



The Rwanda Offshoring Plan Explained: What Impact on Survivors of Modern Slavery and Trafficking?

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May 2022

Overview

On 14 April, the Government announced the Migration and Economic Development Partnership (MEDP) deal with Rwanda. The plan aims to send people who have arrived in the UK illegally since January 2022, to have their asylum claim processed in Rwanda. Upon arrival in Britain, asylum seekers will be screened by UK authorities, who will consider on a case-to-case basis, if there are any reasons for them not to be deported. Exceptions are to be considered if Rwanda will result being 'unsafe' for someone to claim asylum there.

The new UK-Rwanda Memorandum of Understanding on the 'provision of an asylum partnership arrangement', states that Rwanda will be able to welcome and support people who experienced modern slavery and human trafficking, and 'will take all necessary steps to ensure these needs are accommodated'.

The additional new plan for the Bill of Rights would also see limitation in complying with European human rights and would make it more difficult for ordinary people the access to court to argue a violation with their rights if they cannot demonstrate 'significant disadvantage'.

SJOG, together with human rights and anti-slavery campaigners argue that the plan could increase the potential profit to the traffickers and the risk of those vulnerable to being exploited. Moreover, they urge the Government to consider the safeguarding of vulnerable individuals who would be sent with no assurances of how a country 'with a weaker human trafficking prevention system' intends to identify or support people at risk of exploitation, and to consider trauma-informed assessments for a better screening.

The Bill of Rights

The government is committed to updating the Human Rights Act 1998 and replacing it with a Bill of Rights, in order to 'restore a proper balance between the rights of individuals, personal responsibility and the wider public interest'¹. It has been argued that the new plan for the Bill of Rights would limit the obligation of public authorities—including ministers—to comply with European human rights and the role of the courts in holding them to account. The new law makes it also more difficult for ordinary people the access to court to argue a violation with their rights if they cannot demonstrate 'significant disadvantage',

¹ <https://www.gov.uk/government/consultations/human-rights-act-reform-a-modern-bill-of-rights>

therefore, the Joint Committee on Human Rights has warned that Government's proposals risk weakening existing human rights protections.

Concerns

The new plan to deport asylum seekers from the UK to be assessed and protected in Rwanda, also drew strong oppositions. Refugee campaigners raised awareness about the potential lack of wellbeing, safeguarding and health of people seeking asylum in the UK. By creating a two-tiered refugee system, the plan risks to discriminate against one group based on their mode of arrival, despite refugee status being grounded solely on the threat of persecution or serious harm and international standards recognising that asylum seekers are often compelled to cross borders irregularly to seek protection.

Other concerns were raised regarding human rights record around political opposition to the current regime, dissent and free speech or around religious, gendered and ethnic discrimination, together with precarious living conditions of refugees in Rwanda's camps and the risk of being (re)trafficked.

Impact on Survivors of Modern Slavery and Trafficking

Although the new UK-Rwanda Memorandum of Understanding on the 'provision of an asylum partnership arrangement', states Rwanda will be informed about any special needs that may arise as a result of someone who experienced modern slavery and human trafficking, and 'will take all necessary steps to ensure these needs are accommodated', anti-slavery campaigners are cautious about the plan. They underline the danger behind the decision of not creating 'safe routes for refugees', claiming that the plan could in fact increase the potential profit to the traffickers and the risk of those vulnerable to being exploited. Moreover, they urge the Government to consider the safeguarding of vulnerable individuals who would be sent with no assurances of how a country 'with a weaker human trafficking prevention system' intends to identify or support people at risk.

