



Freedom from Torture

Medical Foundation for the Care of Victims of Torture

July 2013



The Poverty Barrier:
The Right to Rehabilitation
for Survivors of Torture
in the UK

Summary version





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Introduction

Freedom from Torture (formerly known as the Medical Foundation for the Care of Victims of Torture) is a UK-based human rights organisation and one of the world's largest torture treatment centres. Since our foundation in 1985, more than 50,000 people have been referred to us for rehabilitation and other forms of care and practical assistance. In 2012, our centres in Birmingham, Glasgow, London, Manchester and Newcastle provided services to almost 1400 clients from around 65 different countries.

Freedom from Torture's clinical practice with torture survivors

Andy Keefe, Director of National Clinical Services

Freedom from Torture is the only organisation in the UK dedicated solely to the treatment of survivors of torture. We take a holistic approach to rehabilitation, catering to the unique needs of each survivor. This approach includes medical consultation, forensic documentation of torture, psychological therapies and support, as well as practical help with legal and social needs. Working in multi-disciplinary teams our clinicians focus on helping the most vulnerable individuals who have suffered psychological trauma from torture to rebuild their lives.

Psychological therapies provided at Freedom from Torture support torture survivors to manage and process the psychological trauma that they have experienced, including common symptoms such as recurrent nightmares, insomnia, flashbacks, panic attacks, anxiety, depression and disassociation. Psychological therapies are used to enable torture survivors to remember their past without reliving their traumatic experiences. Over a gradual process, therapy helps them to integrate memories in the context of other beliefs and perceptions and through this process, hope for the future and a belief in the self emerges. Through regular ongoing therapy sessions survivors gradually became more comfortable in managing the trauma and begin to work towards rehabilitation.

The vast majority of survivors that Freedom from Torture supports are asylum seekers or refugees who have fled torture in other parts of the world to seek a safe haven in this country. They often spend months and even years in 'limbo' while decisions are taken by the Home Office and the courts as to whether they will be granted protection ('asylum') and the right to remain in the UK as refugees. During this period they are almost never permitted to support themselves by working and are excluded from mainstream welfare benefits. Instead, an entirely separate asylum support regime

AN*

AN was arrested in his home country alongside a family member who had been involved in anti-government protests. He was detained and tortured and only released on bail after signing a false 'confession' of involvement in anti-government activities. He fled the country and immediately claimed asylum in the UK in 2010. He was initially detained while his claim was considered, but released after a month and referred to Freedom from Torture.

Since then, AN has stayed with family members while his asylum claim is processed and only claimed 'Section 95'¹ support from the Home Office to help cover his essential subsistence costs. He began to receive this after a delay of two to three months, during which time he was entirely dependent on his family for financial support.

After nearly two years, AN has still not received a decision on his asylum claim, despite submitting medical evidence of the torture to which he was subjected. It became difficult to live together with his family in their one bedroom flat after the arrival of a new baby. He therefore applied for Home Office accommodation. However, the only accommodation he was offered was in another city which would have been far from both Freedom from Torture, where he receives clinical treatment, and his family who provide him with emotional support. Although his living situation was very difficult, he did not feel well enough to live alone and his family persuaded him to stay despite the hardship for them all.

The financial support provided by the Home Office - around £35 per week - has not been enough to cover his basic expenses and AN has struggled to manage over the two years he has been waiting for a decision on his asylum claim. He finds it especially difficult to pay for bus fares and is often isolated in the flat with nothing to do and nowhere to go. These living conditions have impacted on his mental health and he struggles to follow clinical advice about how to recover from torture, including the need for social interaction. He has to 'report' every month to a Home Office reporting centre and although his attendance record was good, on the few occasions when he was not able to get there through ill health, he was 'sanctioned' and lost his weekly support.

His family try to help him but their own limited resources are already stretched to the limit. AN is not able to pursue his studies while his asylum claim is being considered and he feels that he has lost direction and control over his life.

