



FLEEING A BURNING HOUSE

Why torture survivors take dangerous journeys to seek protection in the UK

November 2022

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FOREWORD

When you are fleeing something as abhorrent as torture, persecution or war, there is absolutely nothing that can stop you. You are on autopilot. It's like being in a burning house and finding an escape window. You jump through it and run for your life with no delay, no second thought. Nothing can deter a human being when they are fleeing torture, when they are fleeing for their life.

When the government criminalises torture survivors seeking sanctuary in the UK, threatens them with forced removal, or creates a hostile environment with the aim of deterring others from coming, it shows that it has abandoned its humanity. It also shows that it does not understand what drives people to seek protection here.

People take a chance or die trying rather than staying home to be tortured to a slow death. They seek sanctuary where they feel they are safe. It was in accordance with this basic understanding that the UK played a lead role in codifying in international law the fundamental humanitarian values embodied in the 1951 Refugee Convention.

But today's government has rejected this history and has wilfully traded in dangerous misconceptions about what led me, and others like me, to seek sanctuary in the UK, and what routes are available for us to do so. It has engaged in fearmongering around those whom it has an international duty to protect. Because the government will not, Freedom from Torture is providing an evidence base on which this and future governments can rebuild the UK's asylum system and the international refugee protection regime.

Torture survivors – experts by experience – are best placed to contribute research regarding the journeys we took and the factors that informed our decision-making. To this end, Freedom from Torture, in collaboration with Survivors Speak OUT (a national network of people who have survived torture which I co-founded), is conducting a long-term participatory research project that will offer a unique perspective on the drivers that cause refugees to seek protection in the UK, putting survivor voices back where they belong: at the heart of the solution.

Freedom from Torture's clinicians, lawyers, advisors, and analysts add an important element to this research because they are the first people we open up to about our ordeals – often even before our families. The therapists work with us first to help us understand how torture and the journey to safety impacts us. They then help us rebuild our physical and mental health. The doctors document evidence of torture. The lawyers and welfare advisors help survivors with their asylum cases and social support. Their work with thousands of torture survivors over the years gives them crucial insight into the trends and patterns in the torture endured by their clients, their experience of the journey, and the factors which led them to the UK.

This government has already shown us the exceptionally drastic and cruel actions it is willing to take – such as refusing to hear the asylum claims of torture survivors and threatening them with forced expulsion to Rwanda. We must act now before more lives are destroyed. I believe that this research can be a first step towards a return to evidence-based policy-making, respect for our international obligations, and the centrality of compassion and humanity in our treatment of refugees.

Kolbassia Haoussou MBE

Director of Survivor Empowerment,
Freedom from Torture



EXECUTIVE SUMMARY

Freedom from Torture's clients are survivors of varied and devastating torture perpetrated by state authorities and non-state actors. Many have undergone traumatic journeys to the UK, some of which have spanned years. The reasons they took these journeys are diverse, but all were driven by one key imperative – to find safety.

Despite the fact that the UK was central in drafting the 1951 Refugee Convention, the current government has engaged in a campaign of fearmongering around people seeking asylum. It has chosen to create a hostile environment with the aim of deterring new arrivals, going as far as to criminalise those fleeing torture, who – in the absence of sufficient safe and preauthorised routes – undertake life-threatening journeys to reach sanctuary. This so-called 'deterrence approach' is a betrayal of the UK's international commitments to those fleeing persecution and to the humanitarian values it originally helped enshrine in international law.

The government's current approach to asylum is based on a false characterisation of why people seek sanctuary in the UK. As this research shows, for torture survivors 'fleeing the burning house', the priority is reaching safety, which encompasses the building blocks necessary for human security and dignity.

Compared with most other countries in Europe and indeed globally, the UK receives a low proportion of the number of people seeking asylum.¹ This is in part because the means of safely entering the UK through routes authorised by the government are available to a relatively meagre number of refugees and people seeking asylum.² For those who do have their claim determined in the UK, the grant rate is high. In 2021, the government recognised that almost three-quarters of the asylum claims that it considered were made by people in legitimate need of protection.³

These three essential points – the low number of people seeking asylum, the lack of preauthorised safe routes, and the high grant rate for those whose claims are processed – belie the picture of crisis and threat painted by the government, most recently characterised by Home Secretary Suella Braverman as an '*invasion on our southern coast*'.⁴ The New Plan for Immigration published in March 2021 describes a '*generous asylum system that offers protection to the most vulnerable*', which is under threat from '*parallel illegal routes to asylum*' that are '*deeply unfair*' as they favour queue-jumping economic migrants rather than those truly deserving of protection.⁵ None of these assertions is true. And yet, despite its lack of basis in fact, the government's narrative has sought to legitimise the extreme steps it has taken through the Nationality and Borders Act and the accompanying Rwanda scheme to criminalise, forcibly expel, and otherwise penalise people seeking asylum who reach the UK through means other than those the government labels 'safe and legal routes'. Its claims that these actions will 'save lives' is not based on either evidence or experience.⁶

This research seeks to examine government assertions that those who arrive in the UK via unauthorised routes are, in former Home Secretary Priti Patel's words, '*economic migrants who have been masquerading as asylum seekers and elbowing to one side women and children*'.⁷ It does so through a qualitative analysis of the experiences of 20 Freedom from Torture clinicians, lawyers,

advisors, and analysts in working with torture survivors seeking asylum in the UK over many years. It considers the factors that have informed or constrained the decision-making of people who move irregularly to seek asylum, and who successfully make it to the UK and to the safety of our services.

Freedom from Torture’s clinicians, lawyers, advisors, and analysts are well-placed to speak to the key question of what informs or constrains a torture survivor’s decision about where and how to seek protection. Collectively, they work with hundreds of torture survivors who have sought asylum. In the course of delivering their role, whether it be psychological counselling, Medico-Legal Report Services,* or providing legal or welfare support services, Freedom from Torture staff work closely with their survivor clients as they build relationships of trust necessary for clients to disclose their experiences, often over very long periods of time.

While Freedom from Torture’s clinical and other staff perspective highlights important conclusions and raises further research questions, any examination of the decision-making and experience of survivors would be incomplete without research centring on their voices. To this end, Freedom from Torture is undertaking a long-term participatory action research project with Survivors Speak OUT (a national network of people who have survived torture) that will address the decision-making and journey to the UK of torture survivors through their own voices.



* Medico-Legal Reports are independent expert reports commissioned by legal representatives for the purpose of an individual’s asylum claim. They are prepared by Freedom from Torture doctors trained in the forensic documentation process according to standards set out in the UN Manual on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol).

Findings

- Freedom from Torture's clients are survivors of torture perpetrated by state authorities and non-state actors as a part of political persecution, persecution on the basis of ethnicity or religion, individual persecution including gender-based violence, or war and conflict.
- Many of Freedom from Torture's clients have undergone traumatic journeys to the UK, some of which have spanned years, with experiences including risk to life, family separation and loss, extreme physical hardship, and various forms of violence, trafficking, and sexual and economic exploitation.
- Freedom from Torture clinicians, lawyers, advisors, and analysts outline four principal reasons, a mixture of which were factors informing their clients' decision to seek protection in the UK:

Lack of safety

Clients were pushed to continue travelling onward to the UK due to a lack of safety in other countries *en route*. Harms endured by clients and which drove them onwards to the UK included violence, exploitation, and detention; stigma and racism; destitution and the lack of access to medical and legal services; asylum denial or the inability to access asylum procedures; and the need to create distance from the torture they fled – including torture experienced *en route*. Respondents highlighted the particular plight of clients who passed through Libya, where torture, detention, enslavement, and sexual exploitation were the norm for people seeking asylum.

Connections

Clients sought out the UK specifically on the basis of having family or community connections that could offer security and support.

Familiarity

Clients sought out the UK because of knowledge of English and a colonial legacy offering those from Britain's former colonies a degree of familiarity with its culture and institutions.

UK reputation

Clients sought out the UK because of its reputation as a place where human rights are respected, and therefore a place of safety. Respondents noted that clients' perceptions of the UK's reputation were not underpinned by specific knowledge of the UK's policies and procedures towards refugees and people seeking asylum.

- While the four factors listed above informed the decisions of some of Freedom from Torture's clients to seek refuge in the UK, clinicians, lawyers, advisors, and analysts note that many clients did not actively choose the UK as a destination. Their family members may have predetermined their destination and made arrangements with smugglers, or they may have been trafficked or otherwise ceded control to smugglers.