SJOG Statement

SJOG is one of England's main MSVCC providers, and supports people with lived experience under the National Referral Mechanism. Working closely with survivors, SJOG recognises that migrants who entered illegally endured unbearable journeys for reaching the UK, and experienced atrocious traumatic events from which they escaped. Together with other voices from the anti-slavery community, we urge the Government to:

- to assess and identify people of risk before relocation, recommending trauma-informed screening for eligibility;

- ensure proper protection and recovery programme is offered to those who have been trafficked and exploited;
- ensure legal ways for people to come forwards and denounce exploitation before being considered for relocation - disclosure of experiences doesn't happen immediately, not within a 'fearful' environment;

The Rwanda Plan Explained

On 14 April, the Government announced the Migration and Economic Development Partnership (MEDP) deal with Rwanda. The plan aims to send people who have arrived in the UK illegally to Rwanda to have their asylum claim processed.

The agreement would 'disrupt the business model of organised crime gangs, making them unable to fulfill their contract to smuggle people across borders and thereby preventing loss of life' while also supporting those in need of asylum.² The Government highlights the necessity of contributing to the prevention and combating of illegally facilitated and unlawful cross border migration, and establishes a bilateral asylum partnership between the two countries.

The Home Office's aim is to discourage arrivals through illegal routes, notably via the English Channel and to insist asylum seekers should apply for protection in the first safe country they enter. This implies, according to prime-minister Boris Johnson, that everyone who arrived in the UK via dangerous and unnecessary routes since 1 January 1 2022, and are inadmissible to the UK asylum process, are potentially eligible for relocation - excluding Unaccompanied Asylum-Seeking Children (UASC) and some people with special circumstances.

Upon arrival in Britain, asylum seekers will be screened by UK authorities, who will consider if there are any reasons for them not to be transferred to Rwanda³. When relocated, the government will fund the processing costs for each individual relocated. This includes caseworkers, access to legal advice, translators, accommodation, food, healthcare and, for

² GOV.UK, *Memorandum of Understanding between the government of the United Kingdom of Great Britain and Northern Ireland and the government of the Republic of Rwanda for the provision of an asylum partnership arrangement*, April 2022

³ Politico.eu, UK seals deal with Rwanda to offshore asylum seekers, Cristina Gallardo, 14 April 2022; <https://www.politico.eu/article/uk-seals-deal-with-rwanda-to-offshore-asylum-migrant-seekers/#:~:text=According%20to%20Home%20Office%20statistics,likely%20to%20be%20economic%20migrants.>

those who are resettled, a comprehensive integration package including up to five years of training to help with integration.

Eligibility and exemptions:

The Country Policy and Information team (CPIT) carried out a safety assessment and concluded that Rwanda is generally a safe country for asylum seekers and refugees, as per its commitments to the European Convention of Human Rights (ECHR) and to the protection and assistance of refugees including by signing the MoU with the African Union (AU) and UNHCR, establishing the Emergency Transit Mechanism (ETM) - although it identifies some concerns with its human rights record around political opposition to the current regime, dissent and free speech⁴.

The Home Office won't transfer an asylum seeker to a third country prior to refugee status determination unless it has determined the receiving state is 'safe'. Therefore, an objective test is to be conducted in order to determine whether the relative conditions of the receiving State are safe; additionally, the individual should be given the opportunity to demonstrate the receiving State will not be safe for them personally, through a subjective test. The Home Office would therefore undertake a case-by-case risk assessment when determining eligibility for relocation, as every individual in scope for asylum processing overseas would be able to rely on the UK's obligations under Article 3 of the European Convention on Human Rights, so as not to be transferred to a place where they would genuinely be at risk of inhumane and degrading treatment.

This means individual vulnerabilities will be taken into consideration and assessed against our knowledge of the conditions in Rwanda, as per below⁵:

⁴ GOV.UK, Memorandum of Understanding between the government of the United Kingdom of Great Britain and Northern Ireland and the government of the Republic of Rwanda for the provision of an asylum partnership arrangement, April 2022;
<https://www.gov.uk/government/publications/memorandum-of-understanding-mou-between-the-uk-and-rwanda>

⁵ GOV. UK -Impact assessment: Migration and Economic Development Partnership with Rwanda: equality impact assessment (accessible), Updated 11 May 2022;
<https://www.gov.uk/government/publications/migration-and-economic-development-partnership-with-rwanda/migration-and-economic-development-partnership-with-rwanda-equality-impact-assessment-accessible>

Age: Under the Home Office's current Inadmissibility guidance, Unaccompanied Asylum-Seeking Children are not eligible for transfer to a third safe country, including relocation to Rwanda.

