



Joint Submission to the Commission on Race and Ethnic Disparities 'Open Consultation on Ethnic Disparities and Inequality in the UK'

Background

This joint submission to the Commission on Race and Ethnic Disparities in response to the 'Open Consultation on Ethnic Disparities and Inequality in the UK' is produced by Latin American Women's Rights Service (LAWRS), Safety4Sisters, Just Fair, the International Community Organisation of Sunderland (ICOS), Praxis and the Haref Network.

- Just Fair is a UK charity that is working to realise a fairer and more just society by monitoring and advocating for economic and social rights in the UK. Just Fair ensures that law, policy, and practice comply with the international and domestic human rights obligations. Just Fair is committed to increasing public awareness of international human rights law and the capability to use it.
- Latin American Women's Rights Service (LAWRS) is a human rights, feminist organisation run by and for Latin American migrant women living in the UK. LAWRS supports 5,000 women every year who are exposed to violations of their fundamental human rights, facing violence against women and girls, exploitation in low-paid sectors, trafficking, or enduring severe poverty and deprivation. LAWRS direct support includes case-work on gender-based violence cases, counselling and emotional support, advice on benefits, money and debts, employment rights, family law and immigration, workshops and other integration activities. LAWRS also actively advocate for women's rights, migrant's rights and the rights of ethnic minorities at local, national and EU levels, working with sister organisations in the women and migrant sectors, as well as networks and campaigns, to tackle the vulnerabilities faced by Latin American women, who are affected by intersectional layers of discrimination.
- Safety4Sisters North West (S4S) is a dynamic frontline Violence Against Women and Girls (VAWG) organisation. Established in 2009 S4S was set up to respond to the imposed barriers and discriminatory practices that migrant women survivors of gender-based violence (GBV) experience including harmful practices, so called HBV/A and immigration abuse. The majority of women we support are excluded from safety and protection and remain at risk of violence and harm due to multiple levelled forms abuse and discrimination in relation to their uncertain immigration status/No Recourse to Public Funds (NRPF). This includes interpersonal, family and community abuse- but in conjunction with this our approach addresses structural inequalities, state discrimination and trans-national threats. S4S provides specialist NRPF Refuge Accommodation (Abonsh House) alongside intersectional advocacy and access to therapeutic support, well-being group activities, training and development. S4S work has been developed in consultation with Black and minoritised women, and S4S Women's Voices groups are central to the development of our strategic work and wider awareness raising activities.
- The International Community Organisation of Sunderland (ICOS) exists to improve the quality of life of BME (Black and Minority Ethnic) people in the North East of England and to enhance community cohesion and intercultural understanding in this area. ICOS focuses on those who lack access to information and services to ensure equal access.

ICOS has particularly strong links to the Eastern European community, but has also successfully worked with refugees, asylum seekers and BME people born in the UK. Currently, most of its work is delivered in Sunderland and the surrounding area. ICOS' approach is to focus on both assets of the community, as well as the issues that the community faces. While ICOS is committed to supporting those in crisis, it strongly believes that it is its duty to prevent the crisis.

- Praxis provides expert support to migrants and refugees in the UK. Every year Praxis helps some 2,000 people through immigration advice, housing and peer support groups. Praxis takes a holistic approach recognising that people are complex, and so are their problems. Its services have evolved over time, adapting to the changing needs and circumstances of its users. Praxis has become the leading expert in finding pathways out of destitution and supporting migrants facing homelessness, as well as survivors of trafficking and domestic violence, young people, EU citizens and long term residents struggling to find the support they need. Praxis is commissioned to provide specialist immigration advice by other organisations, and works with local authorities to improve services for migrant residents through advice, training, and promotion of best practices.
- Connected Voice is an organisation which has been supporting the voluntary sector and communities of Tyneside since 1929. As part of Connected Voice, Haref has been working for over 15 years with local Black, Asian and Minority Ethnic (BAME) communities to tackle health inequalities and improve service health accessibility. Haref is committed to improving the quality of life of everyone in the diverse communities of Newcastle and Gateshead. We work with BAME communities to identify their key issues around health and improve the health information available to them. We help health services have a better understanding of what communities need, and we build confidence within communities so they can talk to health services about their cultural needs. Through Haref, local BAME communities have a stronger voice, can share information and evidence, and respond to issues as they are happening. Haref also lobbies and campaigns on key health issues locally and nationally.

Executive Summary

This submission highlights the inequalities and impacts of discrimination faced by specific groups of people across England and sets out the long-term policy changes and immediate responses that UK Government, local authorities, statutory services and different sectors must take to protect the rights of all people.

The UK Government's human rights obligations should inform any decisions and steps taken to eradicate race and ethnic inequalities. The UK has ratified seven legally binding international human rights treaties which recognise economic and social rights, and protect the rights of all people in key areas of this Open Consultation to which this submission responds - health, employment and education.¹ Under international human rights law, the UK Government is under a legally binding duty to respect, protect, and fulfil the enjoyment of economic and social rights, so that all people enjoy these rights without discrimination.²

Since before the COVID-19 pandemic, people of specific race and ethnic groups in the UK have been facing disproportionate rates of violations to their human rights including their right to work, fair and just working conditions, adequate living conditions, mental and physical health, education and social security.³ Evidence shows that existing socio-economic inequalities are being exacerbated by the COVID-19 pandemic.