¹ Section 95 support is the form of support given to asylum seekers who are waiting for their asylum claim to be determined. It is provided by the UK Border Agency under section 95 of the Immigration and Asylum Act 1999.

* Names and other potentially identifying details have not been used in order to preserve anonymity as agreed with research participants.

provides them with significantly lower levels of income than those of mainstream welfare benefits recipients, and basic accommodation where this is necessary to avoid destitution. As a result, many asylum-seeking torture survivors are unable to meet essential living needs, are forced to live in poor and inappropriate housing, and experience destitution. For those recognised as refugees, poverty related problems usually continue as they attempt to enter the mainstream welfare system or, for those well enough to work, as they attempt to find employment.

For many years Freedom from Torture clinicians have been concerned about the impact of these impoverished living conditions on torture survivors' prospects for rehabilitation, and the effect of torture on survivors' ability to cope with such difficult circumstances without experiencing further deterioration in their physical and mental health.

'The Poverty Barrier' is a ground-breaking research report, drawing on the testimony of Freedom from Torture clients and clinicians. It is the most comprehensive study to date of the experiences of poverty among torture survivors in the UK.

The full report is available to download at www.freedomfromtorture.org/povertybarrier or to request a hard copy please contact digital@freedomfromtorture.org

This summary document provides a snapshot of the report's key findings and recommendations.

Summary

A total of 117 Freedom from Torture treatment clients took part in the research - 85 completed a detailed client questionnaire, 22 participated in focus groups and ten in semi-structured interviews. Interviews were also conducted with 18 clinicians from across our centres in Birmingham, Glasgow, London, Manchester and Newcastle.

Questionnaire respondents reflect the range of situations in which torture survivors may find themselves when attempting to start a new life in the UK. They included those awaiting the outcome of an initial or fresh asylum claim; those granted legal protection in the UK and seeking to integrate into mainstream society; and those whose asylum claim had been refused and who had exhausted their appeal rights but are unable to leave the UK (either because there is no viable route of return to their country of origin or because they are unable to return to the country due to a risk of further detention and torture).

VA*

When VA arrived in the UK in 2006, she could not speak English and found the language barrier a real problem. After claiming asylum, she was sent to live in Home Office accommodation in another part of the UK away from London where others from her home country lived. She was not interviewed about her asylum claim for a year after her application, partly because of the problem of finding an interpreter who spoke her language. Her asylum claim and subsequent appeal were refused.

VA's financial support was stopped at this point and she was evicted from her accommodation with 28 days notice. VA had nowhere else to go so stayed with other asylum seekers in accommodation centres, though this meant the risk of eviction and sometimes sharing a bed. VA found this situation extremely distressing and stressful. She frequently saw friends being detained for removal to their home country. She found it terrifying when the Home Office officials would enter the accommodation forcefully, making arrests, and fighting to put people in handcuffs, amidst screaming and shouting. VA suffered frequent nightmares and was constantly afraid that she would be discovered and sent back to her country. She could not understand why she, and others like her, were made to feel like criminals when they had come to the UK to seek protection from torture and other forms of persecution.

For three years, VA had no financial support or safe place to live. She was totally dependent on others, including asylum seekers and local voluntary organisations. She became very unwell and initially tried to cope by isolating herself. VA was gradually supported to go out, to learn English and to volunteer for local charities. Eventually her English improved and she found it helpful to keep busy and be involved with the local community.

In 2011, VA was finally able to find a lawyer who could help her make a fresh asylum claim. She was able to submit a report from Freedom from Torture which described and evidenced the torture she had suffered. This took time to prepare as she needed many counselling sessions before she was able to disclose details of what she had experienced. Some months later, and five years after her arrival, she was granted permission to live in the UK.

VA was found to be in 'priority need' of housing because of her health problems and continuing vulnerability and now has a safe place to live. She is very keen to support herself and is currently looking for a job while attending college three days per week.