Disability: Considering physical or other disabilities, the HO may decide, on a case-by-case basis, that individuals are not eligible for relocation if they are seriously ill or have complex disabilities and were we not satisfied that Rwanda is able to provide adequate care.

Race/ethnicity: The integration into society of asylum seekers / refugees of certain nationalities, national or ethnic origins or colour thus presents a potential new challenge to Rwanda. Variable treatment or experiences of relocated persons based on their nationality, ethnic or national origins or colour will be kept under close review.

Pregnancy: Were proper mitigations found to be lacking, HO would need to consider whether pregnant people would be suitable for relocation on a case-by-case basis.

Sexual orientation: A person's sexual orientation and gender reassignment status will be closely taken into account on a case-by-case basis to decide if that an individual is eligible to be relocated to Rwanda. There are concerns over the treatment of some LGBTQI+ people, nevertheless the HO will need take into account further evidence over the course of the partnership therefore, and monitoring arrangements will be in place.

Freedom of speech and/or (political) association: The person should demonstrate how and why they would likely attract the negative attention of the Rwandan authorities based on their political associations or views.

Concerns

The new plan to deport asylum seekers from the UK to be assessed and protected in Rwanda, drew also strong oppositions. Refugee campaigners have long argued that the lack of safe and legal routes to enter the UK drive asylum seekers to seek out irregular and sometimes dangerous means to come to Britain, therefore a solution would be to create more accepted routes for them.

The wellbeing, safeguarding and health of people seeking asylum in the UK are some of the arguments that have been advanced by campaigners. By creating a two-tiered refugee system, the plan risks to discriminate against one group based on their mode of arrival, despite refugee status being grounded solely on the threat of persecution or serious harm and international standards recognising that asylum seekers are often compelled to cross borders irregularly to seek protection.

For example, many of them would reach the UK because they have friends or family already resident in this country. Deporting them to a third country before we have even heard their claims would not comply with UK's commitments to a global crisis as the scheme relies on accepting the belief that what happens outside the borders of the UK has little relevance to what is going on within it⁶.

Deportation would also imply an acute cost of living crisis. Flights will be chartered, infrastructure built and staff hired, while the government sustains it is unable to afford any more support for people living already in the country.

Among the ones raising concerns, we highlight the followings:

Freedom of Speech supports Human Rights Watch letter to Justice Minister Emmanuel Ugirashebuta to share information about the cases it has documented and to request information on the Rwandan authorities' steps to address violations of the right to freedom of expression. At this date the government has not responded.⁷

UNHCR remains firmly opposed to arrangements that seek to transfer refugees and asylum seekers to third countries in the absence of sufficient safeguards and standards, claiming that seeking asylum in a chosen country is a fundamental right. UNHCR urged both countries to re-think the scheme, warning that instead of deterring refugees from perilous journeys, the externalisation arrangements would only magnify risks, causing refugees to seek alternative routes⁸.

Charity Freedom from Torture became the first to launch a crowdfunder to take legal action against the government. It follows its successful legal challenge of Priti Patel's pushback policy, which put a stop to the home secretary's policy to send small boats crossing the Channel back to France⁹.

⁶Open Democracy, Britain's cruel plans to 'offshore' the vulnerable won't stop with refugees, Kojo Koram, 20 April 2022, 4.02pm; <https://www.opendemocracy.net/en/rwanda-offshoring-refugees-britain-kojo-koram/>

⁷ Human Rights Watch, Rwanda: Wave of Free Speech Prosecutions- Free Journalists, Commentators, Opposition Members, March 2022, <https://www.hrw.org/news/2022/03/16/rwanda-wave-free-speech-prosecutions>

⁸ UN News, UNHCR 'firmly' opposing UK-Rwanda offshore migration processing deal; <https://news.un.org/en/story/2022/04/1116342>

⁹https://www.crowdjustice.com/case/rwanda/?utm_campaign=22DC03&utm_source=twitter&utm_medium=social

Care4Calais, the Public and Commercial Services Union (PCS) and Detention Action have also initiated a joint legal challenge, with Care4Calais condemning the impact of the plans on both sides of the Channel¹⁰.

