

Safety of Rwanda (Asylum and Immigration) Bill

Hope for Justice UK Briefing, December 2023

Recommendation: Oppose the Safety of Rwanda Bill and the UK-Rwanda Treaty on the basis that this policy:

- violates international law
- undermines efforts to tackle modern slavery
- infringes fundamental human rights

Please voice your opposition to this Bill. We have provided some information below to help you with your remarks.

This document is intended to supplement the briefing written by ILPA, Justice and Freedom from Torture, 8th December 2023

The premise of the Bill is contrary to the obligation in the European Convention on Action against Trafficking (ECAT) to prevent trafficking through safe migration policies. However, the policy of removing those seeking refuge and survivors of trafficking to Rwanda will only serve to heighten vulnerability to modern slavery and human trafficking: these individuals often have little control over where they go, are deceived about entry into a country, and have little or no knowledge about their rights. The government risks penalising survivors of exploitation for the actions of those who exploit them, and deporting the prosecution witnesses, thereby undermining the prospect of prosecuting criminal gangs.

Bill follows previous legislation in limiting rights of survivors of modern slavery

The Safety of Rwanda Bill is the latest in a series of legislative efforts to weaken the rights and safeguards of those seeking refuge in the UK, including survivors of modern slavery and human trafficking. Throughout the legislation passed in recent years, from the Nationality and Borders Act, to the Illegal Migration Act, to this current proposal, those who have suffered exploitation have been the focus of the Government's ire, rather than those who exploit them. The legislation demonstrates a misunderstanding of modern slavery: a survivor's lack of agency throughout their exploitation, and the importance of delivering a trauma-informed response to both support the survivor and apprehend their traffickers.

False premise that the system is being abused

The Government's legislative agenda is premised upon abuse of the system of support for victims of modern slavery. The United Nations and experts at international and domestic level have criticised the Government for the lack of evidence for these claims and for the hostile language adopted.¹ It is also important to note that it is not for individuals to submit a claim for support as victims of modern slavery: a First Responder must identify them as a potential victim and refer them for identification by one of the Home Office's Competent Authorities before they can access any support. In 2022, the Home Office issued positive conclusive grounds decisions in 89% of cases.²

Delegating responsibilities: an ineffective solution

There is a need to find a solution to the issue of those seeing refuge taking dangerous journeys to reach the UK, but this legislation will do nothing to address this and will merely cause further harm and increase vulnerability to exploitation.

In 2022, Matthew Rycroft CBE informed the then Home Secretary:

¹ [UK: UN experts condemn attacks on credibility of slavery and trafficking victims | OHCHR](#); [Ed Humpherson to Jennifer Rubin: use of National Referral Mechanism statistics – Office for Statistics Regulation \(statisticsauthority.gov.uk\)](#)

² [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2022 - GOV.UK \(www.gov.uk\)](#)

I do not believe sufficient evidence can be obtained to demonstrate that the policy will have a deterrent effect significant enough to make the policy value for money.

The UK government has legal obligations set out in international law including but not limited to the Refugee Convention, ECHR and Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT) to prevent trafficking in persons, identify victims and ensure perpetrators are prosecuted. These obligations cannot be delegated to another country especially one which is not a signatory of the ECHR or ECAT and where there is therefore no accountability structure as to how this will be monitored or these rights enforced.

Rwanda does not meet minimum standards for tackling modern slavery or supporting survivors

The US State Department categorised Rwanda as a 'Tier Two' country which does not meet the minimum standards for the elimination of trafficking in several key areas.³ Legislating that Rwanda is a safe country to which victims of trafficking and slavery can be sent, specifically overriding the provisions of ECAT and ECHR, therefore reflects poorly on the UK's commitment to effectively addressing modern slavery.

Further evidence of Government's declining commitment to protecting survivors

This lack of commitment to protecting survivors' rights and wellbeing is further revealed in the Government's recent announcement that they will not deliver on previous commitments to emergency places of safety or long-term support after individuals have been conclusively identified as survivors.

Undermining efforts to prevent slavery and protect survivors

The policy of removing survivors to Rwanda is detrimental to effectively identifying survivors and holding traffickers to account. It would also heighten vulnerability to exploitation amongst those seeking refuge in the UK.

Hope for Justice's teams have reported that survivors are increasingly reluctant to disclose exploitation or trust state authorities for fear of deportation. The attitude of hostility to foreign national survivors is evident in the current discourse and attitudes towards survivors and there is a growing tendency to disregard survivors' experiences and a presumption of disbelief.

Protecting the rights and wellbeing of those seeking refuge and survivors of modern slavery is vital to ensuring an effective strategy to prevent modern slavery. It is also essential to successfully disrupting trafficking networks: by supporting survivors to access trauma-informed support, safe accommodation, legal advice and other services, they will be better placed to assist investigations and prosecutions of their traffickers.

Not only does this Bill fail to comply with the international legal framework to which the UK is a signatory, it is morally wrong and counterproductive to the objectives of preventing exploitation, identifying and protecting victims and ensuring that serious organised criminals are held to account.

Developing an effective response

In place of this policy of seeking to return or remove to Rwanda those seeking refuge in the UK, Hope for Justice recommends a strategy which:

1. Complies with the UK's international obligations towards refugees and survivors of modern slavery;
2. Creates safe and legal routes for those seeking refuge mitigating risks of them being subject to human trafficking and/or people smuggling; and
3. Strengthens systems to identify, protect and support victims including ensuring they have access to long term independent advocacy and support which reduces risks of re-exploitation and enables victims to engage with criminal justice processes holding perpetrators to account and creating a hostile environment for exploiters.

³ [Rwanda - United States Department of State](#)

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