Under domestic human rights law, the Equality Act 2010 ('the Equality Act'), people are protected from discrimination on the basis of nine protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation). The grounds of discrimination prohibited under

¹ International Convention on the Elimination of All Forms of Racial Discrimination (CERD,)International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT), Convention on the Rights of the Child (CRC), Convention on the Rights of Persons with Disabilities (CRPD).

² The UK has voluntarily agreed to the legal obligation to prohibit or condemn direct and indirect forms of discrimination. These obligations are in the following international human rights agreements: the Convention on the Elimination of All Forms of Discrimination against Women (Article 1), the International Covenant on Economic, Social and Cultural Rights (Article 2(2)), the Convention on the Rights of Persons with Disabilities (Article 2) and the International Covenant on Civil and Political Rights (Article 4(1)).The principle of non-discrimination is also in regional human rights law such as the European Convention on Human Rights (Article 14), and domestic human rights law such as the Equality Act 2010.

³ Just Fair, 'Visit by the UN Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston, to the UK from 5 to 16 November 2018 Written submission' (2018) http://justfair.org.uk/wp-content/uploads/2018/09/Just_Fair_15_Alston_Submission-FINAL.pdf.

international human rights law are however broader than under the Equality Act. For example, these include socio-economic status and nationality.⁴

According to the principle of non-retrogression, the UK Government cannot take unlawful regressive measures that prevent or reduce the enjoyment of economic and social rights, such as the right to mental and physical health.⁵ Domestic and international human rights law recognises that certain rights may be restricted for public health reasons, only where such restrictions are lawful.⁶ Any measures taken by the UK Government should not be to the detriment of human rights. In the context of economic crises, regressive measures that restrict rights must be lawful, necessary, temporary, proportionate, non-discriminatory, and meet a core minimum level of protection of the right(s) in question.⁷

The UK Government must take specific, positive measures to ensure the protection and equal enjoyment of rights for groups particularly affected by the current crisis, which includes people of specific race or ethnic groups. In addition, the UK Government's response to the COVID-19 will be more effective and sustainable if it adopts an intersectional approach – by mitigating the disproportionate impact of COVID-19 on groups of people who share multiple characteristics.

⁴ Nationality encompasses migrants, refugees, asylum-seekers, stateless persons: see Economic, Social and Cultural Rights, General Comment No. 20: Non-discrimination, 2 July 2009.

⁵ Article 12 ICESCR; Committee on Economic, Social and Cultural Rights, General comment No. 3: The nature of States parties' obligations, 1990.

⁶ Human Rights Committee, General Comment No. 31: Nature of the General Legal Obligation Imposed on States Parties to the Covenant, 26 May 2004; and Human Rights Committee, General Comment No. 27: Article 12 (Freedom of Movement), 2 November 1999.

⁷ Pillay, A. (Chairperson, Committee on Economic, Social and Cultural Rights), Personal communication by letter 16 May 2012.

1. What could be done to improve representation, retention and progression opportunities for people of different ethnic backgrounds in public sector workforces (for example, in education, healthcare or policing)? [Question 2]

1.1 Remove barriers in the public sector workplace

In 2019, LAWRS produced research on the experiences of Latin American migrant women in cleaning, hospitality and domestic work in London. The findings evidenced that due to their lack of English skills, many Latin Americans tend to experience an important downward occupational mobility. Although only 1% worked in the cleaning sector in Latin America and one in ten of them did so in their previous European country, approximately two-thirds worked in cleaning upon arriving in London.⁸

At ICOS, the Wise Steps project (2019-2021) provides employability support to BME people, and vulnerable individuals in Sunderland, who might face challenges accessing the labour market. The Senior Project Worker and Wise Steps Coach at ICOS, who works with Eastern European women on employability, finds that there are a number of issues faced which prevent progression in the workplace. Women are disproportionately represented in the hospitality sector - housekeepers, cleaners, production, food production, care sector, restaurants – despite their skill set.⁹ For instance, the project has found that women could have good experience and education from Poland but work in the production sector or cleaning/ hospitality jobs.¹⁰ The Senior Project Worker and Wise Steps Coach also states that childcare and other commitments prevent progression: “Many women I work with are really sick of these jobs because they know they have more potential it's just difficult to progress into something different especially when they have children and other commitments”.¹¹ Moreover, problems with progression at work also include “language and communication barriers” and “problems with confidence and low self esteem”.¹² For example, “Women from Eastern Europe face barriers when trying to enter/ re-enter the labour market and upskill or change their career- this includes limited English language proficiency or, even when women speak good

⁸ Nahir de la Silva, Lucila Granada and Dolores Modern (LAWRS), ‘The Unheard Workforce: Experiences of Latin American migrant women in cleaning, hospitality and domestic work’, July 2019 <https://trustforlondon.fra1.digitaloceanspaces.com/media/documents/unheard-workforce-research.pdf>

⁹ ICOS, Senior Project Worker and Wise Steps Coach, 2020.

