



Analysis

UK

Will the imprisonment of children at Yarl's Wood end?

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After a decade of academic, medical and legal evidence demonstrating that the detention of families seriously damages their mental and physical health the Conservative-Liberal Democrat coalition has announced that it will end child detention. However, separating children from their parents also causes untold harm.

Yarl's Wood Immigration Removal Centre was the government's "flagship" detention centre built near Clapham, in Bedfordshire. It opened in November 2001 and was designed to hold up to 900 detainees, mainly women and children (some as young as three months old), making it the largest detention centre in Europe at the time. It cost approximately £100 million to construct and no expense was spared on its security measures, which included scores of fixed and moving cameras, microwave detection units and chain-link fencing two and a half metres high topped by barbed wire.[1] Throughout the centre's existence there have been a series of hunger strikes by detainees and protests by campaigners alleging institutionalised racism and abuse. These claims have been justified by a number of highly critical investigations, which recorded detainees suffering serious damage to their mental and physical wellbeing.

In December 2001, shortly after opening, the first hunger strike began with detainees complaining that they were being treated like prisoners although they had not committed any crime. In early February 2002, much of the centre was burnt down following protests triggered after an elderly Nigerian woman was physically restrained by staff after she requested permission to attend church. At the trial of 11 male detainees charged in connection with the fire (four of whom were convicted of affray or

violent disorder), the question was raised as to whether the decision to prevent police and fire-fighters gaining access to the centre put the lives of detainees at risk.

Private security company, Group 4, had ordered staff to leave the building, locking detainees inside. Five people were injured and it later emerged that the government had failed to install fire safety equipment because of its expense. In the aftermath of the fire, the Fire Brigades' Union criticised the decision to leave 250 asylum seekers incarcerated in the centre in "unsafe" conditions and it also condemned the Home Office's failure to fit sprinklers. Although there was an investigation, no members of Group 4 were ever prosecuted. [2] The centre reopened the following year after an estimated £40 million refit.

In March 2004, the Prisons and Probations Ombudsman published a report into allegations of racism, abuse and violence by staff, based on claims made in an undercover report by the *Daily Mirror* newspaper. The article produced evidence of a number of racist incidents, and staff were disciplined - but not prosecuted - following publication of the paper's findings. The report also found that an allegation of assault had not been adequately investigated. In October 2004, the Prisons and Probations Ombudsman published an

inquiry into the earlier disturbance and fire. A main finding was that the provision of safety equipment (sprinklers) would have prevented the damage caused to the centre. In February 2005, a local fire chief complained that the lessons of the fire had not been learnt when the government persisted in refusing to introduce sprinklers. [3]

Manuel Bravo, an asylum seeker from Angola, was found hanging in a stairwell at the centre on the morning of his 35th birthday in September 2005. He was in detention awaiting deportation with his 13-year old son following a dawn raid at his home. A note left in his room said:

I kill myself because I don't have a life to live any more. I want my son Antonio to stay in the UK to continue his studies".

Manuel had claimed that he had not received a decision on his asylum appeal and therefore did not understand why he had been served with a deportation order.[4]

In February 2006, the Chief Inspector of Prisons published an investigation into the quality of health care at the detention centre which found substantial gaps in provision and made 134 recommendations. [5] Ann Owers' "most important concern...remained the detention of children". In the same year a Legal Action for Women (LAW) study found that 70% of women detained had reported fleeing rape and that nearly half of them had been detained at the centre for more than three months. It found that 57% lacked legal representation. The women also told the researchers of sexual and racial intimidation by private security guards. [6] The PCS trade union is campaigning for a ban on members of racist organisations from being employed by the Home Office and UK Borders Agency (UKBA). [7] In May 2007 another hunger strike began which involved over 100 women.

In February 2008 the Chief inspector of prisons, following an inspection of Yarl's Wood, wrote:

The plight of detained children remained of great concern. While child welfare services had improved, an immigration removal centre can never be a suitable place for children and we were dismayed to find cases of disabled children being detained and some children spending large amounts of time incarcerated. We were concerned about ineffective and inaccurate monitoring of length of detention in this extremely important area. Any period of detention can be detrimental to children and their families, but the impact of lengthy detention is particularly extreme.[8]

The Children's Commissioner has a statutory duty to promote awareness of the views and interests of

children, particularly regarding their physical and mental health and emotional wellbeing, their education, training and recreation and protecting them from harm and neglect. Two thousand children are detained annually for administrative purposes for immigration control, the majority of them in Yarl's Wood. The Commissioner has visited the detention centre three times because of his "profound concern over the treatment and management of children in that location."

