

NMN Response to the 'New Plan for Immigration' Consultation

May 2021

Foreword

1. The foreword provides a high level outline of the New Plan for Immigration, including reforms to make the system fair, but firm. Overall, how far do you support or oppose what is being said here? Please refer to the foreword of the New Plan for Immigration to support your answer to this question.

Response: Strongly oppose

Public Sector Equality Duty

42. Below is a list of protected characteristics under the Equalities Act:

- **Age**
- **Disability**
- **Gender reassignment**
- **Marriage and civil partnership**
- **Pregnancy and maternity**
- **Race**
- **Religion or belief**
- **Sex**
- **Sexual orientation**

Response: Sex and Age

From the list of areas below, please select any areas where you feel intended reforms present disproportionate impacts on individuals protected by the Equalities Act.

Please expand on your answer for any areas you have selected, providing data (where applicable), further information and detailed reasons.

- **Protecting those Fleeing Persecution, Oppression and Tyranny (Chapter 2)**
- **Ending Anomalies and Delivering Fairness in British Nationality Law (Chapter 3)**
- **Disrupting Criminal Networks and Reforming the Asylum System (Chapter 4)**
- **Streamlining Asylum Claims and Appeals (Chapter 5)**
- **Supporting Victims of Modern Slavery (Chapter 6)**
- **Disrupting Criminal Networks Behind People Smuggling (Chapter 7)**

Response:

- Disrupting Criminal Networks and Reforming the Asylum System (Chapter 4)
- Streamlining Asylum Claims and Appeals (Chapter 5)
- Supporting Victims of Modern Slavery (Chapter 6)

Open question response

We are very concerned about the impact of the proposals on women (protected characteristic of sex) and of girls (protected characteristics of sex and age).

The ‘one stop’ process to make asylum seekers present all the reasons why they need protection from the very beginning sounds sensible in theory, but it is likely to disproportionately impact women and girls, particularly those who have experienced violence because of their sex.

Women and girls are likely to have had lower access to education and vocational training opportunities, and to asset and land ownership in their countries of origin. These and unequal pay, early and forced marriage, the pervasiveness of patriarchal gender roles, and lack of decent work opportunities for women, all mean that women and girls’ starting positions are disadvantaged compared to men and boys. This often leads to a lack of the confidence, language and other skills necessary to understand the law and to articulate their situation and what has happened to them on arrival in the UK.

All of the same factors reduce the access that women and girls have to safe and legal routes to reach Britain and claim asylum – meaning that the two-tier system that gives greater protections to those who arrive via legal routes will almost certainly discriminate against women and girls.

In addition, many, probably most, women who claim asylum in the UK have suffered sexual abuse or other violence (often extreme) because they are a woman or a girl. For example, human trafficking for the purposes of the exploitation of their prostitution (sex trafficking), female genital mutilation (FGM), child sexual abuse, forced marriage, rape during and in the aftermath of wars and conflict, and domestic violence.

Experiencing such extreme and sexual violence is well documented to result in the victim feeling intense shame and suffering post-traumatic stress disorder (PTSD). It is usually very difficult for victims to be able to articulate what happened, and some may not even be able to recollect what happened for months or even years afterwards.

A system that is based on people being able clearly articulate what happened to them to complete strangers at the moment of arrival would therefore disproportionately impact women and girls and lead to some of the most vulnerable people who come to our country being unfairly refused asylum or not getting the protection they need to rebuild their lives.

Many women already struggle in the current asylum system to prove the sexual and gender-based violence they have faced – largely because they are not given appropriate support and advice at the beginning of their asylum claim to articulate their traumatic experiences. We believe that the proposed changes will make this even more difficult for women.

In addition, women who have been trafficked may still be under threat from their traffickers on their arrival and during their asylum interview, meaning that they can't speak openly about what they've gone through.