Recommendations

1. The government must respect and uphold the commitments the UK made in the wake of World War II to enable people fleeing torture, war, and persecution to seek protection in Britain, no matter how they get here. That means:
 - Recognising that, no matter what actions governments take to try to prevent irregular journeys, many people seeking protection – including torture survivors – will have no option but to travel without preauthorisation to find safety. They should be treated fairly, humanely, and with compassion. Those who make it to the UK should have their claim to asylum heard in the UK, and they should face no penalty for their irregular movement, in line with the 1951 Refugee Convention.
 - Understanding that the majority of those travelling irregularly to seek protection either have no control over their journey or are motivated by push factors that are more intolerable than the prospect of dying in the Channel or facing a penalty on arrival. Some refugees do actively choose to come to the UK and nothing in international law obliges them to claim asylum in the first safe country they reach, as the UN refugee agency and others have made clear. UK case law rightly protects refugees from being punished for exercising a choice regarding their destination country.⁸
 - Recognising that the increased securitisation of our borders – including in northern France – has failed to deliver on the stated objective of eliminating irregular Channel crossings and has instead contributed to the increased danger faced by refugees seeking access to UK territory to claim asylum.
 - Acknowledging that the smuggling of people across Europe is a symptom and not the cause of the current situation, which results from the absence of sufficient safe routes for people seeking protection.
 - Recognising that pressures on the UK asylum system are the result of mismanagement and a lack of political will, and that the UK has the capacity and public support to meet its obligations under the 1951 Refugee Convention and the UN Convention against Torture.
2. The next Parliament should repeal provisions of the Nationality and Borders Act and related legislation that deliberately seek to punish refugees for their method of entry by denying them access to the UK asylum system or to prompt settlement in the UK. This includes provisions to deny admission to the UK asylum system; powers to intercept and divert boats in the Channel; powers to remove an asylum seeker to a ‘safe third country’ while their claim is pending; powers to criminalise people who arrive in the UK without valid entry clearance; and powers to discriminate against refugees in terms of rights and length of leave.
3. The government should suspend operation of the Migration and Economic Development Plan (MEDP) with Rwanda and not seek to establish any similar agreements with any other third country.

4. The government should expand safe routes for people seeking asylum by setting a generous and inclusive annual resettlement target to run alongside any *ad hoc* urgent schemes directed at a particular crisis, and by expanding the existing refugee family reunion rules. All safe routes to protection should be accessible to torture survivors and other vulnerable groups.
5. The government should rebuild trust and collaboration with the EU in order to establish a cooperation framework that prioritises the strengthening of safe routes into and through Europe, in full compliance with our international and human rights obligations. This collaboration should be based on the principle that refugees can exercise some element of choice regarding their country of asylum. A partnership approach, built on principles of international solidarity and the autonomy of the individual, and in respect of all necessary procedural safeguards, would establish safe channels for the managed movement of some refugees between the EU and the UK, build protection capacity in Europe, and facilitate more effective and coordinated life-saving rescue operations in the Channel.
6. The government should end the hostile environment and invest in an efficient and effective asylum determination system in the UK that it is capable of making timely and high-quality decisions to enable refugees to rebuild their lives with dignity and pursue rehabilitation, while inspiring confidence and pride in the public.
7. The UK government should take a broad, proactive anti-torture stance in its foreign policy and trade agreements and insist that human rights standards be the basis for partnerships.



1. INTRODUCTION

1.1 Why seek asylum in the UK?

Jennifer Todd, Legal Advisor

People don't understand how many different push and pull factors there are for people fleeing their country of origin. This idea of penalising people for making a certain type of journey just totally fails to engage with all those things that are going on.

In 2022, the government introduced a new approach to immigration. The supporting policy statement for its New Plan for Immigration made a number of bold assertions without providing an evidence base.⁹ It described a 'generous asylum system that offers protection to the most vulnerable', under threat from 'parallel illegal routes to asylum' that are 'deeply unfair' as they favour queue-jumping asylum seekers rather than those truly deserving of protection.¹⁰ At the most basic level, this narrative posited three key points: 1) that asylum should only be available to the most 'vulnerable', which the government defined in unprecedentedly narrow terms, excluding many who would meet the 1951 Refugee Convention definition of those in need of protection; 2) that those who meet that definition of vulnerability already have access to sufficient safe and authorised routes to protection in the UK; and 3) that those who arrive via unauthorised routes, such as crossing the English Channel in small boats, are not legitimately seeking protection but are gaming the system in order to attain illegal entry into the UK.

These assertions are unfounded and dangerous, and must be challenged. Underneath them lies an abdication of the UK's responsibility to receive people seeking asylum regardless of how they arrive and to assess their claims fairly and without prejudice. The logical conclusion of these propositions is that the UK would no longer have a system for determining protection needs based on the 1951 Refugee Convention for anyone other than those who find themselves at risk of persecution after their arrival in the UK. The UK's asylum system will all but vanish.

This research seeks to examine the assertions in the New Plan for Immigration through a qualitative analysis of the experiences of 20 Freedom from Torture clinicians, lawyers, advisors, and analysts who work with torture survivors (among the most vulnerable people seeking asylum in the UK). It considers the factors that inform the decision-making of people seeking asylum – inasmuch as they have the power to make that decision – to pursue protection specifically in the UK. It explores the realities of the journeys of asylum seekers in order to add to an evidence base in support of sustainable and effective policy solutions aimed at saving lives and preserving access to protection in the UK. Combined with the stories of survivors themselves, this unique bird's-eye view is key to understanding the challenges and solutions in the UK's approach to asylum.

The question of the legitimacy of people seeking protection in the UK comes at a key moment. The government is currently rolling out the provisions of the Nationality and Borders Act 2022, which punishes people seeking asylum who arrive in the UK through unauthorised routes. In parallel, the government is seeking to implement its Rwanda scheme, whereby people seeking asylum who arrive by unauthorised routes are denied access to the UK's asylum system and are instead subjected to forced relocation to Rwanda to have their claims assessed under Rwandan law, never to return to the UK.

The UK has failed to provide sufficient safe, preauthorised routes to the UK, even for the most vulnerable such as survivors of torture. Freedom from Torture's clinicians, lawyers, advisors, and analysts outline five main factors that explain why people seeking asylum resort to dangerous journeys to come to the UK, and offer recommendations focused on expanding the ways that people can safely seek asylum in the UK.

1.2 Context

1.2.1 The UK recognises the protection need of most claimants

Nearly all people crossing the English Channel to enter the UK by small boat and without a visa claim asylum upon arrival. Of the nearly 40,000 people who arrived in the UK via small boat from 2018 until the end of 2021, 92% had claimed asylum as of 26 May 2022.¹¹

At the same time, the government found the great majority of asylum claims to be well founded. The Home Office granted more than three-quarters of all asylum claims for which an initial decision was made during the 12 months leading up to June 2022.¹²

Furthermore, the Home Office testified that, of the claims made by people who had arrived by small boat in 2021, 85% were granted either refugee status or some other protection status¹³ – a fact that undermines the government's rhetoric of *'economic migrants who have been masquerading as asylum seekers and elbowing to one side women and children'*.¹⁴

1.2.2 Comparatively low numbers of people seek asylum in the UK

A 2022 House of Commons Home Affairs Committee report noted that the number of asylum applications in 2021 was *'broadly similar in each year from 2014, apart from a fall during the pandemic, and far less than in the early 2000s'*.¹⁵ However, while the number of arrivals has largely stayed stable, the mode of arrival has changed. After 2018, when there was an increase in security measures at ferry terminals and access points to the Channel Tunnel, the pattern of arrivals largely shifted to small boat crossings of the English Channel.¹⁶ This shift in arrival patterns has made for a more visible phenomenon that has garnered a massive increase in media and political attention. The government has instrumentalised this to vilify people seeking asylum.

The UK receives far fewer asylum applicants *per capita* than most other European countries. In 2021, the UK ranked 19th among EU+ countries (the EU-27 plus Switzerland, Iceland, Liechtenstein, and Norway) in terms of asylum applicants *per capita*.¹⁷ In that year, France received twice and Germany three times as many asylum seekers as the UK.¹⁸ In terms of global comparisons, in 2021 Turkey, Colombia, and Uganda each hosted from 10 to 27 times as many refugees as the UK.¹⁹

Even in the absence of international comparison, the number of asylum applications in the UK is much lower than it was 20 years ago. The House of Commons Home Affairs Committee finds that, *‘even after the sharp increase in Channel crossings in 2021, the numbers seeking asylum in the UK in 2021 were just over half the number who applied in 2002’*.²⁰ However, the government has presented these comparatively low numbers of new applications as an insurmountable challenge, using them to argue that the system is overburdened and pointing to a huge backlog of cases. In reality, this backlog is the result of Home Office inefficiencies and harmful policy-making rather than an insurmountable number of yearly claims. The House of Commons Home Affairs Committee stated that *‘Antiquated IT systems, high staff turnover, and too few staff are among the reasons for this slow pace, and reducing the outstanding caseload should be the Home Office’s highest asylum policy priority.’*²¹

Polling shows that the majority of the UK public is welcoming of refugees. In October 2022, nearly three times as many poll respondents indicated that Britain should accept as many or more people fleeing persecution or war in other countries (66%) versus those who thought Britain should accept fewer or none (23%).²²

1.2.3 Inadmissibility to the asylum system and forced relocation to Rwanda

The UK is also an outlier in Europe in terms of the extreme measures it is introducing with the stated aim of further reducing the number of people seeking asylum. The most prominent policies in this regard have been the government’s Migration and Economy Development Policy with Rwanda and the inadmissibility rules. These rules set out the circumstances under which an asylum claim will be denied admission to the UK asylum system, while the government tries to remove the asylum seeker to some other country for their claim to be considered there. The stated intention is to encourage asylum seekers to make a claim for protection in the ‘first safe country’ they reach. Under the Rwanda scheme, the UK relies on the inadmissibility rules to deny people access to the UK asylum system, and then intends to forcibly relocate them from the UK to Rwanda to have their asylum claim considered under Rwanda’s asylum system. They will then remain outside the UK regardless of the outcome of their claim.

