned.
19. RRDP is concerned that failing to constructively address the humanitarian crisis in Europe is undermining efforts to combat trafficking. With legal routes to the United Kingdom closed off, and in the absence of legal assistance or guidance regarding viable alternatives, refugees often resort to making their own illegal journey from Calais either by themselves, or at the hands of traffickers and/or people smugglers. The UK’s anti-slavery commissioner, appointed as a result of the Modern Slavery Act, has similarly warned that delays in providing unaccompanied children in Calais with sanctuary is leaving them at risk from traffickers.^{xxiii}
20. Contextual evidence given in RRDP’s research study in February 2016 indicated that the presence of traffickers has resulted in safety concerns for female respondents.^{xxiv} Traffickers are known to target women who travel alone, and typically try to coerce women who lack financial resources into having sex (sometimes referred to as ‘transactional sex’^{xxv}).

Detention

21. In addition to the points made in previous sections, it is worth noting that several recommendations from the second cycle which relate to the detention of immigrants and asylum seekers remain unmet. The United Kingdom remains the only European country not to put a time limit on detention prior to deportation.^{xxvi}

Lack of access to information on asylum and immigration rules

22. RRDP’s research shows that there is a chronic absence of legal information available for the people living in the camps in northern France. RRDP believes that this is preventing individuals from making informed decisions about their opportunities. Our research showed that:
 - 74.3% in Calais have no information about European immigration rules.^{xxvii}
 - 54.4% in Dunkirk don’t know how to seek asylum in the country they are seeking to go to.^{xxviii}
 - 46.7% of respondents want to know how to travel to the UK legally.^{xxix}
23. RRDP observes that this lack of information is counter-productive and leads refugees to make illegal, desperate and life-threatening attempts to cross the Channel on their own.

Conclusion

24. In sum, RRDP's submission evaluated the UK government's action relating to the rights of refugees and displaced people in the United Kingdom and in Europe, assessing government policy with reference to relevant international standards and the implementation of second cycle's recommendations.
25. The first and second-hand evidence presented in this submission raises concerns about the principle of universality as contained in the Universal Declaration of Human Rights being under threat. The evidence indicates that refugees and displaced people both in northern France and in the UK, including large numbers of women and children, are either prevented from, or struggle to realise a number of rights.

Endnotes

- i Government News Story (2016) The Home Secretary met French Interior Minister Bernard Cazeneuve to reaffirm their joint commitment to tackle illegal migration: <https://www.gov.uk/government/news/joint-action-between-the-uk-and-france-on-migrant-pressure>
- ii The Guardian (2016) 'UK Immigration Minister Confirms Work Will Begin on Big New Wall in Calais': <https://www.theguardian.com/world/2016/sep/06/uk-immigration-minister-confirms-work-will-begin-on-big-new-wall-in-calais>
- iii [Mr Robert Goodwill](#) (The Minister of State for Immigration) <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-07-21/HCWS114>
- iv National Statistics on Detention. Point 6 - Children in Detention: <https://www.gov.uk/government/publications/immigration-statistics-january-to-march-2016/detention#children-in-detention>
- v Statement by British charity Barnardos: http://www.barnardos.org.uk/news/Barnardos-statement-on-Cedars-accommodation/press_releases.htm?ref=117378
- vi The Minister of State for Immigration (James Brokenshire): <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-01-28/HCWS497>
- vii Most recent estimates from British charity Help Refugees <http://www.independent.co.uk/news/uk/home-news/14-year-old-boy-is-youngest-refugee-to-die-trying-to-cross-uk-border-from-calais-jungle-a7315281.html>
- viii Refugee Rights Data Project (2016) 'The Long Wait: Filling Data Gaps Relating to Refugees and Displaced People in the Calais Camp', available at www.refugeerights.org.uk/reports
- ix Refugee Rights Data Project (2016) 'The Other Camp: Filling Data Gaps Relating to the Dunkirk Camp', available at www.refugeerights.org.uk/reports
- x Refugee Rights Data Project (2016) 'The Other Camp: Filling Data Gaps Relating to the Dunkirk Camp', available at www.refugeerights.org.uk/reports
- xi The Minister of State for Immigration (James Brokenshire) <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-01-28/HCWS497>
- xii The Minister of State, Home Office (Baroness Williams of Trafford) <https://goo.gl/bHf3o3>

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- xiii The Guardian (2016) <https://www.theguardian.com/world/2016/aug/14/child-refugees-in-limbo-in-calais-because-of-home-office-delays>
- xiv Immigration Act (2016) <http://www.legislation.gov.uk/ukpga/2016/19/section/67/enacted>
- xv The Minister of State, Home Office (Baroness Williams of Trafford) <https://goo.gl/bHf3o3>
- xvi Refugee Rights Data Project (2016) ‘Still Waiting: Filling Additional Information Gaps Relating to the Calais’ Camp’, available at www.refugeerights.org.uk/reports
- xvii UN Women: Declarations, Reservations and Objections to CEDAW: <http://www.un.org/womenwatch/daw/cedaw/reservations-country.htm>
- xviii Government News Story: New time limit planned for pregnant women in detention: <https://www.gov.uk/government/news/new-time-limit-planned-for-pregnant-women-in-detention>
- xix Report on an unannounced inspection of Yarls Wood Immigration Removal Centre by HM Chief Inspector of Prisons <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2015/08/Yarls-Wood-web-2015.pdf> p.7.
- xx Council of Europe (2011) Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence (see Prohibition of Discrimination against Women, Paragraph 3): <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900016800d383a>
- xxi Refugee Rights Data Project (2016) ‘Unsafe Borderlands: Filling Data Gaps Relating to Women in the Calais Camp’, available at www.refugeerights.org.uk/reports/
- xxii Refugee Rights Data Project (2016) ‘Unsafe Borderlands: Filling Data Gaps Relating to Women in the Calais Camp’, available at www.refugeerights.org.uk/reports/
- xxiii Kevin Hyland, anti-slavery commissioner reported in <https://www.theguardian.com/uknews/2016/sep/20/uk-delays-calais-children-exploitation-anti-slavery-chief>
- xxiv Refugee Rights Data Project (2016) ‘Unsafe Borderlands: Filling Data Gaps Relating to Women in the Calais Camp’, available at www.refugeerights.org.uk/reports/
- xxv European Agency for Fundamental Rights (2016) ‘Thematic Focus: Gender-Based Violence’, available at <http://fra.europa.eu/en/theme/asylum-migration-borders/overviews/focus-gender-based-violence>
- xxvi Human Rights Law Centre: <http://hrlc.org.au/european-court-of-human-rights-confirms-that-article-5-of-the-convention-does-not-require-maximum-time-limits-on-immigration-detention-2/>
- xxvii Refugee Rights Data Project (2016) ‘The Long Wait: Filling Data Gaps Relating to Refugees and Displaced People in the Calais Camp’, available at www.refugeerights.org.uk/reports
- xxviii Refugee Rights Data Project (2016) ‘The Other Camp: Filling Data Gaps Relating to the Dunkirk Camp’, available at www.refugeerights.org.uk/reports
- xxix Refugee Rights Data Project (2016) ‘Still Waiting: Filling Additional Information Gaps Relating to the Calais’ Camp’, available at www.refugeerights.org.uk/reports