Many have raised concerns over the fate of LGBT+ asylum seekers, due to evidence of ill-treatment and abuse faced by this community in Rwanda. As the person may be in a situation where it is not really safe to be exposed for who they are, it might be unsafe to claim asylum there on the basis of their sexuality.

Finally, an open letter has been sent by over 175 engaged NGOs to the prime minister and home secretary, opposing the plan to send people seeking asylum in the UK to Rwanda¹¹. In the letter, they asked the Government to clarify some of the practical aspects of the plan:

- Will people be forced onto planes going to Rwanda if they do not want to go?
- How will the government distinguish between those deserving residency in the UK and those in Rwanda? Will there be a legal procedure in the UK prior to any removal action being taken?
- Will vulnerable people, including torture survivors, survivors of trafficking, children, and people with serious mental health problems, be sent to Rwanda? Will people who are coming to the UK because they have family members here, be sent to Rwanda?
- Is it possible to claim asylum in Rwanda on sexual orientation and gender identity grounds – i.e. does Rwanda recognise LGBTQI+ people as being members of a particular social group under the Refugee Convention? If yes, how many cases on these grounds do they have per year and what is the grant rate?
- How will the government guarantee access to legal advice and representation and access to a court of law?

Although the Home Office did not reply to this appeal directly, it has been stated on different occasions that all cases will be treated individually, before any decision of deportation will be taken.

Testimonials and Research

Some critics have compared the deal with Australia's notorious offshore asylum system which sends asylum seekers to Manus Island in Papua New Guinea and to the Republic of

¹⁰ https://www.crowdjustice.com/case/c4c-challenge-shameful-rwanda-deal/?fbclid=IwAR1R5hsit8ZaHGQRG6zeKM-drFdvknN9BLKtBOZ-cvzmvdhBNcEI5_aFAJI

¹¹ BID UK, BID and 150+ organisations oppose plans to send people seeking asylum to Rwanda; <https://www.biduk.org/articles/bid-and-150-organisations-oppose-plans-to-send-people-seeking-asylum-to-rwanda->

Nauru, but also with the Israeli deportation plan to Rwanda. They raise concern of the long-lasting impact of the offshore processing, which may result in abuses and traumas.

PTSD: For example, Dr Guy Aitchison, Lecturer in Politics and International Studies at Loughborough University, interviewed people who had spent almost a decade of their lives in custody in Nauru. He reported high rates of anxiety, depression and PTSD in offshore detention, related to 'an anxiety-inducing state of legal limbo'. His studies found that rates of self-harm among those in offshore detention in Nauru were up to 216 times higher than that of the general population in Australia.

Additionally, he highlights the numerous mass hunger strikes taking part on Manus Island in 2015. One of the protesters, named Yusef, told Aitchison that he was not starving 'to get any answer'- 'I went on hunger strike to just die. I was powerless, I was helpless and hopeless'¹².

Risk of trafficking and exploitation: Evidence based on the testimonies of asylum seekers deported from Israel to Rwanda also suggests that such deportation might result in trafficking and exploitation. Israel's plan of protection in Rwanda, was giving access to the asylum mechanism, housing and support for vulnerable migrants from African countries. Yet, the agreement was kept secret, and formal statements did not even disclose Rwanda as the state of destination, therefore, information regarding safeguards was hard to obtain at that date. Nonetheless, strong evidence demonstrated how, upon arrival, asylum seekers were held in a guarded hotel and were not allowed to leave. They had their documents taken, were denied legal status, were not allowed to work and were subject to arrests. According to scholar Maayan Niezna, who analysed the case, almost all had to leave Rwanda and travel to other countries, relying on smugglers and crossing borders illegally. Many encountered abuse, exploitation and trafficking as a result of their deportation to an unsafe situation¹³.