The criteria for inadmissibility and forced relocation to Rwanda start with a determination that an asylum seeker has a ‘specified connection’ to a safe third country. This ‘connection’ can take a number of forms, including that the claimant was previously present in, and did – or could have – claimed asylum in that country. For relocation to Rwanda, the claimant must have taken a journey to the UK that can be described as having been dangerous, and that journey must have been made on or after 1 January 2022.²³ At the time of writing, implementation of the Rwanda scheme is on hold while legal challenges to it are being heard. The United Nations refugee agency has condemned the policy as violating both the letter and the spirit of the Refugee Convention, demonstrating the extraordinary efforts the UK is undertaking to take an exceptional position in regard to international refugee law.²⁴ According to the UN refugee agency,²⁴ the inadmissibility clauses codified in the Act *‘impermissibly externalise the UK’s obligations to refugees and asylum seekers within its jurisdiction’*.²⁵

1.2.4 The Nationality and Borders Act

The government passed the Nationality and Borders Act in April 2022, further highlighting the exceptional approach it is taking with regards to the recognition and treatment of people seeking asylum. This Act enshrines in law extremist positions that depart from the basic rationale of the Refugee Convention by penalising people seeking asylum for entering the UK through unauthorised routes. A former Justice of the Supreme Court referred to the Act during its passage through Parliament as *'a grotesque piece of legislation'*.²⁶ The UN refugee agency said *'The UK asylum bill would break international law, damaging refugees and global co-operation'*,²⁷ and legal experts called it *'the biggest legal assault on international refugee law ever seen in the UK'*.²⁸

Alongside sections that expand and codify in primary legislation the inadmissibility rules introduced in 2021, the Act also criminalises refugees who arrive without valid entry clearance (a visa) and threatens them with potential prison sentences of four years, even if they claim asylum immediately on arrival and regardless of their mode of travel. By criminalising 'arrival' in this way, the government removes the protection previously afforded to people who arrived irregularly, who claimed asylum immediately on arrival, and who were therefore admitted to the UK without having effectively 'entered' illegally. As the UN refugee agency notes, the government has created a logical absurdity: *'Given that there is no possibility under UK law of applying for entry clearance in order to claim asylum, no one from a country whose citizens normally need a visa would be able to come to the UK to seek asylum without potentially committing a criminal offence.'*²⁹

The Act also permits discriminatory treatment for those refugees who did not come to the UK directly from a country of persecution or did not claim without delay, but whose claim for protection was nonetheless recognised.³⁰ The Home Office is authorised to treat these so-called 'Group 2' refugees differently in terms of how long they may remain in the UK, the steps they must complete to be granted indefinite leave to remain, whether they have recourse to public funds, and whether they are allowed to bring family members to join them in the UK.³¹ The UN refugee agency notes that *'the attempt to create two different classes of recognised refugees is inconsistent with the Refugee Convention and has no basis in international law'*.³²

The Act expands powers to stop, board, divert, and detain ships carrying asylum seekers in the Channel, which the UN refugee agency notes would violate key principles of the 1951 Refugee Convention, including the requirement to offer a fair opportunity to seek asylum and non-refoulement. Crucially, the agency notes that implementation of the Act would endanger lives.³³ The Act was passed only days after the government backed down on its pushbacks policy in April 2022, shortly before the High Court was due to hear a judicial review of the tactic brought by Freedom from Torture, Care4Calais, the PCS Union, and Channel Rescue.

As the UN refugee agency noted before the Nationality and Borders Act was passed: *'The Bill is based on the premise that "people should claim asylum in the first safe country they arrive in". This principle is not found in the Refugee Convention and there is no such requirement under international law.'*³⁴ It is nonetheless a principle underpinning the raft of regressive and punitive reforms listed above, as well as a principle that is relied upon to legitimise the Rwanda scheme and which is consistently contradicted by the testimony of those moving irregularly to flee torture, persecution, and war.

1.2.5 The lack of ‘safe and legal’ routes to the UK

The New Plan for Immigration centres on penalising those who do not arrive through what the government terms ‘safe and legal’ routes. And yet, using the government’s own definition, there are almost no accessible safe and preapproved routes for those seeking asylum to enter the UK.³⁵ The government defines a ‘safe and legal route’ as one where a visa has been granted, is available, or is unnecessary due to existing permissions. As noted above, it is impossible to secure a visa for the purpose of seeking asylum in the UK, and yet the vast majority of those who are granted asylum in the UK are from countries whose nationals must hold entry clearance to enter.³⁶ It is this inevitable Catch-22 that led the drafters of the 1951 Refugee Convention to build in a protection against penalty for those who have, by necessity, moved irregularly across borders to seek asylum. Thanks to this important protection, journeys that are made to the UK by people fleeing persecution and without any prior authorisation are not illegal.³⁷

Some schemes offering preauthorised access to the UK have closed, such as the Syrian resettlement programme and the Dubs scheme for unaccompanied children in Europe.³⁸ Five of the nine schemes that do currently exist are country-specific, targeting applicants from only three countries: Afghanistan, Hong Kong, and Ukraine. The Afghan schemes in particular have been widely criticised, having resettled only a small proportion of those likely to be eligible.³⁹ The remaining four schemes have resettled just 7,405 refugees across the UK in 2021.⁴⁰ The government has shown no willingness to enlarge those very limited schemes.

With the failure of the government’s flagship ‘safe routes’ from Afghanistan, it is notable that Afghans were the largest represented nationality of those crossing the English Channel by small boat during the first quarter of 2022.⁴¹ Furthermore, Afghans fleeing the Taliban after the fall of Kabul were among those whom the Home Office slated for forced removal to Rwanda on the first flight, which was later cancelled due to legal action.⁴²

1.3 Methodology

The following qualitative research is derived from semi-structured interviews with 20 Freedom from Torture staff, including clinicians, lawyers, advisors, and analysts (see *Annex 1 for the list of interviewees*) held in July and August 2022.

The respondents work with clients through three main service areas: Clinical Services, Legal Advice and Welfare Services, and Medico-Legal Services. Questions addressed their identification of trends across Freedom from Torture’s client group based upon their clinical, legal, casework, or analytic experience, often acquired over many years, at Freedom from Torture.

Each of Freedom from Torture’s five treatment centres in England (London and South East; North West; North East; and West Midlands) and Scotland (Glasgow) are represented in the group of respondents.

Clinical Services

Freedom from Torture's Clinical Services help people recover from complex post-traumatic stress disorder (PTSD), depression, anxiety, and other problems caused by torture. Services are offered to individual men, women, and children, as well as to families and couples, and include medical, psychotherapeutic, and social work. Freedom from Torture's Clinical Services are designed to assist clients in disclosing the torture they have survived. Survivors of torture require time, understanding, and (in some cases) treatment in order to fully process their thoughts and provide detailed and coherent disclosure. As a result, clinicians have a deep exposure to clients' recounting of their incidents of trauma, including the events that caused them to flee their countries, experiences of journeys to the UK, and the factors that informed or constrained their decisions.

■ *Respondents included from Clinical Services: 12*

Legal Advice and Welfare Services

Freedom from Torture's Legal Advice and Welfare Services provide free specialist advice to help people who are receiving therapy at Freedom from Torture with their immigration, asylum, and welfare challenges. In 2021, the services helped 596 clients with immigration and welfare advice to tackle urgent problems including homelessness, destitution, and financial difficulties.

■ *Respondents included from Legal Advice and Welfare Services: 5*

Medico-Legal Report Services

Medico-Legal Reports are independent expert reports commissioned by legal representatives for the purpose of an individual's asylum claim. They are prepared by Freedom from Torture doctors, who are trained in the forensic documentation process according to standards set out in the UN Manual on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol). Each Medico-Legal Report details an individual's history of torture and its physical and psychological consequences (sequelae) through a forensic process of clinical examination and assessment over three or more meetings, and is subject to a clinical and legal review process. The primary purpose of Freedom from Torture's Medico-Legal Reports is to assist decision-makers in assessing asylum applications.

■ *Respondents included from Medico-Legal Report Services: 3*

Freedom from Torture's client base

In 2021, Freedom from Torture's clients included more than 700 men, women, and children from almost 50 countries who had survived physical and psychological torture. Most Freedom from Torture clients have been forced to leave their home country. They are refugees or seeking asylum. In order to receive services from Freedom from Torture, potential clients must be within the remit of survivors of torture based on the UN definition of torture.

2. WHAT TORTURE SURVIVORS ARE FLEEING

Beth Lacy, Clinical Services Manager, Birmingham

I work with people day in and day out, and it still seems almost unbelievable to me what people have been through, because the trauma and the horror is staggering. But it is people's lived reality. That is their life.

On top of everything that they lose and the trauma they experience through direct persecution, what always strikes me is just the sadness in people's lives. That they've separated from family, that they might never see their family again. They might not know if they're alive. Or even if they do know they're alive, they might never be able to travel to see them. So, you know, that's the rest of their life. They might never get to see their mum or their dad again. Probably that is unimaginable for a lot of people.

And also things that you think 'that's not such a big deal', like losing your status, your career, your friends. People say a lot to me, 'I feel like I'm nothing here. I had everything. I had a life and now I have nothing.' That is just a real sadness for people. It's so far beyond most people's frame of reference, it is probably easier to think it can't be real – to think that people are making this up.



To understand why torture survivors might seek asylum in the UK, it is necessary to explore the factors that cause them to flee their home countries in the first place. The UN Special Rapporteur on Torture noted: ‘Governments in all regions of the world still routinely fail to implement the prohibition of torture and other ill-treatment.’⁴³ A study by Amnesty International found reports of torture in 144 countries.⁴⁴ While every individual client’s life history will be different, Freedom from Torture’s clinicians, lawyers, advisors, and analysts are uniquely placed to outline trends that they witness in terms of the factors that cause their clients to flee their home country.