* Names and other potentially identifying details have not been used in order to preserve anonymity as agreed with research participants.

Fifty-four of the 85 clients who completed the questionnaire were in receipt of some form of support from the UK government at the time of the research. This support was provided by the UK Border Agency (which was abolished in March 2013 and its functions taken over by the Home Office), the Department for Work and Pensions or by a local authority social services department, depending on the person's legal status and whether they were in the asylum system or had access to mainstream benefits. Twenty-six were not receiving any support from the government at the time of the research, and the support situation of the remaining five is not known.

The evidence from our 'Poverty Barrier' research confirms a disturbing reality for survivors of torture in the UK, revealing;

- shocking levels of poverty among torture survivors - during and after their passage through the UK's asylum system;
- how the day-to-day struggles of living without the means to meet basic living needs reinforce the powerlessness, fear and isolation which is the torture survivor's inheritance from their past; and
- how poverty and powerlessness impede the realisation of torture survivors' right to rehabilitation guaranteed under international law.

The right to rehabilitation for survivors of torture in international law

Article 14 of the United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment:

1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.

2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

Key findings

Sixty-seven of the client questionnaire respondents described themselves as living in poverty and only two said that they would not describe themselves as poor. Respondents described the poverty they had experienced in the UK in both 'absolute' and 'relative' terms. 'Absolute' in that they were unable to meet basic living needs

for food, clothing and shelter, and 'relative' in terms of being unable to live according to perceived 'normal' and 'reasonable' standards of life in the UK.

Respondents also described the psychological impact of poverty, highlighting the need to live 'day to day', of being unable to plan for the future or make decisions, of living without hope, being dependent on others and feeling constantly anxious and vulnerable. Furthermore, they described how it *feels* to be poor in the UK, including feeling ashamed, disregarded, looked down on, excluded from society and unequal.

Financial support for torture survivors in the asylum system

Findings in relation to the ability of torture survivors to pay for essential living needs included:

- **Food:** More than half of the questionnaire respondents said they were *never* or *not often* able to buy enough food of sufficient quality and variety to meet their needs for a nutritionally balanced diet. Thirty-four were either *never* or *not often* able to buy enough food of any quality to prevent them from being hungry.
- **Clothing:** Fifty-three of the 85 questionnaire respondents were *never* or *not often* able to buy clothing adequate enough to keep them warm, clean and dry. Respondents generally reported being unable to buy warm clothes for the winter including a coat and shoes and many reported having only one set of clothes.
- **Health and hygiene items:** More than half of the questionnaire respondents were *never* or *not often* able to buy items such as over the counter medicines, household cleaning products, toiletries, sanitary towels and nappies.
- **Travel costs:** The inability to pay for travel (even when the costs will be reimbursed) is a barrier to torture survivors attending therapy and other health-related appointments, to maintaining social contact, and to their participation in other activities which might support their rehabilitation. Half of the questionnaire respondents supported by the UK Border Agency said that they do not have enough money to pay for essential travel expenses connected with their asylum claim, such as attending appointments with their legal representative and reporting appointments with the UK Border Agency.
- **Communication costs:** Seventeen of the 28 people supported by the UK Border Agency did not have enough money to make phone calls to Freedom from Torture and other health service providers, and 14 said that they could not afford the cost of posting or faxing documents relating to their asylum claim to their legal representative or to the UK Border Agency.



Bad landlord - "I told landlord to cut the grass but he doesn't do it. Can he take the sofa? Still doesn't do it - ignores us. Makes us feel powerless. I cut the grass myself with scissors."



In the train - "this could be my seat but because I don't have money I cannot take the train."



"All my belongings stored in a cabinet". Our client's medicine, towel, toothbrush, documents and toothpaste - everything he owns is in this drawer.