Human Rights: It has also been pointed out that Rwanda's appalling human rights record is well documented by the government. In fact, the UK directly raised its concerns about respect for human rights with Rwanda, when they shared recommendations to improve their human rights record at the 37th Session of Universal Periodic Review (UPR), in Geneva

¹² Open Democracy, 'Barbaric system': Australia's offshore victims warn UK against Rwanda plan, by Guy Aitchison; <https://www.opendemocracy.net/en/uk-rwanda-plan-australia-offshore-detention-centre-priti-patel/>

¹³ Maayan Niezna, 'Traded Like Commodities and Transferred Abroad for Processing: Legal and Political Claims Against the UK-Rwanda Deal', May 2022 Postdoctoral Research Fellow in Modern Slavery and Human Rights, Bonavero Institute of Human Rights, University of Oxford, and a Lecturer in Law at Kent Law School; <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2022/05/traded>

Switzerland¹⁴. This included improvements for the ‘screening, identification and provision of support to trafficking victims, including those held in Government transit centres’.

Based on government’s report, in 2018, Rwandan security forces shot dead at least 12 refugees from the Democratic Republic of Congo when they protested a cut to food rations. Authorities then arrested and prosecuted over 60 of them on charges including rebellion and ‘spreading false information with intent to create a hostile international opinion against the Rwandan state.’ Rwanda was then seen as a country with a ‘known track record of extrajudicial killings, suspicious deaths in custody, unlawful or arbitrary detention, torture, and abusive prosecutions, particularly targeting critics and dissidents: Rwanda and Uganda’¹⁵.

LGBT: A Human Rights Watch report from last year found that Rwandan authorities rounded up and arbitrarily detained more than a dozen gay and transgender people, sex workers, street children, and others in the months before a planned high-profile international conference in June 2021. The same report collected testimonies from LGBTIQ people in Rwanda who alleged that security officials accused them of ‘not representing Rwandan values’¹⁶.

Impact on Modern Slavery and Trafficking

In the new UK-Rwanda Memorandum of Understanding on the ‘provision of an asylum partnership arrangement’, it is stated that Rwanda will have regard to information provided about a relocated individual, relating to any special needs that may arise as a result of their experience of modern slavery and human trafficking, and ‘will take all necessary steps to ensure these needs are accommodated’. Furthermore, ‘the participants will make arrangements for the United Kingdom to resettle a portion of Rwanda’s most vulnerable refugees in the United Kingdom, recognising both participants’ commitment towards providing better international protection for refugees’¹⁷.

¹⁴ GOV.UK, 37th Universal Periodic Review: UK statement on Rwanda, 25 January 2021; <https://www.gov.uk/government/speeches/37th-universal-periodic-review-uk-statement-on-rwanda>

¹⁵ GOV.UK, 37th Universal Periodic Review: UK statement on Rwanda, 25 January 2021; <https://www.gov.uk/government/speeches/37th-universal-periodic-review-uk-statement-on-rwanda>

¹⁶ Open Democracy, Rwanda LGBT Asylum Seeker by Khatondi Soita WepukhuluNandini Archer, 16 April 2022; <https://www.opendemocracy.net/en/5050/rwanda-lgbtiq-asylum-seekers-refugees-priti-patel/?source=in-article-related-story>

¹⁷ <https://www.gov.uk/government/publications/memorandum-of-understanding-mou-between-the-uk-and-rwanda>

This implies that, under certain circumstances, people entering illegally in the UK, who might have been trafficked and/or exploited, would be eligible to seek protection in Rwanda.

Debating 'exploitation'

In front of this statement, the Independent Anti-Slavery Commissioner, Dame Sara Thornton expressed her concern, referring to the U.S. Trafficking in Person Report for 2021, which alleges that thousands of potential trafficked people were detained in district transit centers in Rwanda. Based on that report¹⁸, authorities did not conduct proper screening nor refer people at risk for further support. The country also lacks a 'victim-witness' support program.