As described in Freedom from Torture’s Expert Country Reports, which are based on analysis of client testimony provided during forensic assessment of torture,⁴⁵ the torture experienced by clients is varied and devastating. Torture techniques include whipping, sexual violence and rape against men and women, beatings, attacks on families, electrocution, water-based torture, burning, having teeth pulled, being hung upside down, and mock executions. Mothers are even threatened with the torture of their children, or have to witness that torture.

On methods of torture:

Emily Rowe, Senior Legal Officer

In some countries, we’ll see that the authorities would want to be careful about how they mark people. So they’ll use deliberately non-touch methods of torture so that afterwards, the sequelae [aftereffects] are just psychological. That will also be unfortunately things like sexual torture, which can harm people, in my opinion, the most in the long term, psychologically. But often it doesn’t have very obvious physical consequences – or not that can be apparent to somebody looking from the outside. We see the kind of sexual torture that would not be penetration, but would be stripping people or touching, and that would still fall into that category. They’ll also use techniques like waterboarding and so on. We see suspension. We see electrocution. And again those things are extremely painful, but you don’t really see any physical consequences afterwards.

Surprisingly, beating is something that doesn’t leave marks as often as you would think it would. That kind of blunt trauma without using something sharp is actually something that causes a lot of pain and in the short term will cause swelling and bruising and maybe having pigmentation, but often doesn’t scar because it’s not over a bony prominence of the body.

I would say the main method we see is burning, particularly where the authorities may want people to be marked or just as a warning for other people or for that community, and perhaps as a reminder to the person.

Even for those experiencing severe torture and persecution, the decision to flee is difficult for people to make due to the upheaval, danger, and loss that such an action entails. However, it is often a rational decision in relation to the intolerable dangers they face in their home country.

On the difficulty of the decision to flee:

Debra Gordon, Psychological Therapist

They're seeking protection – from wherever they can get it, by the way – because of the human rights abuses and torture that they've experienced in their country of origin. It becomes so intolerable they have to escape, and they'll take whatever means necessary to escape.

Deborah Thackray, Medico-Legal Report Analyst

Their situations in their countries of origin are completely untenable. Their lives are in danger, they can no longer live safely where they are, and they have no choice but to leave that country. And unfortunately, it's very hard in many situations to be able to find a place of safety closer to home. People do not want to leave their homes. People don't want to make long journeys and inevitably separate en route, but there isn't that protection available in so many countries that we take for granted over here.

Fiona Crombie, Clinical Services Manager, Glasgow

When you look at people's decision to flee, there are people who are actively involved in stuff and who understand the risks of that, and there are people who become embroiled in things. There are cases of mistaken identity. There is intra-familial stuff. So I will hear stories like, 'My brother was an activist. They killed him and they came for my father. In order to protect my father, I did X.' It's very rarely clear black and white. There's a lot of complexity and often not one single reason.



2.1 Political, ethnic, and religious persecution and torture

The primary circumstance that causes people to flee is persecution on political grounds, for example arrest by security services after attending a demonstration. This type of persecution is common for clients coming from countries ruled by military regimes, even where the Home Office does not recognise an ongoing conflict. Some clients were in the wrong place at the wrong time, only in proximity to rather than participating in a protest and being swept up in a mass arrest. In other cases, clients only needed to be from a particular region of a country considered to have high numbers of political dissidents in order to suffer persecution.

Freedom from Torture clients who were members, or perceived to be members, of opposition groups have often been subjected to detention. This detention might often have been prolonged and/or repeated multiple times. Some have faced death-penalty eligible charges in countries like Iran. Once detained, torture was the norm for Freedom from Torture clients.

On political persecution:

Debra Gordon, Psychological Therapist

Obviously there is the horror of living in a country where you don't have freedom of speech. You might belong to a different political party or you might just be an innocent bystander or the family member of somebody who's involved in some opposition group.

People don't understand because, in this country, we don't have military on the streets. We don't get it. But in those countries, there's a knock on the door, if you're lucky, or you're kidnapped off the street, and you're tortured.

Some Freedom from Torture clients have been subjected to collective punishment. They cite cases of regimes and non-state actors targeting family members of political opponents and torturing and/or killing them, causing life-long distress to those who have escaped, 'living the rest of their lives having known what's happened to their loved ones and also blaming themselves'.⁴⁶

On fleeing detention:

Deborah Thackray, Medico-Legal Report Analyst

Some people, spurred on by the fact of being detained, want to continue fighting the cause and end up being detained multiple times. At some point, it's just kind of clear that they can't go on. It's just impossible, or something even more horrific happens and they make the decision – or someone they know makes the decision – that they have to leave.

Persecution based on belonging to a religious or ethnic group is another primary reason why Freedom from Torture clients flee their homelands. Examples among Freedom from Torture's client base include Tamils fleeing Sri Lanka, Oromo people fleeing Ethiopia, Kurds fleeing Turkey or Iran, and Bidoons fleeing Kuwait. In terms of religious persecution, respondents speak of having clients who fled Iran for practising Sufism or for converting to Christianity.

2.2 War and conflict

On the origin of Freedom from Torture's clients:

Tom Stephenson, Care Coordinator

Sadly, you can just follow the political troubles around the globe to pinpoint where people are coming from.

Many torture survivors who become Freedom from Torture clients have fled active conflict or war. Large-scale ongoing conflicts, such as Ukraine and Syria, are immediate triggers for people to flee their homes. Freedom from Torture clients also include people who are targeted with violence or forced recruitment by militia or terrorist groups, such as the Islamic State in Syria, the Taliban in Afghanistan, or the Janjaweed in Darfur, Sudan. Countries like Eritrea also practise forced conscription, whereby children are kidnapped from their schools and forced to join the military without pay. Some Freedom from Torture clients have survived genocide.

2.3 Gender-based violence

Many Freedom from Torture clients have been individually targeted for torture and persecution on the basis of sexual orientation in countries where homosexuality is criminalised. Currently, there are 69 countries in which homosexuality is outlawed.⁴⁷

In other cases, the state was not the perpetrator but lacked the means or the will to prevent persecution. Many female Freedom from Torture clients have been victims of domestic violence, forced marriage, or at risk of honour crimes and fled countries in which they were afforded no legal protection. Similarly, some Freedom from Torture clients have fled the threat of female genital mutilation, for themselves or to protect their daughters.

3. EXPERIENCES OF JOURNEYS



On traumatic journeys:

Fiona Crombie, Clinical Services Manager, Glasgow

There is trauma from crossing the Mediterranean and potentially trauma crossing the Channel. Life in different refugee camps. Being encouraged to sell sex for passage or the safety of your children, and the shame associated with that. Male unwanted sexual encounters for passage. Rape, spontaneous miscarriage, and abortions – legal and illegal. Lost children. I mean, huge issues of loss.

During their journey to the UK, Freedom from Torture clients commonly experience extreme vulnerability due to the risk of return to the country in which they were tortured. Many describe being under the control of smugglers, organised crime groups, and/or traffickers. It is not unusual for family members to be separated and unable to stay in touch, and so to lose the protection of the family unit. Some clients describe witnessing the drowning of loved ones during the journey. The abuse and violence our clients have commonly experienced in transit countries is explored separately (Section 4.1.1).

On dangerous journeys:

Deborah Thackray, Medico-Legal Report Analyst

The sheer distances that people travel are just incredible. When we read about it in Medico-Legal Reports, it's all in a few paragraphs. But actually, that's days, months, weeks, and years in the lives of these people. The kinds of day-to-day experiences they have are unimaginable for us.

Fiona Crombie, Clinical Services Manager, Glasgow

You have to be faced with no other choice to get your offspring in a tiny boat. I work with plenty of mums. They've all taken massive risks to get here. And any that have travelled with children, they were risking their child's life only because the perceived risk of doing nothing was greater than doing something.

Ahlam Souidi, Senior Community Development Worker

Journeys are very traumatic. When people tell their story, they always have tears in their eyes. From their body language, you can feel the anxiety and you feel the impact of that journey. It's another layer of trauma that was added onto them on the top of what they have experienced back home – of torture. They still could not believe that they survived it. They think they are still in the water because even if they survived it, they have seen their friends, their brothers, sisters, die in the water.

Fiona Crombie, Clinical Services Manager, Glasgow

There is backtracking, going north or south to another crossing which they're more likely to be able to cross. There's the psychological impact of that. Often people are taken back to a point and held in some kind of flat for several days, often with insufficient access to food and water. They've got to feed their children. There's lots of parents' accounts of: 'We only had the leftovers of a jar of chocolate spread for three days, and were trying to make that last for a couple of kids.'

Kids get scared and tired and don't know what's going on. The very typical story is the separation of men and women. Men being forced to work. So you're in the hands of people smugglers as a family, but you're separated. Women and children will take one route and the men will take a separate route, often resulting in them arriving in the UK separately.

4. DECISION—MAKING ON COMING TO THE UK

The reasons that Freedom from Torture clients specifically come to the UK are complex and relate to each torture survivor's individual circumstances, experiences, and hopes. Every respondent makes the point that, for many clients, there was little or no choice regarding the UK as a final destination (Section 4.5). Even for those survivors who are able to exercise agency, the goal is to escape danger and find safety and protection. Survivors may not initially be aiming for the UK as a destination, but are instead pushed from country to country due to the treatment and risks they experience *en route* (Section 4.1). For those clients who hope to seek asylum specifically in the UK, often the motivation is to reunite with family members or to enjoy the support of their diaspora community (Section 4.2), because of perceived links to Britain due to language or colonial ties (Section 4.3), or due to a perception of Britain as a country that protects human rights.