Public shelter - "I sleep with many people, who have many difficulties and this is where I have to sleep". He explained that he has to arrive between 9pm and 11pm to secure a bed. He has to leave in the morning and he spends the day and evening walking around the streets killing time.

- **Social exclusion:** Nearly a quarter of respondents were *never* able to meet socially with family or friends, and a further quarter were *not often* able to do so. Over 80% of respondents also said that they were *never* or *not often* able to celebrate special occasions with others and just under half reported being unable to take part in faith-based activities regularly. The consequences of this particular aspect of poverty, which can compound and interact with impacts of torture, such as symptoms of depression and Post-Traumatic Stress Disorder, may be particularly damaging for torture survivors.
- **Cashless support:** Those in receipt of Section 4 support² receive a daily allowance of little more than £5 a day, provided via the 'Azure' pre-payment card. Five of the nine respondents in receipt of this support said either that they are *never* or *not often* able to buy enough food of sufficient quality to maintain their health and meet their needs for a nutritional, balanced diet. Four said that they are hungry *all the time* or *most of the time* due to being unable to afford to buy sufficient food of any type. Seven said that they are *not often* or *never* able to afford to buy appropriate clothing capable of keeping them warm, clean and dry, and four said they are unable to regularly buy essential items such as over-the-counter medicines, household cleaning products, toiletries and sanitary items. Respondents also reported that they are unable to pay for travel costs and are rarely able to afford to pay for the cost of a mobile phone or have access to other means of communication such as the internet, fax or mail.
- Other problems reported include restrictions on where the Azure card can be used and what can be purchased; the inability to carry over more than £5 from one week to the next; payment failures or delays; problems at point of sale; delays in replacing lost or stolen cards, and the stigma attached to use of the Azure card.

Access to local authority support

It is very difficult for survivors of torture to access support provided by local authorities under general social care or child-specific legislation. Only four respondents were receiving this at the time of the research, two of whom were supported under the Children Act 1989. Another four had been refused this support including because their torture disclosures were not believed. Particular problems were reported with the provision of support for young people 'leaving care' and with age disputes which affect entitlements.

² Section 4 support is the form of support given to some refused asylum seekers who are destitute. It is provided by the UK Border Agency under section 4 of the Immigration and Asylum Act 1999.

Accommodation provision for torture survivors in the asylum system

Problems with accommodation for those in the asylum system included:

- Instability caused by frequent moves and lack of proximity to essential services and support networks.
- Three of the 24 questionnaire respondents accommodated by the UK Border Agency had experienced racist attacks in their local area, while eight said that they had been subject to racist abuse.
- Sharing accommodation, sometimes with large numbers of people, which often meant a lack of privacy and exposure to violence and abusive behaviour. A third of the 15 questionnaire respondents who were single asylum applicants were required by the UK Border Agency to share a bedroom with someone they did not know. Clients and clinicians expressed serious concerns about the appropriateness of this given the trauma symptoms suffered by torture survivors including insomnia, disrupted sleep, nightmares and flashbacks.
- Poor housing conditions including lack of locks on bedroom doors; pest infestation - such as mice, cockroaches and bedbugs; lack of heating or hot water due to system breakdown; windows and external doors that could not be locked; broken windows; absence of smoke or fire alarms; and poor hygiene in common areas. Respondents said that problems were persistent, occurred repeatedly and often remained unresolved for lengthy periods.

Destitution - survivors of torture living with no support

Nearly a third of the 85 questionnaire respondents (26 people) reported having no support from the UK government - in terms of money or accommodation - at the time of the research. Sixteen of these were at some stage within the asylum system (four had been refused and their appeal rights were exhausted). Eight had been granted protection but were not receiving mainstream benefits despite being unemployed. Reasons why survivors of torture were not receiving formal support included the lack of access to sufficient advice about entitlements and practical support in accessing these, and poor decision-making including failure to take proper account of vulnerability related to mental health problems.