And while the forced deportation to Rwanda does not amount to trafficking under international law as the procedure is not meant to result in exploitation due to lack of coercion, it does denote the implementation of a restrictive migration policy. Nevertheless, in this context, the implication of 'trafficking and slavery' results to be more complex for those activists who advocate for the exclusion of people who might have experienced exploitation from the plan. The UK's Modern Slavery Act 2015 defines exploitation as:

A person arranges or facilitates V's travel with a view to V being exploited only if—

(a) the person intends to exploit V (in any part of the world) during or after the travel, or

(b) the person knows or ought to know that another person is likely to exploit V (in any part of the world) during or after the travel.

The 'trafficking' debate is used by activists and scholars in recognising the contribution of migration control measures to precarity and risk, arguing that trafficking might result from the conditions after arrival to Rwanda, based on evidence from similar arrangements in the past, most notably the deportation of African asylum seekers from Israel to Rwanda¹⁹.

¹⁸ IOM, UNDERSTANDING HUMAN TRAFFICKING IN RWANDA - publication has been produced by Never Again Rwanda which was commissioned by International Organization for Migration (IOM) Rwanda with the assistance of the United States Agency for International Development and the Office to Monitor and Combat Trafficking in Persons; https://neveragain.org.rw/wp-content/uploads/2021/11/NAR.IOM.GOV_Understanding-Human-Trafficking-in-Rwanda-Causes-Effects-and-Impact-Baseline-Report.pdf?msclkid=81805881c54b11ecac2e3f78df9d7d1b

¹⁹Maayan Niezna, Traded Like Commodities and Transferred Abroad for Processing: Legal and Political Claims Against the UK-Rwanda Deal, May 2022 Postdoctoral Research Fellow in Modern Slavery and Human Rights, Bonavero Institute of Human Rights, University of Oxford, and a Lecturer in Law at Kent Law School; <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2022/05/traded>

Potential impact and concerns

STOP THE TRAFFIK and **Anti-Slavery International** urge the Home Office to be aware that the plan could in fact increase the potential profit to the traffickers and the risk of those vulnerable to being exploited. They underline the danger of sending vulnerable individuals with no assurances of how a country ‘with a weaker human trafficking prevention system’ intends to identify or support people at risk of exploitation.

The UK and IOM recognise Rwanda’s commitment to ending human trafficking, such as the adoption the Rwanda’s Trafficking in Persons (TIP) law in 2018. The Rwandan government has also discussed strategies for addressing human trafficking in high-level meetings. However, the lack of research on this issue hampers the implementation of effective policies and programmes for combatting human trafficking.

Never Again Rwanda’s publication, which was commissioned by International Organization for Migration (IOM) Rwanda with the assistance of the United States Agency for International Development and the Office to Monitor and Combat Trafficking in Persons, elaborated a series of recommendations for better support of survivors of trafficking and modern slavery, as they elaborated a series of current concerns, as per below²⁰:

- Limited knowledge about human trafficking across the board, including among local leaders, teachers, youth, border community, refugees, implementing partners in refugee camps, and the community in general;
- Inadequate infrastructure for holding and interviewing survivors;
- Scarce quantitative data related to human trafficking, which cannot support evidence-based planning, especially among government agencies;
- Limited capacity to properly address the crime of human trafficking across law enforcement agencies through the levels of identification, investigation, prosecution, and adjudication;

²⁰ IOM, UNDERSTANDING HUMAN TRAFFICKING IN RWANDA - publication has been produced by Never Again Rwanda which was commissioned by International Organization for Migration (IOM) Rwanda with the assistance of the United States Agency for International Development and the Office to Monitor and Combat Trafficking in Persons; https://neveragain.org.rw/wp-content/uploads/2021/11/NAR.IOM_.GOV_Understanding-Human-Trafficking-in-Rwanda-Causes-Effects-and-Impact-Baseline-Report.pdf?msclkid=81805881c54b11ecac2e3f78df9d7d1b

- Lower conviction rate for the crime of human trafficking as compared to other crimes. The findings also reveal challenges in evidence gathering as one of the main causes of this. The investigators suggest that prosecution and judges have limited understanding of human trafficking and release most of the perpetrators;
- Lack of knowledge on domestic human trafficking in refugee camps among staff, including implementing partners and refugee leadership;

Other gaps were revealed on how to deal with the entire process of human trafficking due to: data limitations, capacity-building especially when it comes to the identification of human trafficking, protection and assistance, investigation, prosecution, and conviction.