4.1 Dangers and treatment in transit countries

There may be no active conflict or individualised persecution in the countries survivors travel through on their journey to the UK, but there are many legitimate reasons why Freedom from Torture clients do not experience safety in those transit countries. These push factors play a significant role in informing a survivor's decision to continue their journey onwards to the UK, rather than seeking protection in those countries.

On clients seeking safety:

Deborah Thackray, Medico-Legal Report Analyst

They just continue moving until they find somewhere that's safe. It is not always about wanting to go to the UK per se, but it's feeling there is no other place for them to stay.

4.1.1 Violence, exploitation, and detention

On the meaning of sanctuary:

Salma Iqbal, National Welfare Manager

The end goal isn't achieved if you've ended up in a country when you're seeking sanctuary that brutalises you even further. Then you make that onward journey because it's not sanctuary, is it?

Many of Freedom from Torture's clients experienced outright violence during their journey. In some countries, violence is perpetrated by the police and state actors, including officials in the asylum system. At times, violence occurs within the community or camps where survivors are staying. Smugglers can also be the perpetrators of violence. In these cases of community and individual violence, respondents noted a lack of protection from the responsible authorities.

The violence perpetrated on Freedom from Torture clients in transit countries includes beatings, being locked in rooms by smugglers, having food and water withheld, and sexual abuse and enslavement. Arrest and detention by state authorities is a common theme impacting clients during their journey.

These findings are supported by previous research on refugee experiences in transit countries. One study found that Syrian participants drawn from refugee camps in Greece in 2018 were,

[...] threatened with guns by the smugglers and shot at by the Turkish Coast Guard when crossing by sea from Turkey to Greece. When crossing into Greece by land, participants also faced violence if caught. Participants mentioned tensions and violent episodes in the camp, making them worry about the safety of themselves and their families. Living in tents and the strong feeling of not being protected by the police increased the feeling of insecurity.⁴⁸

In France, Human Rights Watch documented the government's excessive use of force against migrants:

Throughout 2017, riot police often deployed tear gas or other chemical sprays on child and adult migrants while they were sleeping or in other circumstances in which they posed no threat; regularly sprayed or confiscated their sleeping bags, blankets, and clothing; and sometimes used these chemical sprays on their food and water.⁴⁹

On violence experienced in transit countries:

Ann Salter, Clinical Services Manager, Manchester

There is this narrative about, 'Well, why don't people stay in France, which is their safe country?' We hear what happens for people who are in Calais. There have been so many accounts of police ill treatment of people who are trying to flee and who are on their way. Of course people are pushed out.

Beth Lacy, Clinical Services Manager, Birmingham

It's really clear that the countries we think of as safe are actually not necessarily safe for them. Thinking about Greece, a lot of people that I work with have had really awful, traumatic things happen to them. So many people have been through being trafficked. They've been assaulted. All these really awful things happen in countries where they should be safe.

Fiona Crombie, Clinical Services Manager, Glasgow

You've got random acts of aggression. You've got poor mental health. People witnessing self-harm, drug-taking, modern slavery.

Inger Den Haan, Legal Advisor

European countries, particularly those that have been quite overwhelmed by refugees, sometimes treat asylum seekers quite badly. We at Freedom from Torture get reported all kinds of mistreatment, very particularly in Greece. Actually police brutality in Greece comes up quite frequently. In France and Italy, it's more a matter of neglect. The message from the authorities in those countries is, 'We don't really care. You're here. If you're a nuisance, we'll bulldoze your tent.'

Violence and other trauma experienced during a client's journey to the UK can compound the psychological distress caused by the experiences that forced them to flee their country or origin in the first place.

On retriggering trauma:

Inger Den Haan, Legal Advisor

Sometimes you can get referrals and you have to dig in a bit deeper. Because the freshest experience is detention in a European country or having a tent set alight in Calais. And that's been so re-traumatising and it's giving them such an enormous sense of unsafety that you almost have to try and dig past that so you can actually help them. And once you get them in therapy, therapists can deal with the whole picture.

Beth Lacy, Clinical Services Manager, Birmingham

A really common theme that comes up is secondary traumatising in the transit countries. We know people say about fleeing that they have no choice. With people who have tried to stay in Libya or Sudan or another country, but they're just not safe. Or the country might deport people back to their home country. So they just can't stay where they are, even if they have tried to make a life in a country closer to their home country.

Eleanor Bonner, Senior Legal Officer

Often during the journey, they are beaten or given little food or coerced or locked in places and generally don't have much agency. And that's why experiences on the journey are routinely asked about by Medico-Legal Report doctors – because it is so common. Unless people are taking direct flights, they're travelling by foot or by car and going through lots of intermediary countries. Then usually they've experienced some kind of trauma.

Respondents also speak of violence targeting children, particularly unaccompanied children, in transit countries. In 2016, UNICEF reported on sexual abuse and exploitation of unaccompanied migrant children in France. It found that *'Children experience sexual exploitation, violence and forced labour on a daily basis in the camps of northern France ... Sexual violence is a constant threat, including the sexual exploitation and rape of boys, and rape and forced prostitution of girls.'*⁵⁰

On children targeted with violence:

Beth Lacy, Clinical Services Manager, Birmingham

We have a lot of young adults who obviously were unaccompanied asylum-seeking children. Quite a lot of people who were children at the time in Calais were sexually assaulted. It seems to be a common theme. Or modern slavery: forced to work for somebody or to do domestic tasks. That's definitely something that's come up a lot with clients who were children at the time.

Elizabeth Wiggin, Care Coordinator

Some of the assessments that I complete are done with children because we have a whole children's service within Freedom from Torture. I think the impact of trauma is quite different for children. With children coming to the UK often as unaccompanied minors, there's the separation and the loss of the family link. So that always means a greater impact on that person's vulnerability. When children start the journey, they can be as young as 12 years old and arrive in the UK when they're 15. So to experience a long journey, perhaps with difficulties and even torture and smuggling and all those things from a very young age, the trauma is going to be quite different to an adult coming.

4.1.2 Stigma and racism

On racism and safety:

Tom Stephenson, Care Coordinator

Clients say, 'It's not a safe place for people like me. So I wanted to come somewhere where I could feel safe.'

High levels of racist abuse against people seeking asylum have been reported in various European countries. Amnesty International has documented racist and xenophobic abuse of migrants in Italy,⁵¹ and Refugee Rights Europe has reported the abuse of hundreds of migrants in Paris, whom citizens subjected to physical attacks and sexual violence.⁵²

Some Freedom from Torture clients have experienced what one clinician described as '*horrific racism*' in European countries. When this occurs, it can add to a general feeling of a lack of safety, which can then be a contributing factor to the decision to move on from those countries. For clients who experience racism and discrimination based on religion or ethnicity during their journey, it can feel like a continuation of what they have already experienced, and are fleeing, in their home country.

On clients' experience of racism in transit countries:

Debra Gordon, Psychological Therapist

Due to the casual racism that they experience on the street and from authorities, my understanding from clients is that Italy and Greece seem to be places people want to get the hell out of. The treatment is just appalling. It seems to be casual violence, and the authorities are not interested in supporting or stopping that. And Germany – I've had some awful reports. Some clients have experienced abuse by neo-Nazi groups.

4.1.3 Destitution and lack of access to medical or legal services

Despite the intended alignment under a Common European Asylum System aiming to establish '*common standards and co-operation to ensure that asylum seekers are treated equally in an open and fair system – wherever they apply*',⁵³ the reality is that conditions on the ground and support services for people seeking asylum vary greatly across the European Union. The lack of provision of basic needs and services for people seeking asylum in transit countries is a significant factor for some clients, informing their decision to continue on to seek sanctuary elsewhere. Greece, Italy, and France are particular countries in which clients have faced destitution.

These observations have been noted in previous research and court filings. In 2021, a Council of Europe body found that Greece was violating '*the rights of asylum-seeking children, citing inadequate, unhealthy, and dangerous living conditions, homelessness, and inadequate access to healthcare and education*'.⁵⁴ A 2018 study with Syrian refugees in Greece reported:

The refugees in Greece described their current lives as a source of pain and suffering. Their new lives and identities as refugees were very different and poor compared to their previous lives in Syria before the civil war. Living or having lived in poor housing conditions for several months (tents, containers, etc.) in often isolated camps with movement restrictions, and denial of or inability to exercise the same rights as the surrounding Greek society, made refugees feel socially marginalized and discriminated against. Some described how they had lost their dignity, felt humiliated, or felt treated worse than animals.⁵⁵

Similarly, Human Rights Watch reported in 2021 on the approximately 2,500 people, including hundreds of unaccompanied children, living in encampments and in forests around Calais and Dunkirk.⁵⁶ It documented the French government's attempts over the last five years to criminalise the provision of food and other essential needs by charity groups as part of what Human Rights Watch termed 'an official strategy of instability and misery'.⁵⁷

Lack of access to medical care can be a particular concern and a 2015 study of people seeking asylum in the Jungle in Calais found that, of those who had suffered medical complaints during their journeys, 54% had had no access to healthcare in Greece and 41% had no access in France.⁵⁸ Furthermore, in some countries, lack of access to legal advice can severely limit the ability of people seeking asylum to access asylum procedures (Section 4.1.4). The threat or experience of destitution undermined feelings of safety or conditions under which torture survivors could viably rebuild their lives.