Seven people had been refused asylum support (Section 95 or Section 4) because they were deemed not to be destitute on the basis that they had been temporarily housed by others. Nine had

been unable to apply for Section 4 support because they could not meet the requirements - including four who had been unable to find a legal representative to prepare representations for a fresh asylum claim. Three respondents said that they could not apply for Section 4 support as it would have meant separation from their family including children.

Five of those with permission to remain in the UK said that their claim for Employment and Support Allowance (ESA) had been refused or that payments had been stopped. Two others said that they had no support at the time of the research due to delays in receiving benefits.

Most of the 26 respondents without formal support said they were not able to meet their essential living needs. This included all 16 who were in the asylum system and had no legal means of supporting themselves through work. Nineteen said that they were *never* or *not often* able to eat adequate food of sufficient quality and variety for a healthy diet or to obtain sufficient clothing to meet their needs, especially in cold weather. A majority reported being *never* or *not often* able to buy essential items including non-prescription medicines, essential toiletries, sanitary items and cleaning items, or to access essential transport and communication services.

Seven people had been forced to sleep rough when they were unable to find shelter. Two reported that they were forced to enter a relationship. Two women disclosed that they had been raped while living with no support.

Clinicians reported that destitution had an extremely negative impact on the mental health of torture survivors and increased their risk of suicide.

Ongoing poverty for survivors of torture with permission to live in the UK

Many survivors of torture are particularly vulnerable at the time of transition from the asylum system. Clinicians reported that following a grant of protection - when immediate safety has been secured - the full impact of torture and the loss of the torture survivor's former life often begins to be fully felt. The psychological impact of trauma and loss is often compounded by ongoing crises related to income and housing.

Reasons reported for gaps in support for torture survivors at the time of this 'transition' included:

- delays in issuing vital documents - ten respondents reported waiting a month or more (up to 1-2 years) for the UK

Border Agency to issue documents required in order to claim mainstream welfare entitlements;

- delays in processing claims for mainstream welfare benefits due to factors including lack of fixed address and/or a bank account;
- difficulties accessing advice about how to access mainstream welfare benefits; and
- problems with the Work Capability Assessment.

Torture survivors with permission to work, and who are well enough to do so, experience difficulties finding employment due to a range of factors including lack of appropriate or recognised qualifications; lack of work experience and references from previous employers; lack of available jobs, and ongoing mental health issues which impact on their daily functioning. Only two respondents to the questionnaire with permission to work were employed.

Impact of poverty on rehabilitation from torture

Evidence provided by clients and clinicians at Freedom from Torture demonstrates the detrimental impact of poverty on the ability of torture survivors to access and benefit fully from rehabilitation services. Problems include lack of funds (even if these would be reimbursed) to travel to appointments and to maintain contact by phone with Freedom from Torture clinicians and other health professionals; chronic diet inadequacies leading to poor cognitive functioning impeding participation and progress in therapy; and chronic dependence, disempowerment and a lack of agency which exacerbate psychological health symptoms associated with torture and reaffirm the sense of worthlessness and humiliation that survivors experience as a result of their torture.

Conclusions

Improved decision-making in claims involving torture; prompt permission to remain in the UK: research respondents identified problems with the assessment of asylum claims involving torture, requiring the survivor to lodge appeals and fresh claims, as an important root cause of destitution. They emphasised the importance of ensuring that the asylum system facilitates and responds appropriately to disclosures of torture and that there is access in practice to good quality legal representation.

Treating survivors of torture with dignity and humanity: research respondents emphasised the need for improved customer service in the asylum, asylum support and mainstream welfare benefits systems; for these systems to be more sensitive to the needs of torture survivors; and for action aimed at addressing the

stigma attached to the labels 'asylum seeker' and 'refugee' in the UK.

Financial support for survivors of torture in the asylum system:

research respondents emphasised the need to increase asylum support rates to enable essential living needs to be met; problems with cashless support (for those receiving Section 4 support); and poor administration and decision-making in the asylum support system, leading to destitution and severe hardship.