As the obligations under the Council of Europe Anti-Trafficking Convention require ratifying states to investigate trafficking claims and protect survivors, the scheme would certainly compromise UK's commitment to the convention.

Other voices

On 28 April 2022, the Human Trafficking Foundation organised an *Online Advisory Forum Rwanda Offshoring Asylum Proposal & Modern Slavery*, where several members took part to the discussion²¹:

ATLEU's views on the proposal is that its political posturing with the timing of announcement. The arrangement is concerning because people who experienced trafficking can be included (which is referenced in Clause 14 of the MOU). Yet, it is not clear if there will be an NRM process. The proposals are dangerous, as this is happening around the bill of rights in the background – consultation on a new UK human rights bill, moving us away from the European court of human rights' influence. Their view is that survivors need to be treated with dignity, legal processes and voluntary movement. They raise concern over the screening for eligibility, as the asylum screening process is not something that picks up modern slavery at the first instance. Massive concern about the potential that this plan has for driving people underground and discouraging exploited persons to coming forward to the authorities.

Julius Lutalo from Love Justice International explains that support systems in Rwanda are run by NGO's; however, over the years, the Government has showed willingness to put support systems in place for those who have been exploited, but are still behind in comparison to other countries in the Region - such as Uganda and Kenya.

²¹<https://static1.squarespace.com/static/599abfb4e6f2e19ff048494f/t/627138d5f8911a7cd4af9c99/1651587286212/Online+Forum+April+28th+-+Minutes.pdf>

IOM claims that September 2018 Rwanda enacted a new anti-trafficking law and the discussion of a new NRM system is ongoing. Since last, August the ministry of Justice specified the formal response to trafficking. Rwanda is primary a transit country for trafficking with a focus on women and girls, acknowledgement that cases involve men but there is significantly less knowledge on this. However, there has been recent investigations looking at labour exploitation –revealing further male exploitation. *Rwanda has One Stop Centres* offering support, accommodation, legal and counselling (can receive up to 6 months of support) these are primarily for Gender Based Violence but have been adopted for those experiencing trafficking. These are managed by the Investigation Bureau who is also responsible for investigating the crimes. Independent Anti-Slavery Commissioner (IASC) claims this proposal will limit identification of survivors arriving by small boats and other irregular means - which means limited opportunities for protection. There are also concerns around guidance moving forward on screening processes and how this relates to clauses 57 and 58 of the Bill around trafficking information notices. Understanding eligibility of this proposal will be important as guidance is released and how this will impact survivors of slavery.

Public Law Project and ATLEU underline the importance of looking at the parameters of the memorandum and under whose authority. They both agree that judicial review for individuals is the only way of supporting asylum seekers facing deportation.

Bill of Rights – what additional challenges?

The government is committed to updating the Human Rights Act 1998 and replacing it with a Bill of Rights, in order to ‘restore a proper balance between the rights of individuals, personal responsibility and the wider public interest’²².

As the right to trial by jury will be added, it will also strengthen the role of the UK Supreme Court in the exercise of the judicial function, by empowering domestic courts to apply and interpret human rights in the UK context, while continuing to ‘preserve Parliament’s democratic prerogatives in the exercise of the legislative function and support further reforms to the European Court of Human Rights in Strasbourg’²³.