On facing destitution in EU countries:

Polly Brendon, Head of Legal, Advice and Welfare Services

There are lots of issues coming up in Greece. There are attacks on camps. People are being placed in camps that are meant for a tiny number of people and become huge sprawling, unsanitary, unliveable places that people are expected to just exist in, in some sort of horrendous state of limbo.

Inger Den Haan, Legal Advisor

Italy still mostly plucks people out of the water. But once they're on land it's like they will formally sort of register their claim but then nothing seems to happen. They're not offered accommodation. They can't work. They have no infrastructure, no nothing. Somebody will tell them go to France, and they start walking.

Isabel Barreto Stahlberg, Psychological Therapist

I have quite a few clients that got refugee status in Greece, but there were no opportunities. You get refugee status, but then you fend for yourself. There is no house. Not even an opportunity to get a job, because the market is saturated.

In Spain, even though clients apply for asylum, they live on the streets. They don't have any kind of support and they feel like it's really quite unsafe because they're homeless and begging for food or trying to find a place to sleep.

4.1.4 Asylum denial, inability to access asylum procedures, and difficulties in disclosure

Some Freedom from Torture clients whose need for protection was recognised in the UK were failed by the asylum authorities in the EU states they passed through. This is despite the existence of the Common European Asylum System (Section 4.1.3).⁵⁹ The reality is that the assessment of claims, conditions on the ground, and support services for people seeking asylum vary greatly from country to country.

*Member States diverge significantly in their adjudication of asylum claims, with applicants of a shared nationality nearly certain to obtain asylum in one Member State and with only a very slim chance in another. Afghans, for example, had a recognition rate of 1.7 percent in Bulgaria in 2016, but 97.0 percent in Italy the same year.*⁶⁰

In some countries, even those signed up to the Common European Asylum System, people seeking asylum may not have access to the legal and advice services they need to support their claim, or they may not have the ability to access the system at all. Some people fleeing persecution may not be aware that they can claim asylum in the countries they pass through. Clients reported that they had encounters with police or immigration officers in transit countries and were not given information about claiming asylum, nor were they provided with the opportunity to do so. Some reported that authorities in some countries actively obfuscated information about accessing asylum procedures, presumably to reduce the number of asylum claims. Clients reported having been given notice that they were in a particular country unlawfully and were expected to leave. Others were simply left at the border with another country. Rather than being given the opportunity to make a claim for protection, they were expected to leave or were removed to another country.

These findings are supported by a quantitative research project undertaken in 2018 with Syrian refugees in Greek refugee camps, which found that ‘A very low proportion of participants reported having had access to information on legal assistance’, with rates as low as 9.6% in Samos camp.⁶¹ Only 11% of respondents from that same camp reported having access to information on asylum procedures.⁶²

It is also important to note that asylum processes may not be set up to accommodate the well-documented difficulties torture survivors might have in disclosing their experiences of torture.⁶³ Survivors of torture require time, understanding, and in some cases treatment in order to fully process their thoughts and provide detailed and coherent disclosure. As a result, asylum processing ‘requires caseworkers with high quality, experiential training on effective interview techniques, to increase their skills in encouraging full disclosure and identifying important aspects of the claim.’⁶⁴ Unfortunately, these skills are not uniformly present across the Common European Asylum System.

On the difficulties experienced by clients in disclosing torture:

Fiona Crombie, Clinical Services Manager, Glasgow

You know, these bits of stories are never spoken about. It’s only when you sit hour after hour and explore the narratives that people have that you hear what has happened to them and their family and what’s informed the decision for them to flee.

4.1.5 Putting distance between survivors and the site of torture

The UK's geographic position may also be a factor in some Freedom from Torture clients' decision to seek protection there. As it is geographically detached from mainland Europe, clients may consider the UK to be even further beyond the reach of the authorities and organisations from which they are fleeing. This could be considered in a practical sense in terms of the activities of state agents pursuing dissidents beyond borders, or in a psychological sense of putting greater distance between themselves and the site of their torture and persecution.

On the importance of physical distance:

Inger Den Haan, Legal Advisor

This idea that someone's saying, 'How far away can I get from the people who hurt me?' It's a very normal reaction. It's more of psychological reaction rather than a particularly practical one.

Beth Lacy, Clinical Services Manager, Birmingham

They might want to get as much distance as they can between themselves and their home country. So, with Iranians, sometimes they're very fearful that countries are too close to Iran in case people try to assassinate them, or kidnap them. My understanding is that that does actually happen. It's not an imagined threat. To people, that is real.

John O'Sullivan, Cognitive Behavioural Therapist

It's not just a lightly held belief. It's quite a strongly held belief. If there's somebody walking behind them, they will look around to see who is following them. And if they see somebody who looks similar to themselves, they might be suspicious.



4.1.6 Libya

The significance of Libya as part of the journey of people seeking asylum is central for two key reasons. It is one of the main transit countries to Europe, and the abuses there are both systemic and severe. In describing the detention conditions of migrants detained in Libya, *‘International aid agencies have documented an array of abuses: detainees tortured with electric shocks, children raped by guards, families extorted for ransom, men and women sold into enforced labor.’*⁶⁵

On clients’ experiences in Libya:

Inger Den Haan, Legal Advisor

Libya is Armageddon. It’s complete hell on earth. There’s no functioning government. There are militias. Anybody can grab migrants as slaves for a while. It’s the only country where I’ve had multiple stories of clients saying, ‘I travelled with my mother and she died there. I travelled with my father, he died there.’ The trauma that’s incurred in Libya is absolutely shocking. For the young and fit, it’s almost a rite of passage if you’re coming from Eritrea from Sudan. You are kept in slavery for about a year and you work really hard. And then at some point you get on the boat. But the abuse and the mistreatment is rife.

Tom Stephenson, Care Coordinator

Anytime that anybody’s mentioned the word ‘Libya’, my heart would sink because you just know what that entails. I’ve heard some horrendous stories about Libya. Open-air slave markets pretty routinely. All of them were imprisoned. People were auctioned off essentially and forced into a sort of modern slavery. If you didn’t have the means to pay for your onward journey, then you had to work for a period of time to be able to build up the money or the capital to pay for your onward journey to Europe.

Isabel Barreto Stahlberg, Psychological Therapist

In Libya, the treatment is so cruel. We have quite a few young people who are really traumatised. I think most of my clients became slaves and that experience has been horrendous. I just think, ‘But why would you go to Libya?’ But for some of them they didn’t have any other choice because there’s one way to reach Europe. Smugglers were basically killing people on the journeys if they complained about going through the desert, being raped, dividing them like cattle. A lot of clients have PTSD from what happened to them in Libya. I think that one of the most traumatic experiences is being raped or seeing the brutality of people.

4.2 Family reunification and community ties

Some Freedom from Torture clients have chosen to seek protection in the UK because they have family members or community links there. As a country with large diaspora communities, the UK provides critically important networks built on a shared culture, language, or identity as a source of support to new arrivals. In cases where people have relatives in the UK, there is already an emotional and practical support network in place for them. This pull is particularly salient for unaccompanied asylum-seeking children.

The draw of reconnecting with family members has been upheld in previous research. The UN refugee agency has warned that restrictions on family reunification in combination with limited legal pathways for people seeking international protection to enter Europe may lead to people feeling they have no choice but to undertake dangerous journeys to join family.⁶⁶ In a 2018 survey conducted among 355 refugees in Calais who planned to seek asylum in the UK, more than half indicated that they had family members in that country.⁶⁷ Many of Freedom from Torture's clients are Tamil, Kurdish, or Sudanese – all of which, as respondents noted, represent large diaspora communities in the UK.

On family or community connections:

Zohreh Rahimi, Manager, Children, Young People and Families Team

It's so scary to go to a strange country. Knowing someone somewhere is easier because you feel safe there. That makes people safe.

John O'Sullivan, Cognitive Behavioural Therapist

Some people will come to the UK because there is someone safe there. It is that idea of someone safe, someone that's known to their family who they can trust, rather than just going to a country where there's absolutely nobody that they know.

Given Freedom from Torture's mandate to assist torture survivors in their recovery, there is a common focus on family and community as protective factors for survivors as they rebuild their lives in the UK. Respondents note that having a family connection can be a protective factor against isolation, self-harm, and suicide. Family and community connections can have further psychological benefits in terms of increasing a client's sense of safety and restoring their sense of identity. Respondents also highlight the clear and vital practical support that family and community members can offer in assisting survivors to navigate the UK's complex asylum system, helping them access necessary health services and providing financial support and accommodation.

On family and community links as a protective factor for survivors:

Isabel Barreto Stahlberg, Psychological Therapist

When people leave their country, they leave everything behind. Sometimes they don't even have a picture of their family; it's a huge, profound loss. They are so broken that any connection that they can make, either with a friend or family member, means restoring that sense of identity. Sometimes it's this cultural need to feel connected with their values and their views, or even someone welcoming them. But sometimes it is the feeling of being protected. Feeling somehow, I'll be safe there because this person's already there and they're safe.

Salma Iqbal, National Welfare Manager

We can't underestimate what family support will mean to people. The system is so brutal. And so many of our clients describe going through the system as a sort of re-traumatisation. They've been tortured already and people are just left stranded on their own.

My experience of young people going into social services care is that it's tough. Social services will pick up children who are unaccompanied, but they're not family members. Those children are not going to have that same connection with their social worker, who they could see as part of this establishment.