Even if they can speak about it, most are unlikely to understand the international definition of human trafficking and that it includes the abuse of a position of vulnerability and the abuse of power – meaning many are unlikely understand what has happened to them as human trafficking. Others may yet be unaware that they were destined to be a meal ticket for their traffickers in the UK sex industry or to be sold to the highest bidder who would similarly profit from her prostitution in British brothels and similar establishments. This does not alter the fact that they are victims of sex trafficking because the traffickers were always clear what the purpose of bringing them to this country was.

Under international law, the onus is on the state (rather than the victim) to identify victims and survivors of human trafficking, to prevent their revictimization, to ensure they have access to justice and that their perpetrators are punished. We refer you to the [CEDAW General Recommendation No 38 \(2020\)](#) on trafficking in women and girls in the context of global migration. We urge the Government to urgently rethink the proposals accordingly and to ensure that all policies and measures are fully compliant with these wise and knowledgeable recommendations.

45. Is there any other feedback on the New Plan for Immigration content that you would like to submit as part of this consultation?

The Policy Statement emphasizes the desire to break “the business model of people smuggling networks and protecting the lives of those they endanger.”

However, there is no recognition of the human trafficking networks that are motivated by the profits that can be made by exploiting women and girls' prostitution on the streets and in brothels and hotel rooms, etc. across the UK. These networks don't simply take advantage of the poverty, lack of opportunity and desperation of women and girls in other, poorer countries by providing them with routes to the UK for cash. They sell them to the highest bidder on arrival or directly profit from their prostitution themselves, often for months and years.

Human trafficking is much more lucrative than people smuggling. Similarly human trafficking for sexual exploitation (sex trafficking) is much more lucrative than any other form of human trafficking – 10 times more lucrative according to a [recent study](#) – because women and girls can be sold over and over again for sexual use and abuse by men in the UK.

A British man recently made £1.6 million in one year from the exploitation of the prostitution of women in his brothels.

In most towns and cities across the UK, brothels operate in plain sight and with impunity. The [latest figures](#) from the CPS that show that there were only 70 prosecutions for brothel keeping offences in the whole of England and Wales in 2019 – which is a low number given that a 2016 [police study](#) found 64 brothels operating in plain sight in Bristol alone, and there has almost certainly been an increase since then.

It is the appetite of men in the UK to pay for sexual access to women and girls that drives this heinous trade.

This understanding underpins the [Palermo Trafficking Protocol](#), the Council of Europe Convention on Action against Trafficking in Human Beings ([ECAT](#)), and [CEDAW Article 6](#). It is extraordinary therefore that this understanding is not mentioned anywhere within the Policy Statement.

So long as most third parties profiting from the prostitution of vulnerable women and children have impunity in the UK, and men have free rein to buy sexual access to women and children, ruthless people both inside and outside the UK will want to cash in. This is why both the Palermo Trafficking Protocol and ECAT place an obligation on ratifying states to “discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking” – in other words, men’s demand for prostitution.

The Government is abjectly failing to meet this binding obligation and maintains a willful blindness to the reality and the need to protect vulnerable women and children from this most abhorrent human rights abuse.

We urge the government to follow the [advice of the Council of Europe](#) and introduce a [Nordic Model](#) approach to prostitution policy and legislation as it is “the most effective tool for preventing and combating trafficking in human beings.”

Specifically we call on the government to:

1. Criminalise the purchase of sex.
2. Ban the advertising of sexual services, including forms of disguised advertising.
3. Strengthen and revise the laws against pimping, to include all forms of profiteering from women and children’s prostitution.
4. Establish and fund a nationwide network of high-quality holistic service centres to provide support to all those who have been prostituted, including migrants regardless of their immigration status. This must include individualised help to exit the industry and rebuild their lives and find alternative employment.
5. Amend the Modern Slavery Act 2015 so that the definition of human trafficking fully conforms with the international definition set out in the Palermo Trafficking Protocol.

Many of these things were also recommended by the CEDAW Committee in its 2019 [Concluding Observations](#) on the UK. We urge the government to implement these recommendations in full.