After his second visit in May 2008 he published a report, *The Arrest and Detention of Children Subject to Immigration Control*, [9] based on interviews with detained children and their families. He states unequivocally that "the administrative detention of children for immigration control must end" and that "the UK should not be detaining any child who has had an unsuccessful asylum claim." Recognising that the process was unlikely to end under the Labour administration, he "called upon Government to ensure that detention genuinely occurs only as a last resort and for the shortest possible time following the application of a fair, transparent decision-making process." However, the average length of incarceration for children at Yarl's Wood rose from eight to 15 days, although some children remain for more than a month and at least one child had been detained for more than 100 days.

The Childrens Commissioner also found that children had been denied urgent medical treatment, handled violently and left at risk of serious harm. In one instance, the report details how children were transported in caged vans and watched by opposite sex staff as they dressed. The report also contained detailed recommendations for the UKBA - the authority responsible for enforcing the UK's immigration laws - relating to "many highly unsatisfactory aspects of the process of arrest, detention and enforced removal of children and their families." UKBA formally responded in August 2009.

The report made 42 recommendations, emphasising six "top-line" ones that underpinned Aynsley-Green's conclusions. Most importantly, and based on his finding that many of the children held at the centre found their experience "like being in prison", he recommended the end of the administrative detention of children for immigration purposes. Following the publication of the report, Lisa Nandy, Policy Adviser at The Children's Society, argued that the lack of healthcare provision for children at Yarl's Wood, put lives at risk:

This report reflects what we are seeing on the ground today with families who are currently

detained in Yarl's Wood...As the report concludes, poor healthcare provision is literally putting children's lives at risk. Extremely ill children have been detained and denied access to essential medication, health records haven't been checked and children whose health has deteriorated rapidly in detention have not been released. Children who had to be hospitalised were surrounded by armed guards in hospital, causing them 'profound distress'. It is outrageous that children in the UK are subject to such inhumane treatment at the hands of the state.[11]

Also commenting on the report, Amanda Shah, Assistant Director-Policy at Bail for Immigration Detainees (BID), added that the government paid no regard to the welfare of children and could not even be bothered to keep records on the numbers detained:

The trauma experienced by children in detention comes across very strongly...They describe being transported in caged, urine soaked vans, separated from parents and not being allowed to go to the toilet. There is no proper provision to deal with their psychological distress, directly caused by the Government's detention policies. As the report makes clear, these children are not being detained as a last resort or for the shortest period of time, as the Government often claims. All the available evidence shows children are detained for longer periods with little or no regard for their health or welfare, falling far short of the UK's international obligations. Some children are detained repeatedly, and others for very lengthy periods. The Government cannot refute these claims because it does not even bother to count how many children it detains.[12]

In November 2009 the Home Affairs Committee released a report in which it also expressed concerns at the detention of children in what was “essentially a prison”. However, it fell short of accepting that families and small children should not be locked up in the first place. [13] At the same time a briefing by health practitioners, entitled *Significant Harm*, argued that the “detention [of children] is unacceptable and should cease without delay”. [14] It found that children were suffering significant harm because they had no access to basic medical care and were being left in pain or significantly traumatised.

Another hunger strike at the centre began in February 2010 when over 70 women protested at poor conditions, being separated from their children, poor health and legal provisions and long periods of detainment. The women also said that they had been subjected to racial and physical abuse when guards locked them in an airless corridor for eight hours to isolate them from other inmates. Serco, the privatised company now running Yarl's Wood, and the UKBA refused to confirm the number, nationality

and status of the hunger strikers in an attempt to stifle publicity. So-called “ringleaders” were moved to prisons (HMP Holloway and HMP Bronzefield). [19] Despite these attempts to prevent information from emerging, supporters ensured that the womens' voices were heard. Victoria Odeleye (32), who moved to the UK from Nigeria six years ago, said:

We need our cases looking at. I have a little girl and am not a criminal but I have been locked up in here for 15 months and no one can tell me when that will change.

This prompted the previous government's junior Home Office minister, Meg Hillier, to write to Labour MPs condemning the “current misreporting, based on inaccurate and fabricated statements” made by the detainees. She writes of healthcare at the detention in glowing terms and describes supporters of the imprisoned women as “irresponsible”, blaming them for causing “unnecessary distress to the women of Yarl's Wood, their family and friends.” These comments only make any sense if the voices of hunger-strikers, and their supporters can be silenced and are unheard.