Ann Salter, Clinical Services Manager, Manchester

We find that, if some of our clients may be feeling suicidal and have suicidal thoughts or even plans, there is often somebody from the community who speaks the same language and who is a friend, who takes people under their wing, which is hugely important.

Beth Lacy, Clinical Services Manager, Birmingham

There are definitely certain communities that are extremely supportive and – even if it's a maybe more distant relative – they will tend to have that person live with them and support them financially. Obviously, the benefit of that is that you've got someone already in the country who probably knows the system so they can help you with GP appointments and things like that, the buses, and they know the way around. They might have more English than you do at the start. You might not feel so isolated, because you have people who, even if you're not that close, speak the same language as you and have the same some sort of shared culture. It's obviously a huge thing for people to have that connection, both in a practical sense and in an emotional sense.

Eleanor Bonner, Freedom from Torture Senior Legal Officer

Medico-Legal Report doctors routinely do suicide risk assessments where they look at protective factors and risk factors. Having a family member supporting them is almost always listed as a protective factor against suicide.

4.3 Language, cultural ties, and colonialism

The fact that the UK is an English-speaking country informs the decision by some Freedom from Torture clients to seek protection there. Even before arriving in the UK, many Freedom from Torture clients already speak English fluently. No language in history has been used by so many people, with English being the first language of almost 400 million people and a second language for a billion more.⁶⁸ It is an official language in around 60 countries and the unofficial *lingua franca* of many more.⁶⁹

Language proficiency can make a vital difference to the ability of people seeking protection to navigate the asylum system. Lack of knowledge can increase protection risks, such as homelessness and destitution and feelings of insecurity.

On the importance of English:

Zohreh Rahimi, Manager, Children, Young People and Families Team

I know a lot of people who seek asylum go to English-speaking countries, the reason being that English is a worldwide language. People in their school or universities or whatever have learnt a little bit of English, even if it's not sufficient enough to manage here. But at least they can understand a little bit of what people are saying. I have noticed that this is one of the biggest factors because you don't want to go to a country where you don't even understand a word. Language ability gives people a feeling of understanding and security, and also being able to communicate.

Salma Iqbal, National Welfare Manager

If you're a homeless, destitute asylum seeker, you will need to be able to contact Migrant Help in order to apply for asylum support. If you can't do that, that means you're more at risk of destitution. You're more at risk of homelessness. Being able to speak even limited English makes a huge difference.*

Britain's history of colonialism is a key factor in some clients' decision to seek protection in the UK. At its height, the British Empire comprised around a fifth of the world's population and nearly a quarter of the world's land mass. Beyond sharing a common language, as discussed above, those coming from countries formerly colonised by the UK would have a familiarity with British culture and systems, which colonisers would have actively replicated in those countries.⁷⁰

* Migrant Help is a charity contracted by the government to provide services to people seeking asylum.

On colonialism:

Debra Gordon, Psychological Therapist

Obviously, we're not an easy island to get to from the southern hemisphere. In my experience, if you look at the profile of our client group, in every country where our clients come from (with a couple of exceptions) there has been a substantial colonial history that we don't actually talk about. If you're, for example, from Sri Lanka, India, or Pakistan, or certain African countries, etc.

I know it from my personal background – my parents are Caribbean Jamaican – there's a colonial history. Your education system, your court systems were set up around the British way of life and thinking. And so you're taught English. The Queen's picture is in your classroom. You feel a part of your personality and your culture and your history is English and British. They're coming for that support because they feel they belong already.

The British withdrawal from Afghanistan and its aftermath brings the connection between colonial or military legacy and people seeking asylum into sharp focus. The Afghan resettlement schemes have been widely criticised, having resettled only a small proportion of those likely to be eligible.⁷¹

Tens of thousands of Afghans ... have applied under the ARAP [the Afghan Relocations and Assistance Policy] but remain in the country, often living in terror, a year on from the fall of Kabul. The vast majority are still awaiting a decision. Of around 100,000 applications made since the scheme opened in April 2021, just over 10,000 have been accepted and relocated. It is not known how many have been refused and how many have been accepted; charities and lawyers say most have had no response at all.

Given the low percentage of potentially eligible Afghans actually being resettled, it is unsurprising that Afghans were the largest represented nationality of those crossing the English Channel by small boat during the first quarter of 2022.⁷²

On the UK's obligations to Afghans:

Beth Lacy, Clinical Services Manager, Birmingham

Afghanistan is a key example of people who actually worked for us and supported the mission out there. And they think, 'Well, I worked for you, so I should go to Britain, and that will be a safe place and they will let me stay.' Then they find that it's a very different kettle of fish with the ARAP [Afghan Relocations and Assistance Policy] scheme and how much of a shambles it is.

4.4 Perceptions of the UK

The perception held by people seeking asylum of the general values of the UK can be a factor in their decision-making, but is rarely underpinned by practical knowledge of the UK's policies or treatment of people seeking asylum. The values attributed by Freedom from Torture clients to the UK include respect for human rights, tolerance and social justice, and the perception of the UK as 'a beacon of democracy' offering minimum standards of treatment.

On positive perceptions of the UK:

Ann Salter, Clinical Services Manager, Manchester

I heard many clients talk about the UK's reputation for having good human rights. Which then often doesn't bear out, unfortunately. There is the expectation that, 'Okay, I've come from somewhere where human rights are completely not respected', and then they come to the UK where they at least expect to be respected and treated fairly and with dignity. And there's a real let-down when that's not the case.

Jennifer Todd, Legal Advisor

A lot of people do talk about the perception of the UK as being more receptive towards children's rights, which I guess is ironic given what the current government wants to do. There's a perception that it's tolerant. That we've got a record where human rights are upheld.

Salma Iqbal, National Welfare Manager

People perceive the UK as a place where there's social justice. I think people genuinely believe that those who've been persecuted, those who have been tortured, will get a fair chance and they'll get safety and security because that is the UK's reputation.

Despite holding largely positive perceptions of UK values, Freedom from Torture clients often lack practical understanding of the realities of life in the UK, including the asylum system and related benefits and policies. Rob McNeil of the Migration Observatory at Oxford University has noted, 'One thing we know is that the data suggests that people travelling to any country have very little knowledge of the laws and practices of enforcing immigration.'⁷³ Some Freedom from Torture clients did not know they needed to claim asylum on arrival. Others received incorrect information from smugglers or from other people seeking asylum.

On people seeking asylum not knowing what to expect in the UK

Beth Lacy, Clinical Services Manager, Birmingham

My impression is people don't necessarily know anything. They have an assumption that they'll get here, they'll explain what happened, and they'll just be allowed to get on with their life and work. I don't think people realise that, for example, that you can't work – that you're not allowed. And that you're basically forced to subsist with Home Office support, however little that is. So I never had the impression from people that they knew particularly what the system is, or all the policy decisions, and everything that's going on with Rwanda, for example.

Deborah Thackray, Medico-Legal Report Analyst

I've never met an asylum seeker who said, 'I know you can get X, Y, and Z and that's why I'm here.' On the contrary, most people don't know what their rights are. They don't know what the process is. They don't know what the procedures are. They don't know what they're entitled to, what kind of treatment they might expect. And I think that's also why a lot of asylum seekers then put up with terrible treatment when they arrive here. They don't know that they can expect anything better and they're happy to be safe. But then they find out that they're actually not really safe.

Salma Iqbal, National Welfare Manager

I don't think people know what the asylum support system is, or what it will look like. And I don't even think people believe that they'll be able to live off benefits. I think they're expecting safety, they're expecting sanctuary, and then to be able to rebuild their lives and stand on their own two feet. There aren't the same safety nets in terms of the welfare state in many of the countries they are coming from, so there's no reason that they would expect something. I think the main thing is a desire to stand on their own two feet.



4.5 No control over destination

While all of the factors explored in the previous sections can contribute to the decision to seek protection in the UK, every one of Freedom from Torture's respondents indicated that a large portion of their clients did not have significant control over the choice of destination during their flight from their country of origin.

There are a number of reasons why torture survivors may end up in the UK without having actively chosen it as a destination in which to seek asylum. They may be trafficked, they may be unaccompanied children whose relatives set their destination, they may have engaged a smuggler with particularly strong networks facilitating entry into the UK, or they may have been trying to get to a further destination and were unable to continue beyond the UK.

Trafficking is one of the main mechanisms by which people without agency arrive in the UK. The Modern Slavery Act of 2015 defines an offence of human trafficking as arranging or facilitating 'the travel of another person with a view to that person being exploited, where exploitation refers to slavery, servitude, forced or compulsory labour, sexual exploitation, removal of organs, or the securing of services by force, threats, deception or from children or vulnerable persons.'⁷⁴

In August 2022, the Home Office released figures showing that the number of referrals for people trafficking had increased by a third over the previous year, and that nine out of 10 suspected cases were accepted to be victims.⁷⁵ Freedom from Torture provides services to people who have been trafficked as well as having survived torture, and has noted a rise in cases involving trafficking for economic exploitation over the past year.