¹⁰ ICOS, Senior Project Worker and Wise Steps Coach, 2020.

¹¹ ICOS, Senior Project Worker and Wise Steps Coach, 2020.

¹² ICOS, Senior Project Worker and Wise Steps Coach, 2020.

English, lack of functional skills qualifications can make it impossible to upskill in other areas without achieving level 2 English and Maths qualifications first.”¹³

Following the guidance of the UN Committee on Economic, Social and Cultural Rights, the UK Government should review its employment policies to address the root causes of unemployment, and develop an action plan focusing specifically on marginalised groups, ethnic, religious or other minorities.¹⁴

1.2 Provide funding and support for BME careers advice and employment projects

In addition to the Wise Step Project, ICOS has an ongoing project called Back in Control (2019-2021), which aims to improve, the economic, social, and personal outcomes of victims of modern slavery/workplace exploitation, for people from minoritized ethnic groups residing in Sunderland and a 5-mile radius. The Manager of the Wise Step project and Back in Control project finds that progression issues across sectors include that “There is not enough support to improve careers prospects for those already in work; BME people- especially those not born in the UK but also settled communities often struggle to progress due to direct and indirect discrimination, lack of cultural awareness, but also - they lack the support networks and access to quality advice. At this moment in time, employment advice for BME people do not exist in many areas, and funding and support for BME - specific employability projects is difficult to access. Funding support for in work progression of BME communities is even more difficult, as funders do not see it as a priority.”¹⁵

1.3 Protection from abuse and harassment in the public sector

The UK Government has a legal duty to ensure the right to just and safe working conditions, work, and adequate social protection, for all people.¹⁶

In 2019, LAWRS research into the experiences of Latin American migrant women in cleaning, hospitality and domestic work found that most violence faced by Brazilian women in London was perpetrated in the public sphere (78%), especially in the workplace.¹⁷ In 85% of the cases

¹³ ICOS, Senior Project Worker and Wise Steps Coach, 2020.

¹⁴ ICESCR concluding observations 2016, paragraph 30.

¹⁵ ICOS, Development and Services Manager, 2020.

¹⁶ ICESCR 7 and 9; Also see ICESCR concluding observations 2016, paragraph 35

¹⁷ Nahir de la Silva, Lucila Granada and Dolores Modern (LAWRS), ‘The Unheard Workforce: Experiences of Latin American migrant women in cleaning, hospitality and domestic work’, July 2019 <https://trustforlondon.fra1.digitaloceanspaces.com/media/documents/unheard-workforce-research.pdf>;

presented in this study where women reported abuse and harassment at work, the perpetrator was a male manager or colleague.¹⁸

2. How can the ways young people (in particular those aged 16 to 24 years) find out about and access education, training and employment opportunities be improved? [Question 5]

2.1 Needs-tailored and specific careers advice and training for specific groups of young people

ICOS finds that for those who are under 24 years old and are refugees “especially are in need of needs-tailored careers orientation and advice activities - these cannot be provided by the same organisations that deliver training (such as colleges), as they inevitably encourage refugees to study at their institution, instead of providing honest, independent advice and support. Jobcentre Plus support lacks sufficient depth and understanding of their specific needs, hence BME- specific advice provision is needed for this client group.”¹⁹

LAWRS has provided informative sessions about how to access university in London, tailored explicitly for Latin American Girls and Young Women (LAGYM). These spaces have shown us that LAGYW are eager to start their higher education paths and that they are determined and prepared to achieve this educational goal. For example, as a result of this year's sessions, LAWRS acknowledges several LAGYW who are now successful applicants and four who are now current university students.

2.2 Support for children negatively impacted by COVID-19

2.2.1 Specialist support and safety provisions for BME family survivors of domestic abuse (DA)

Safety4Sisters' qualitative research into how the COVID-19 pandemic has impacted BME women, finds that the lockdown period has triggered memories of abuse and raised concerns about the wellbeing of children in school. One woman spoke to Safety4Sisters and said

McIlwaine, C., Evans, Y. 'We can't fight in the dark: Violence against Women and Girls (VAWG) among Brazilians in London, King's College London' 2018.

¹⁸ Nahir de la Silva, Lucila Granada and Dolores Modern (LAWRS), 'The Unheard Workforce: Experiences of Latin American migrant women in cleaning, hospitality and domestic work', July 2019 <https://trustforlondon.fra1.digitaloceanspaces.com/media/documents/unheard-workforce-research.pdf>; McIlwaine, C., Evans, Y. 'We can't fight in the dark: Violence against Women and Girls (VAWG) among Brazilians in London, King's College London' 2018.

¹⁹ ICOS, Development and Services Manager, 2020.

“People in the school coming from different backgrounds and so I’m worried about their health because I have kept them safe.”²⁰ Another woman said “...they were not going to school. We have been through DA and the condition of lockdown reminded her of the abusive relationship she was very attached to and did not want me to go on my own. She was very overactive and disturbed by lack of routine. Hard to get to accept not going outside. Birthday and Eid during lockdown was difficult.”²¹

2.2.2 Impacts of lockdown and digital exclusion on BME young people

While digital technology is regarded as an integral part of everyday life, research shows that certain groups of people do not have access, or are unable to use, digital processes. As a result, groups of people, such as young people in BME families on low incomes or living with NRPF, are experiencing a number of violations of their socio-economic rights, including their right to health and education, with impacts on their wellbeing.