In contrast to Hillier, another Labour MP, John McDonnell, tabled a Parliamentary Early Day Motion (No. 919) on the “Hunger strike at Yarl's Wood immigration removal centre” on 23 February reflecting the womens' experiences:

this House notes that women detained in Yarl's Wood Immigration Removal Centre have been on hunger strike since 5 February 2010 in protest against being detained for up to two years; condemns the detention of victims of rape and other torture, of mothers separated from their children and anyone who does not face imminent removal; believes that such detention flouts international conventions and UK immigration rules; requests that HM Inspector of Prisons urgently carries out an independent investigation into reports of violence, mistreatment and racist abuse from guards, being kettled for over five hours in a hallway, denied access to toilets and water and locked out in the freezing cold, which women have made to their lawyers, the media and supporters, including the All African Women's Group and Black Women's Rape Action Project; and calls for a moratorium on all removals and deportations of the women who took part in the hunger strike pending the results of that investigation. {22}

The Children's Commissioner published a follow-up report in February 2010 [15] which coincided with the hunger-strike and bore witness to many of the womens' claims. In particular, he considered whether the arrangements now in place had addressed his earlier concerns regarding the experiences of children. Acknowledging that some of

his previous recommendations had been implemented (such as stopping the use of caged vans to transport children to the centre) he nevertheless endorsed his earlier finding that Yarl's Wood remained "no place for a child":

We stand by our contention that arrest and detention are inherently damaging to children and that Yarl's Wood is no place for a child.

In addition he raised new "significant concerns" about the physical and mental wellbeing of children, observing behavioural changes on and after their incarceration. In one incident at the detention centre a nurse failed to recognise that a young girl had a broken arm, and she had to wait 20 hours before being granted access to a hospital. These concerns echo those of leading medical practitioners, such as Dr Rosalyn Proops, officer for child protection at the Royal College of Paediatrics and Child Health, on the children's psychiatric and developmental welfare. She supported the Commissioner's call for an end to child detention:

We are very concerned about the health and welfare of children in immigration detention. These children are among the most vulnerable in our communities and detention causes unnecessary harm to their physical and mental health. The current situation is unacceptable and we urge the Government to develop alternatives to detention without delay.[16]

Despite the Commissioner's criticisms regarding the "distressing and harmful" effects of detention on young children and the weight of expert medical and psychiatric opinion, Home Office minister, Meg Hillier, insisted that the detainees and their supporters had simply got it wrong. This echoed the Labour government line that the treatment of children with "care and compassion is an absolute priority for the UK Border Agency."

This was shown to be the case in February 2010 when the Home Office announced that it would opt out of the EU directive stipulating the minimum standards for the treatment of asylum seekers. [17] Home Office minister, Lord West, claimed that: "This [new directive] would stop us operating our existing detained fast-track system, which decides easy and fair decisions on the applicants who go through it."

The Labour government's, decade-long insistence on its policy to lock up vulnerable families, despite the weight of academic, medical and legal evidence showing that the detention of children seriously damages their mental and physical health, promised to come to an end after the general election in May 2010. Both the Conservative Party and the Liberal Democrats had pledged to end the detention of

children during the general election campaign, with Tory leader, David Cameron, pledging to end the "incarceration of children for immigration purposes for once and for all".

However, there has been little progress since the government's review of child detention by the UKBA between May and July 2010 [18]. The Agency was tasked to find alternatives to child detention, but documents leaked to *The Guardian* newspaper in August suggest that the priority is enhancing removal rates rather than humanitarian considerations. The Manchester City Council paper revealed that UKBA is concerned that ending detention could give family's an opportunity to publicise their situation and launch defence campaigns, perhaps involving other parents and children, teachers and even MPs, which could lead to "significant public order problems." The document suggests that the oxygen of publicity could be countered if families were given a two week ultimatum to leave and not be given exact details of their deportation "so that they are not prepared" and unable to mobilise support.

In July the High Court ruled the Home Office policy that denied some refugees a last-minute appeal against deportation unlawful, as was the practice of arresting failed asylum-seekers late at night or early in the morning in preparation for rapid removal from the UK. [19] Refugee support groups had long campaigned against these late night raids on vulnerable people and the ruling clearly has implications for UKBA's proposals for child asylum seekers and their families.

The coalition's limited plans for asylum seekers was highlighted by Phil Shiner and Daniel Carey, in an article in *The Guardian* [21], in which they make the fundamental point that it is "Yarl's Wood itself [that] is the moral outrage" and that removing children from detention will do little for their welfare if their parents remain incarcerated:

children on the outside suffer dreadfully too, when they are separated from their parents who continue to be held, often for well over a year at a time. The harm caused by immigration detention owes as much to its indeterminate nature and the conditions in which it is implemented as it does to the youth of its victims. From start to finish, it subjugates welfare concerns to administrative convenience and shatters the fragile lives of those in its path.