The line between smuggling and trafficking can be blurred. Smugglers can abuse and harm those they are smuggling, as well as negate people's agency in choosing routes and destinations. In that way, what begins as a smuggling agreement – often entered into under circumstances of desperation – can morph into trafficking, exploitation, mistreatment, abuse, and the total loss of agency. This point echoes the findings of previous research. A 2018 study of Syrian refugees in camps in Greece found that:

During the journey, participants interviewed in the qualitative study often found themselves in situations over which they could exercise little or no control and where they received limited information from smugglers. The ability to negotiate with smugglers was complicated by the practice of smugglers handing over people to other smugglers, through chains of delegation.⁷⁶

On smugglers taking control en route:

Fiona Crombie, Clinical Services Manager, Glasgow

Throughout a long journey, you're reliant on people who don't always speak your language. You're part of a group of people and your perception of risk and safety may not be the same as the smugglers'. You are not told what's happening and then you're forced into some mode of transport.

Even where smuggling does not entirely cross the line into trafficking, routes and final destinations can be determined by the smugglers rather than by their clients. People fleeing life-threatening situations may prioritise getting to ‘somewhere safe’ over choosing a specific destination. On that basis, they connect with smugglers who follow set routes to set destinations, and previous research has posited that some smugglers may have particularly strong network connections to the UK.⁷⁷

On smugglers choosing the route and destination:

Inger Den Haan, Legal Advisor

There's this assumption that people choose to come to the UK, but if you're from rural Eritrea you don't necessarily know what you are doing. They have government-controlled internet there. They don't start their journey with a plan to come to the UK.

People have been making dangerous crossings for rather a long time, being forced to do so. The small boats are just, at the moment, the smugglers' choice of transport. The same as that there is a popular trafficking route through Russia at the moment. These things change all the time. In the next year, or the year after, they will probably go through another country because there's a new and better route. At the moment it's Russia, because Russia doesn't give a hoot about trafficking. So it's just smugglers change routes.

But you'd be surprised how many clients say, 'I didn't even know what England was. I didn't know I was coming here. I was just doing what the smuggler told me.'

Polly Brendon, Head of Legal, Advice and Welfare

Quite often, there won't be any choice at all and it's actually just where the lorry doors are opened.

Isabel Barreto Stahlberg, Psychological Therapist

Some of my clients, when they came here, they didn't have any idea where they were going. They end up in the UK. I asked them: why? They say they are put in this lorry and they end up here.

Emily Rowe, Senior Legal Officer

I don't think it's the case that people have a clear menu of options and a clear choice and control. I think they're very often under the control of agents who take that choice away from them. They send them to the places that are easiest for them, and – because it's a money-making business – to the places where they're going to get the most money. I think that's one of the reasons why people often are coming on extremely circuitous routes over years.

Sometimes relatives make the decision concerning final destination on behalf of the torture survivor. This is particularly common for children, where it is often an uncle or a father who makes arrangements with smugglers. It also occurs for people in detention, whose families arrange for them to escape the country immediately upon release. In these cases, the families undertake negotiations with the smuggler organisations and the torture survivor who is fleeing may not have any say in, or even be aware of, where the smugglers will take them.

The lack of choice and agency that some survivors have in determining their final destination is highlighted in descriptions of clients' surprise at ending up in the UK.

On clients not knowing where they are on arrival in the UK:

Fiona Crombie, Clinical Services Manager, Glasgow

I've heard, 'I thought I was in Canada', like, what part of Glasgow looks like Canada? 'Because some smuggler told me that I was going to Canada and I landed in Glasgow.'

Ann Salter, Clinical Services Manager, Manchester

Of course there are some people we've worked with over the years who have no idea that they're coming to the UK – who arrived here and don't necessarily know where they are and didn't ask to be brought here. That's not what's on their minds.

Beth Lacy, Clinical Services Manager, Birmingham

There is this randomness sometimes, that this is where the people smuggler takes them. Or people who are trafficked here and they don't know where they are, until they are let go on a motorway and someone tells you, 'You're in Birmingham.'



5. CONCLUSION

Barbora Novakova, Cognitive Behavioural Therapist

I reflect on how many people, even though they come with so much trauma and having experienced horrendous abuse, loss, and torture in their life, how so many of them still come with such hope and such passion and desire to rebuild their lives and offer their skills, integrate and contribute. And they're often prevented from that. And that's just so heart-breaking.

Our research documents the extraordinary courage of men, women, and children who have fled torture in their country of origin and faced unimaginable horrors during the journey in order to seek safety in the UK. Our respondents described the pursuit of safety as so much more than just the avoidance of torture and persecution; it is also the search for stability, security, familiarity, self-sufficiency, and belonging.

The stories described by our respondents of danger, death, and exploitation are not isolated, but replicated in almost every boat that arrives on our shores and in each failed journey to safety. We have a moral obligation to reduce the danger faced by those fleeing persecution and those moving irregularly towards and through Europe to seek protection. That obligation is driven, first and foremost, by the imperative to save lives – an imperative that does not need to stand in opposition to our national policy objective of humanely and effectively managing the movement of people across our borders.

The government's proposed policy solution (the New Plan for Immigration) and the legislation to implement it (the Nationality and Borders Act 2022) are based on a flawed assessment of the challenge posed by these journeys and on an assumption that punishment and deterrence will eliminate this longstanding phenomenon. This approach is still in the early phases of implementation, and it will take time to measure the full impact of the harm it will cause Freedom from Torture's clients and others fleeing persecution and seeking sanctuary in the UK. The early indications are that it is heightening the anxiety and insecurity experienced by survivors whose right to rehabilitation⁷⁸ is being undermined by a constant threat of being forced to return to persecution.

6. RECOMMENDATIONS

1. The government must respect and uphold the commitments the UK made in the wake of World War II to enable people fleeing torture, war, and persecution to seek protection in Britain, no matter how they get here. That means:
 - Recognising that, no matter what actions governments take to try to prevent irregular journeys, many people seeking protection – including torture survivors – will have no option but to travel without preauthorisation to find safety. They should be treated fairly, humanely, and with compassion. Those who make it to the UK should have their claim to asylum heard in the UK, and they should face no penalty for their irregular movement, in line with the 1951 Refugee Convention.
 - Understanding that the majority of those travelling irregularly to seek protection either have no control over their journey or are motivated by push factors that are more intolerable than the prospect of dying in the Channel or facing a penalty on arrival. Some refugees do actively choose to come to the UK and nothing in international law obliges them to claim asylum in the first safe country they reach, as the UN refugee agency and others have made clear. UK case law rightly protects refugees from being punished for exercising a choice regarding their destination country.⁷⁹
 - Recognising that the increased securitisation of our borders – including in northern France – has failed to deliver on the stated objective of eliminating irregular Channel crossings and has instead contributed to the increased danger faced by refugees seeking access to UK territory to claim asylum.
 - Acknowledging that the smuggling of people across Europe is a symptom and not the cause of the current situation, which results from the absence of sufficient safe routes for people seeking protection.
 - Recognising that pressures on the UK asylum system are the result of mismanagement and a lack of political will, and that the UK has the capacity and public support to meet its obligations under the 1951 Refugee Convention and the UN Convention against Torture.
2. The next Parliament should repeal provisions of the Nationality and Borders Act and related legislation that deliberately seek to punish refugees for their method of entry by denying them access to the UK asylum system or to prompt settlement in the UK. This includes provisions to deny admission to the UK asylum system; powers to intercept and divert boats in the Channel; powers to remove an asylum seeker to a ‘safe third country’ while their claim is pending; powers to criminalise people who arrive in the UK without valid entry clearance; and powers to discriminate against refugees in terms of rights and length of leave.
3. The government should suspend operation of the Migration and Economic Development Plan (MEDP) with Rwanda and not seek to establish any similar agreements with any other third country.

4. The government should expand safe routes for people seeking asylum by setting a generous and inclusive annual resettlement target to run alongside any ad hoc urgent schemes directed at a particular crisis, and by expanding the existing refugee family reunion rules. All safe routes to protection should be accessible to torture survivors and other vulnerable groups.
5. The government should rebuild trust and collaboration with the EU in order to establish a cooperation framework that prioritises the strengthening of safe routes into and through Europe, in full compliance with our international and human rights obligations. This collaboration should be based on the principle that refugees can exercise some element of choice regarding their country of asylum. A partnership approach, built on principles of international solidarity and the autonomy of the individual, and in respect of all necessary procedural safeguards, would establish safe channels for the managed movement of some refugees between the EU and the UK, build protection capacity in Europe, and facilitate more effective and coordinated life-saving rescue operations in the Channel.
6. The government should end the hostile environment and invest in an efficient and effective asylum determination system in the UK that it is capable of making timely and high-quality decisions to enable refugees to rebuild their lives with dignity and pursue rehabilitation, while inspiring confidence and pride in the public.
7. The UK government should take a broad, proactive anti-torture stance in its foreign policy and trade agreements and insist that human rights standards be the basis for partnerships.



ANNEX: LIST OF RESPONDENTS

We would like to thank respondents for sharing their important insights and experiences for this research:

Eleanor Bonner, Senior Legal Officer, Medico-Legal Report Service

Polly Brendon, Head, Legal, Advice and Welfare Service

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Tom Stephenson, Care Coordinator

Deborah Thackray, Medico-Legal Report Analyst

Jennifer Todd, Legal Advisor, Legal, Advice and Welfare Service

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FREEDOM FROM TORTURE

Freedom from Torture is dedicated to healing and protecting people who have survived torture. We provide therapies to improve physical health, we medically document torture, and we provide legal and welfare help. We expose torture globally, we fight to hold torturing states and those that support them to account and we campaign for fairer treatment of torture survivors in the UK.

For over 30 years, through our services, we have been helping survivors overcome their torture and live better, happier lives. The experiences of people who have survived torture drive and inform everything we do.

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