In August 2020, Safety4Sisters conducted interviews to find out more about the experiences of BME women in the North West of England during the first COVID-19 lockdown. One woman explained that “sometimes the tablets were not working or we couldn’t go out. They were scared to go out for a walk. They are still scared it is not safe even going back to school they are worried.”²²

The COVID-19 pandemic has negatively impacted the behaviour of children in migrant families, the impact is exacerbated for those who have limited access to food, and access to digital technology and data for digital connectivity. Speaking to Safety4Sisters, a woman recalls that her children have “lots of detachment” they are “Not as involved as they were. Small things they used to get pleasure from but lockdown shut everything out for us, we can’t drive, no access to bus. Food too expensive - cranky because they aren't getting proper food...Youngest torn ligaments in her knee and couldn’t walk much or move very frustrated. Not a lot of materials online. Sharing the computer and data. Data very important now it is where we get information from, connect with friends and family, we have to share for 1 or 2 hours at a time”.²³

The UK Government should minimise obstacles for certain groups of people identified as those who are digitally excluded, especially where enjoyment of economic, social and cultural rights

²⁰ Safety4Sisters, Interview conducted August 2020.

²¹ Safety4Sisters, Interview conducted August 2020.

²² Safety4Sisters, Interview conducted August 2020.

²³ Safety4Sisters, Interview conducted August 2020.

is affected. Following the guidance of the UN Committee on Economic, Social and Cultural Rights, the UK Government should take further action to avoid achievement gaps in education, particularly among BME children from low income families.²⁴

2.3 Structural barriers and discrimination in access to higher education

LAWRS 'Sin Fronteras' (No Limits) group finds that Latin American girls and young women (LAGYW) living in the UK face several imposed barriers when accessing higher education:

- LAGYW endure structural restrictions and additional steps in the processes to enrol - which are not required to the local population, such as providing an address history, migrant status proof, language level tests, and former educational evidence and formalisation.²⁵
- LAGYW also encounter stereotyped social imaginaries about the Latin American community. For example, they endure orientational advisors who counsel them to become child teachers or carers or advise them to start with an 'English as a Second or Foreign Language - ESOL course' before starting their higher education studies.²⁶

LAWRS has provided specialist informative sessions about how to access university in London, tailored explicitly for Latin American Girls and Young Women (LAGYM) (see 2.1 above).

2.4 National immigration policies and student finances

People with Limited Leave to Remain on the pathway to settlement are not entitled to home student fees, grants or student loans until:

- They have had continuous leave for at least 3 years at the start date of the course; and
- They have spent at least half of their life in the UK.

Praxis finds that these young people are significantly more likely to be from BAME backgrounds. Every year Praxis receives a number of calls from young people who have recently discovered that they are not eligible for home student rates, grants, loans. Praxis believes that all people who are on the pathway to settlement should be entitled to home student rates and to student finances as soon as they are granted Limited Leave to Remain.

²⁴ ICESCR concluding observations 2016, paragraph 64.

²⁵ LAWRS, 2020.

²⁶ LAWRS, 2020.

Case study – Higher Education (2020)

J came to the UK when she was 7 years old from Nigeria with her family. Due to lack of access to legal advice and the high costs of immigration applications, J was 17 years old when she and her family were granted Limited Leave to Remain on the 10 year pathway to settlement. J gained good results at A-level and at age 18 was offered a place at university. Upon accepting, she discovered that she was not entitled to a student grant or loan, or to home student rates, as although she had resided in the UK over half of her life, she had not yet had continuous leave for 3 years. J has not been able to take up her place at university and will have to try again next year.

Praxis

The UK Government has a legally binding obligation under international human rights law to ensure that higher education is equally accessible to all people, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education.²⁷

3. Which inequalities in health outcomes of people in different racial and ethnic groups are not (wholly) explained by inequalities in underlying determinants of health (for example, education, occupation or income)? [Question 6]

3.1 Barriers to accessing appropriate information, services or support

The Haref Network works with BAME communities in Newcastle and Gateshead. These communities are facing specific health issues and health inequalities. In June 2020, the Haref Network recorded that mental health was a “key issue of concern for BAME communities due to COVID-19, with escalating extreme stress, depression, fear and risk of suicide”.²⁸ The Haref Network finds that there is “a lack of appropriate mental health services for BAME people” and “existing inequalities have just been amplified and made worse by the pandemic in health, poverty, access to services and information”.²⁹

In particular, the Haref Network finds that “vulnerable groups have been disproportionately affected and the most vulnerable have fallen off the radar and are not engaging with services”. There are “particular concerns for asylum seekers with isolation, poor accommodation and

²⁷ ICESCR, Article 13 (c).

²⁸ Haref Network, Network Meeting, June 2020.