They continue:

The same vulnerability that exposes children to such risks is present, too, in the abused and trafficked women, the torture victims and the mentally and physically disabled who are also held against their

will as so-called “residents” in immigration detention centres.

Endnotes

1. c.f. Frances Webber “Border wars and asylum crimes” (Statewatch, UK) 2006
2. Stephen Shaw “Report of the inquiry into the disturbance and fire at Yarl’s Wood Removal Centre” (November) 2004.
See also Harmit Athwal “Yarl’s Wood trial - a miscarriage of justice?” 3.9.03.
<http://www.irr.org.uk/2003/september/ha000005.html>
3. Daily Mirror, 8.12.03.
Minister for Citizenship and Immigration “Investigation into Allegations of Racism, Abuse and Violence at Yarl’s Wood Removal Centre” <http://www.ppo.gov.uk/docs/special-yarls-wood-abuse-03.pdf>
4. Ian Herbert “Asylum seeker kills himself so child can stay in Britain” The Independent 17.9.05
See also “Driven to desperate measures” (IRR) 2006, for a discussion of 221 asylum seekers and migrants who have died in the UK or attempting to reach the UK over a period of 17 years.
<http://www.irr.org.uk/pdf/Driventodesperatemeasures.pdf>
5. Reported by the National Coalition of Anti-Deportation Campaigns:
<http://www.ncadc.org.uk/archives/filed%20newszines/oldnewszines/Old%2051-100/newszine60/owers.htm>
6. Legal Action for Women “A Bleak House” for Our Times: An investigation into Yarl’s Wood Removal Centre” <http://www.allwomenscount.net/EWC%20LAW/womenagainstlaw.htm>
7. The PCS online petition is available at:
<http://petitions.number10.gov.uk/racistorgsbans/#detail>
8. HM Chief Inspector of Prisons “Report on an unannounced short follow-up inspection of Yarl’s Wood Immigration Removal Centre, 4 - 8 February 2008”
9. Sir Al-Aynsley Green “The Arrest and Detention of Children Subject to Immigration Control: A report following the Children’s Commissioner for England’s visit to Yarl’s Wood Immigration Removal Centre” (May 2009)
http://www.11million.org.uk/force_download.php?fp=%2Fclient_assets%2Fcp%2Fpublication%2F361%2Fimmigration_control_full_report.pdf
10. Every Child Matters: “is a shared programme of change to improve outcomes for all children and young people. It takes forward the Government’s vision of radical reform for children, young people and families.”
<http://www.dcsf.gov.uk/everychildmatters/>
11. Children’s Society and BID press statement
<http://www.biduk.org/news/STATEMENT%20IN%20RESPONSE%20TO%2011%20MILLION%20REPORT%20final.pdf>
Children’s Society website:
<http://www.childrenssociety.org.uk/>
12. *ibid*, BID website: <http://www.biduk.org/>
See also BIDs “Briefing paper on children and immigration detention” February 2009
<http://www.biduk.org/library/BID%20briefing%20on%20children%20and%20immigration%20detention%20Feb%2009.pdf>
13. <http://www.publications.parliament.uk/pa/cm200910/cmselect/cmhaff/73/7304.htm>
14. Royal College of General Practitioners, Royal College of Paediatrics and Child Health, Royal College of Psychiatrists and the UK Faculty of Public Health Intercollegiate Briefing Paper “Significant Harm - the effects of administrative detention on the health of children, young people and their families”
http://www.bbc.co.uk/blogs/thereporters/markeaston/images/intercollegiate_statement_dec09.pdf
15. Sir Al Aynsley Green, The Arrest and Detention of Children Subject to Immigration Control: Follow-up report (February 2010)
http://www.11million.org.uk/content/publications/content_393
16. The Royal Colleges of Paediatrics press release 10.12.09.
<http://www.rcpsych.ac.uk/press/pressreleases2009/immigrationdetention.aspx>
17. Cf The Guardian 24.2.10.
18. Announcement: The Wood review.
<http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2010/may/update-on-child-detention>
The terms of reference for the review can be viewed at:
<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/26-end-child-detention/terms-of-reference.pdf?view=Binary>
19. Cf The Independent 27.7.10
20. Phil Shiner and Daniel Carey “Yarl’s Wood itself is the moral outrage” The Guardian 23.7.10.