Accommodation for survivors of torture in the asylum system:

research respondents emphasised the need to ensure stable, safe and appropriate accommodation close to treatment facilities and other essential services. They urged that all possible steps be taken to ensure continuity of accommodation and to prevent destitution for torture survivors in the asylum system.

Ongoing support for survivors of torture with permission to live in the UK:

research respondents identified the need for action to address the risk of destitution at the point of transition between the asylum and mainstream support systems; improve the quality of decision-making when torture survivors' eligibility for mainstream entitlements is assessed; and improve access to reasonable quality accommodation in both the social and private housing sectors.

Recommendations

Some of the key recommendations made by Freedom from Torture in this report include:

The Government should:

- raise asylum support rates to provide for a standard of living equivalent to mainstream welfare support provision. If utilities are provided as part of the provision of accommodation, the asylum support rate should be equivalent to at least 70% of income support rates. This rate should then be increased in line with annual cost of living increments for mainstream support;
- implement the recommendation of the Joint Committee on Human Rights for 'a coherent unified, simplified and accessible system of support for asylum seekers, from arrival until voluntary departure or compulsory removal from the UK such that Section 4 support is abolished and Section 95 support is transformed into an 'end to end' cash-based support system;

The Home Affairs Committee should:

- require and scrutinise quarterly reports from the Home Office on

the appeal overturn rate for asylum support decisions.

The Home Office should:

- invite survivors of torture to work with the Director General of its new UK Visas and Immigration section on the customer service agenda announced as part of the process to re-absorb the UK Border Agency's asylum responsibilities into the Home Office;
- rollout new guidance on handling asylum claims involving allegations of torture or serious harm with facilitated training for all asylum decision-makers to improve the quality of decision-making, save the cost and distress for applicants of unnecessary appeals and fresh claims, and prevent destitution;
- ensure that decisions concerning the provision of accommodation to torture survivors comply with Section 4 of the Asylum Seekers (Reception Conditions) Regulations 2005. In particular, those receiving or accepted for treatment at one of Freedom from Torture's centres should be accommodated close by to that centre. Torture survivors, including those who have experienced rape, should not be forced to share bedrooms with strangers and self-contained accommodation should be provided wherever this is clinically necessary; and
- ensure that asylum support is not withdrawn until the Department for Work and Pensions and HM Revenue and Customs are ready to commence mainstream welfare provision via an identified bank account.

The National Audit Office should:

- re-examine the provision of accommodation for asylum seekers and provide recommendations on how to achieve a system of contracting in which minimum standards are complied with in practice.

The Ministry of Justice and Legal Aid Agency should:

- abandon plans to introduce a residence test for legal aid and ensure there is no curtailment otherwise of the current legal aid eligibility for asylum seekers and refugees seeking judicial review of decisions related to asylum support, provision of immigration status papers and access to mainstream welfare entitlements;
- conduct a review of the impact on people living with mental health problems of the withdrawal of legal aid for welfare benefits law.

The Department for Work and Pensions should:

- create a strategic lead tasked with developing an action plan to

ensure the mainstream benefits system is more responsive to the needs of refugees including torture survivors.

- implement the recommendations of the Public Accounts Committee aimed at improving Employment and Support Allowance decision-making and the Work Capability Assessment process, and in particular the recommendation 'to review the operation of the work capability assessment for vulnerable groups'.

Acknowledgments

This Freedom from Torture research project would not have been possible without the participation of our treatment clients who amongst other things, devoted considerable time and energy to answering our questionnaire, took part in focus groups and in-depth interviews, and participated in a photography project on the theme of poverty, the fruits of which have been used to illustrate the report.

We would also like to express appreciation to colleagues from across Freedom from Torture's five treatment centres, including many clinicians who participated in interviews and supported the involvement of their clients, and our interpreters who ensured clients had the opportunity to be full participants in the research.

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