²⁹ Haref Network, Network Meeting, June 2020.

overcrowding, lack of money, lack of social networks, scared they will be arrested if outside the house”.³⁰

In Newcastle and Gateshead, the Haref Network finds that “everything being online is not the solution, due to digital exclusion with some people not having access to the internet, phones or computers.”³¹ In particular, “COVID health messages from the government have made no sense for people, complex and not in plain English.”³²

In Sunderland, ICOS’ work with BME people has evidenced that limited access to information, support and services exacerbates “problems with domestic abuse”.³³ For example, people “find it difficult to access support services because of language barrier, lack of support networks such as family and friends, lack of their own income (being dependent on the abuser), lack of access to services and lack of access to translators, lack of trust in the police.”³⁴

Between July and September 2020, LAWRS conducted a survey on the impact of COVID-19 pandemic on Latin American women in the UK, and the data shows that Latin American Women have faced barriers when trying to access health services during the pandemic in the UK. 20% of 100 respondents stated having problems accessing the NHS during the pandemic.

In the North West of England, Safety4Sisters has found that abuse during COVID-19 frays social networks and exacerbates mental health issues. Safety4Sisters work shows that many migrant women who experience multiple discrimination and violence, had poor mental health even before the pandemic. Restrictions have led to more acute isolation, lack of contact with support agencies, and increased ability of abusers to prohibit contact with family members, friends and colleagues. Women report feeling helpless to maintain control over their lives and maintain social networks. Lockdown conditions are heightening previous experiences of trauma. Women say they are scared to go out for fear of racism and being blamed for COVID-19.

Safety4Sisters qualitative evidence shows that access to specialist support services is critical for women in specific racial and ethnic groups who have religious beliefs. In August 2020, one woman who is Muslim spoke to Safety4Sisters and explained the impacts of the COVID-19 pandemic lockdown on her mental health: “I had to move at the end of March and this gave

³⁰ Haref Network, Network Meeting, June 2020.

³¹ Haref Network, Network Meeting, June 2020.

³² Haref Network, Network Meeting, June 2020.

³³ ICOS, Senior Project Worker and Wise Steps Coach, 2020.

³⁴ ICOS, Senior Project Worker and Wise Steps Coach, 2020.

me panic attacks, and caused me to stop my medication (for blood pressure and diabetes), I can't take my life as a Muslim but I thought it would be better to die and not live long and die naturally. I had to move away from the place I was before and this made me depressed, I was thinking what is the point. I have an appointment now to go to the doctor to go back on medication. I felt like I am a burden on people."³⁵

3.2 Discrimination and limited information about human rights

In 2018, ICOS conducted qualitative research and found that discrimination results in worse health outcomes for minoritized ethnic groups in Sunderland. For example, one interviewee recalled "I had depression, I was on medication and I am still taking them and I am also attending therapy as a result of discrimination. I felt suicidal and it had an effect on my family, my children were worried and so was my husband. It had a financial effect on us as well as I couldn't go back to work, I couldn't claim [Employment and Support Allowance] ESA because apparently I was still employed with *Company X* but they didn't want to pay me [Statutory Sick Pay] SSP."³⁶

As part of the same qualitative research, ICOS found that Polish people in Sunderland are facing discrimination in the workplace which put their health at risk. One interviewee said: "I suffer from heart condition, my manager didn't even let me go on my break to take my medication. English people were being treated normal, but Polish people had no rights."³⁷

Another Polish service user at ICOS recalled discrimination in the workplace and explained: "I got depression and I was on antidepressants and sleeping tablets, when I worked for the agency, I had no money to bring my family over which had a big impact on my mental health. No one offered me any help, I was not informed of CAB, I was not informed of my rights or didn't know any organisations that would help me. People need to know their rights at work, they need to be able to understand their contracts, they also need access to information, they need to know where to go for help and what the process is."

In Sunderland, the health impacts of discriminatory treatment of Polish people in the workplace was also stressed by another interviewee who recalled their personal experience to ICOS: "I was discriminated at work when I first came to the UK and worked through an agency, an employer has filed a formal complaint about me because I was speaking in Polish and apparently that was not allowed. At first I was being called names such as 'Polish Idiot' which was quite upsetting but since I worked there for a long time, everyone is now fine. The only

³⁵ Safety4Sisters, Interview conducted August 2020.

³⁶ Name of company has been changed to Company X to protect the identity of the employee.

³⁷ ICOS, Interview conducted November 2018.

problem at the moment is that I am not informed about certain things, but I don't think it's to do with discrimination. It did have an effect on my wellbeing, it made me feel isolated and upset that I wasn't being treated fairly like everyone else, it makes you always feel uncomfortable and that you are not welcomed in this country... I believe that new people should get support as they will always get treated unfairly, they don't know the language, and there is a language barrier. People also feel that they might lose their job when they are being discriminated - they need to be more informed about their rights. If ICOS would be able to support people who already have jobs, who would like to gain more training and qualifications or to change their jobs, that would be useful."³⁸

Across the UK, Latin American women have restricted access to information about their rights during the COVID-19 pandemic. Between July and September 2020, LAWRS produced the following quantitative data collected from 100 Latin American women who responded to the question of access to information on labour rights and coronavirus during the pandemic:

- 15% of Latin American women are able to access information from the government
- 31% are able to access information from community organisations
- 18% are able to access information from other sources
- 35% are not able to access information

The 2020 research built on research conducted in 2019 by LAWRS into labour rights violations experienced by Latin American Women in three key feminised areas of London's labour sectors: cleaning, hospitality and domestic work. LAWRS drew on 326 cases of Latin American women in London, who were supported by the Employment Rights Advice Service of the Latin American Women's Rights Service (LAWRS). Its research evidences a number of employment rights issues that illustrate the level of discrimination and endemic exploitation facing workers in these sectors. Such treatment poses risks to health:

- 17% Latin American Women unlawfully denied the annual leave they were entitled to, and 16% were not paid accrued in lieu annual leave once they left the company.
- Over two in five (41%) of women in the sample have experienced discrimination, harassment or unreasonable treatment.

³⁸ ICOS, Interview conducted November 2018.

- Health and safety issues were present in 25% of the cases – predominantly injury due to the nature of the work (33%), limited or no protective equipment (17%), and lack of training (12%).
- Almost a third were not allowed to take time off sick, regardless of whether paid or unpaid (28%), or were only allowed to take sick leave if they were able to arrange for a person to cover for them and to face the costs.
- 66% experienced bullying or unreasonable treatment as regular occurrences.
- A large proportion endured verbal and/or faced physical abuse, 37% and 11% respectively
- 16% of the women endured a total of 13 different types of sexual harassment and abuse in the workplace.
- Abuse on the grounds of maternity was experienced by 9% of women. This includes failure to pay for hours spent at prenatal appointments and denial of risk assessments during pregnancy.
- 11 cases of potential trafficking for labour exploitation were identified: 7 were cleaners or hospitality workers and 4 were domestic workers.

3.3 Racism, hate abuse and living conditions

In Gateshead and Newcastle, the Haref Network finds that BAME young people are experiencing “hate abuse online” and are “living in crowded households” with “no outlet for pressures” and “scared their parents may be affected working in care professions”.³⁹ BAME people are “experiencing hate crime/ discrimination and being targeted due to all the news that BAME people are more at risk”.⁴⁰

Safety4Sisters conducted qualitative research during the pandemic in 2020 and found that migrant women have been impacted by racism in ways which impact health and wellbeing:

³⁹ Haref Network, Network Meeting, June 2020.

⁴⁰ Haref Network, Network Meeting, June 2020.

- One woman said “I live in very English area. People here aren't very nice they make faces when they see us in hijab. They can tell we don't belong to England. Bus Drivers included. Not respectful. Make fierce faces at my little one. Staring at me strangely for wearing a mask/ because I look Asian. We struggle more because we don't have family we have suffered a negative life”.⁴¹
- Another woman told Safety4Sisters “it [racism] makes me scared, of everywhere and outside”.⁴²
- Another woman explained “I am black I am always worried...My housemates were saying blacks were the cause of spreading the virus, they read it on the internet.”⁴³
- One woman said “i have been thinking about it a lot. Normally people are working and getting on with their lives. Now they are not working, they are looking around more, I am worried about the neighbours. I am the only brown person here in the neighbourhood. People used to go out for a walk-in lockdown but I would be too scared to go out for a walk in the park, people are more aggressive during lockdown. Rather go with someone else/ not go on my own to the park as I am scared and feel like an outsider.”⁴⁴
- One woman explained “... when I go outside people say things to me about the Muslim clothing. I think the lockdown has made people impatient and they are blaming other people/ other groups, they are thinking others are responsible.”⁴⁵
- Another woman reflected on how racism has resulted in isolation: “I am isolated living in a room, I can't go for a walk because I feel more racism... They don't understand that this person is here because of problems, I am not here by choice and they don't understand. There are 6 women in my house, 4 speak the same language and stay together...”⁴⁶

In 2018, ICOS conducted interviews with BME people, one respondent reflected on the impacts of discrimination and lack of support in Birmingham: “I feel discriminated against in all

⁴¹ Safety4Sisters, Interview conducted August 2020.

⁴² Safety4Sisters, Interview conducted August 2020.

⁴³ Safety4Sisters, Interview conducted August 2020.

⁴⁴ Safety4Sisters, Interview conducted August 2020.

⁴⁵ Safety4Sisters, Interview conducted August 2020.

⁴⁶ Safety4Sisters, Interview conducted August 2020.

of the aspects of my life. I am not able to find any work due to bad health and I am not able to find a proper help while being ill, especially after the coma; this was in Birmingham. We were homeless often, only local church helped from the beginning... There is not a lot of help with getting back my [Personal Independence Payments] PIP, every time I am told all it takes is two weeks, two months, six months, etc. I feel like there is just a lot of talk and not a lot of doing... I am constantly stressed, upset and angry, especially as my health is so bad. I have a lot of physical pain.”⁴⁷

3.4 Lockdown, self-isolation and social distancing

Staying at home is crucial to protect people from being infected by, or increased transmission of, COVID-19 pandemic. However, LAWRS has found that self-isolation and social distancing measures have increased domestic violence cases and reports, and the impact of the outbreak on migrant and BME survivors of domestic violence has been disproportionately high. Evidence from LAWRS’ case work show that migrant and BME women face particular barriers when fleeing violence and accessing support.⁴⁸ This vulnerability is worsened by discriminatory responses and policies which prevent them from accessing safety, support and justice.