Crucial is also the clause for safeguarding, as the new law aims to ‘safeguard the vital protection for the right to life and the absolute prohibition on torture, confirming that

²² <https://www.gov.uk/government/consultations/human-rights-act-reform-a-modern-bill-of-rights>

²³ <https://www.gov.uk/government/consultations/human-rights-act-reform-a-modern-bill-of-rights>

people should not be deported to face torture (or inhuman or degrading treatment or punishment) abroad, whilst ensuring that other rights in the Act cannot be used to frustrate the deportation of serious criminals and terrorists (paragraph 292 onwards)²⁴.

It has been argued that the new plan for the Bill of Rights would limit the obligation of public authorities—including ministers—to comply with European human rights and the role of the courts in holding them to account. The new law makes it also more difficult for ordinary people the access to court to argue a violation with their rights if they cannot demonstrate ‘significant disadvantage’²⁵.

The Joint Committee on Human Rights has warned that Government proposals to reform the Human Rights Act risk weakening existing human rights protections. Under proposals to alter section 2 of the Human Rights Act, the current obligation for UK courts to take into account judgements from Strasbourg would be weakened. This would create legal uncertainty, with UK courts risking to diverge from established interpretations of Convention rights, requiring lengthy and costly litigation to resolve. It would also increase the likelihood of cases being taken to the European Court of Human Rights and presided over by judges from other countries, while the UK would adopt a ‘British Bill of Rights’, placing greater restrictions on who can bring a human rights claim or reducing the damages owed to a claimant because of a perception of them being undeserving²⁶.

SJOG – Impact and Implication

SJOG is one of England’s main MSVCC providers, and supports people with lived experiences under the National Referral Mechanism. Working closely with survivors, SJOG recognises that migrants who entered illegally endured unbearable journeys for reaching the UK, and experienced atrocious traumatic events from which they escaped.

Therefore, SJOG urges the Home Office to create a fair, trauma-informed assessment in order to better identify potential survivors of MDST. As we conducted a long study on trauma-informed services for survivors of MDST, we raise concerns related to trauma assessment and late identification of survivors.

²⁴ <https://www.gov.uk/government/news/plan-to-reform-human-rights-act>

²⁵ <https://tribunemag.co.uk/2022/05/shami-chakrabarti-british-bill-of-rights-queens-speech-law>

²⁶ <https://committees.parliament.uk/committee/93/human-rights-joint-committee/news/165379/human-rights-act-reforms-would-weaken-human-rights-protections-in-the-uk/>

On one hand, our evidence-based research demonstrate that survivors of trafficking suffer from trauma-inducing symptoms, and that it can take a long time before they can speak about the endured experiences and to gather the necessary evidence. It is, therefore, imperative to create a trauma-based assessment and to offer humanitarian support to those in need.

On the other hand, SJOG also recognises that survivors' needs are complex, therefore the 6 months support plan proposed by *One Stop Centres in Rwanda* is not enough for addressing all related issues, as we identified that more than 1 year is needed for survivor to start recovering.

We appreciate that the UK Home Office does acknowledge some concerns over 'evidence of discrimination and intolerance towards persons based on their sexual orientation and gender identity or expression,' and we ask the Government to also consider the impact of trauma on survivors' life, before, during and after deportation, as they could be (again) at risk of torture, trafficking, exploitation, discrimination or to lack access to basic needs such as legal and/or medical support.

We believe that the government's refusal to provide safe and legal routes, not only will do nothing to dismantle smugglers' business model, but will created a desperation which can be exploited by smugglers and traffickers, and will discourage people to seek the necessary support.

As the UK definition of trafficking explicitly includes exploitation after travel, in any part of the world, and as states' international obligations to prevent trafficking are not limited to their territory, such concerns cannot be dismissed.

Together with other voices from the anti-slavery community, we urge the Government to:

- to asses and identify people at risk before relocation, recommending trauma-informed screening for eligibility;
- ensure proper protection and recovery programme is offered to those who have been trafficked and exploited;
- ensure legal ways for people to come forwards and denounce exploitation before being considered for relocation - disclosure of experiences doesn't happen immediately, not within a 'fearful' environment;

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