Safety4Sisters has qualitative evidence showing the intersectional impacts of the pandemic on people in specific racial and ethnic groups who are religious. For example, in August 2020 one woman recalled “I couldn’t go outside because of the fear of the virus. It was Eid and Ramadan - you need people around during these times. It made me more isolated. I was on medication and they needed to check my kidneys - every week I had to go for a blood test. During lockdown I had to stop that medication. Being a single parent it was like double pain and anxiety than others.”⁴⁹

3.5 Immigration status and related immigration policies

3.5.1 Women asylum seekers and refugee women

The UK Government has an obligation to eliminate the discrimination against women and protect equality before the law.⁵⁰ Contrary to advice issued by the UN on women’s asylum, nationality and statelessness issues, the UK Government is failing to realise the right of

⁴⁷ ICOS, Interview conducted in 2018.

⁴⁸ https://www.sistersforchange.org.uk/wp-content/uploads/2019/03/83-SistersForChange_UnequalRegardUnequalProtection_Nov2017-1.pdf

⁴⁹ Safety4Sisters, Interview conducted August 2020.

⁵⁰ CEDAW, Article 2 and Article 15

women seeking asylum and refugee women to access employment.⁵¹ Just Fair has heard from people who are denied the right to work and who are on the Asylum Support Enablement Card (ASPEN) as their asylum claim is ongoing or rejected.⁵² ASPEN cards can only be used in physical shops, and as the ASPEN card cannot be used online, asylum seekers who are having to shield due to a pre-existing medical condition, or who are quarantining due to having COVID-19 symptoms will face difficulties in accessing food or other essentials. At a recent meeting on 'COVID-19 and NRPF'⁵³ held by the All-Party Parliamentary Group on No Recourse to Public Funds (NRPF) which Just Fair is the co-Secretariat,⁵⁴ a woman asylum seeker raised this issue and asked: Where does the ASPEN card leave Asylum seekers who are told to self-isolate?

3.5.2 Undocumented immigration status

LAWRS finds that undocumented women are always vulnerable to exploitation. In LAWRS' experience, undocumented women "are at the mercy of their employers, often having to accept precarious conditions and low pay and experience regular threats from their employers of being reported to immigration enforcement".⁵⁵ Undocumented women are "not able to receive any support from the government, undocumented women are fully unprotected from the abuses described above (not allowed to take time off-sick regardless of being ill or having pre-existing conditions, not being protected from loss of income)" and they are forced "to choose between continuing to work in these conditions and destitution".⁵⁶

LAWRS' work with Latin American women has shown that it is important to note that women working in cleaning and domestic work generally have no savings, and rely on their pay-check to survive each month. LAWRS finds that for many women in the feminised labour sectors are one pay-check away from destitution. They cannot stop working or work from home. But if they are not paid Statutory Sick Pay and they are not self-employed, they are currently either working despite being ill, endangering their own health and also public health, or are staying home and not earning money or receiving any support. Moreover, LAWRS notes that many

⁵¹ CEDAW concluding observations 2019, paragraph 56

⁵² Just Fair, 'UK Government's ASPEN policy violates international human rights of asylum seekers' (28 July 2020) justfair.org.uk/uk-government-violates-international-human-rights-of-asylum-seekers-on-aspen/

⁵³ Just Fair, 'APPG on No Recourse to Public Funds: COVID-19 and NRPF' (25 June 2020) justfair.org.uk/appg-on-no-recourse-to-public-funds-covid-19-and-nrpf/

⁵⁴ [http://www.nrpfnetwork.org.uk/information/Pages/who-has-NRPF.aspx#:~:text=No%20recourse%20to%20public%20funds%20\(NRPF\)%20is%20a%20condition%20imposed,dueto%20their%20immigration%20status.&text=If%20a%20person%20has%20claim,adviser%20and%20a%20benefits%20adviser.](http://www.nrpfnetwork.org.uk/information/Pages/who-has-NRPF.aspx#:~:text=No%20recourse%20to%20public%20funds%20(NRPF)%20is%20a%20condition%20imposed,dueto%20their%20immigration%20status.&text=If%20a%20person%20has%20claim,adviser%20and%20a%20benefits%20adviser.)

⁵⁵ LAWRS, April 2020.

⁵⁶ LAWRS, April 2020.

migrants also rely on their pay-checks to pay for their next visa to remain in the UK. For example, one service user has told LAWRS she is unable to stop working because if she does not save enough money, she risks becoming undocumented.

3.5.3 No Recourse to Public Funds (NRPF)

NRPF and inadequate living conditions

Under international human rights law, the UK Government is legally obliged to ensure all people enjoy access to adequate living conditions (including food) and to social security.⁵⁷

However, between July and September 2020, LAWRS conducted a survey on the impact of COVID-19 pandemic on Latin American women in the UK. Of 100 respondents, 43% have access to public funds, 42% have no access to public funds, and 9% were unsure. 22% of respondents stated they were unable to pay rent during the pandemic and 27% had to access foodbanks.

Many of LAWRS' service users have a NRPF condition attached to their visas and cannot apply for Universal Credit or any other support that is being provided through benefits. This is particularly problematic for those who are not able to receive support through the job retention or self-employed schemes. A number of them are also not able to apply for Universal Credit because they will not be able to pass the 'habitual residency test', a necessary step for EU migrants, who need to prove they have a 'right to reside' in the UK in order to claim welfare benefits such as UC.

Qualitative data recorded by LAWRS between July to September 2020, shows the working situation of Latin American Women since the pandemic broke out in the UK (March 2020)⁵⁸:

- 15% continued working normally
- 17% were dismissed
- 9% were suspended without pay
- 33% were put on furlough
- 11% had their hours cut
- 10% had to stop working to look after their children

NRPF and destitution

⁵⁷ ICESCR, Article 11 and 9.

⁵⁸ Prime Minister's statement on coronavirus (COVID-19): 16 March 2020 - GOV.UK (www.gov.uk)

COVID-19 pushes migrant women further into poverty and destitution. Many women Safety4Sisters assists are asylum seekers living on approximately £37 per week or are destitute without any money at all. This means they cannot buy in bulk or buy the more expensive brands which are often the products left on shelves. Women report skipping meals as they have run out of food or say they are observing religious fasting more rigorously to manage lack of food.

For example, in the North West of England, Safety4Sisters has qualitative evidence that migrant women are going without meals because of lack of money during lockdown, and a number of women have given meals to their children and gone without food.

- One woman said “I struggled but I have not gone without a meal. Worrying about where the food will come from next day to day. I received food parcels but it is not always suitable as I eat halal. I have received this 4 times.”⁵⁹
- Another woman explained “Couldn’t go out while daughter had chickenpox, food very expensive, halal food expensive.”⁶⁰
- One woman told Safety4Sisters how said has skipped meals “many times, and sometimes I will have tins of beans or something. Now I’m getting support from a food bank.”⁶¹
- Another woman said “I’ve given food to my daughter so she can eat.”⁶²
- Another Woman explained “I was struggling, we were limited sometimes. I was struggling with the card. We are struggling with money because the kids need Igo cards, but we can’t get hold of them and so we are having to pay for the bus fares.”⁶³

Support measures that reach all workers, including those in precarious employment by expanding the social safety net by introducing a temporary universal income during the

⁵⁹ Safety4Sisters, Interview conducted August 2020.

⁶⁰ Safety4Sisters, Interview conducted August 2020.

⁶¹ Safety4Sisters, Interview conducted August 2020.

⁶² Safety4Sisters, Interview conducted August 2020.

⁶³ Safety4Sisters, Interview conducted August 2020. Igo card: “If you’re aged 5 to 10 and live or go to school in Greater Manchester, you will need an Igo card to buy some of the tickets available for the concessionary child bus fare in Greater Manchester. If you are aged 11 to 16, you must have an Igo card to travel using any child ticket on buses in Greater Manchester.” Igo card | Transport for Greater Manchester (tfgm.com)

COVID-19 pandemic should be implemented. This will ensure workers who are not being protected by the schemes already available will not be left destitute.

NRPF and care responsibilities

According to LAWRS, school closures have meant that many Latin American women have caring responsibilities and are therefore unable to go to work and earn the money they need to survive. This is especially concerning in the cases of Latin American women with NRPF, as they have no other source of income.⁶⁴

NRPF and domestic violence

The following evidence shows how the NRPF policy keeps migrant women, who are experiencing domestic violence, in conditions which risk their health and life.

Safety4Sisters has found that local authorities and central UK Government view women with NRPF entirely through the prism of immigration rather than as survivors of violence. Consequently, in the experience of Safety4Sisters, women face a stark choice: to remain in violence or leave and risk destitution and possible deportation. Without a clear message from the UK Government and local authorities, women fear coming forward.

NRPF and access to health services and support

Safety4Sisters qualitative evidence shows that the NRPF policy has severe consequences on survivors of domestic violence. For example, in August 2020, Safety4Sisters recorded that one survivor did not have money for phone credit so was out of contact with the support service for two weeks until she borrowed some money from a friend. During this time, her mental health seriously deteriorated, and she is currently thinking of taking her own life. This situation is exacerbated by the pandemic lockdown; the survivor of domestic violence said “This just feels like the time to go – what have I left? I cannot go out. I cannot use the usual methods I had to take my mind away from my hell!”.⁶⁵

LAWRS has found that migrant women victims of domestic violence/abuse who have NRPF find it virtually impossible to access refuge and financial support. LAWRS’ caseworkers are seeing many women stay/return to their perpetrators for lack of options. Women are also being particularly impacted on the basis of their gender if they are victims of domestic abuse, as they

⁶⁴ <https://wbg.org.uk/analysis/uk-policy-briefings/covid-19-and-economics-challenges-for-migrant-women/>

⁶⁵ Safety4Sisters, Interview conducted August 2020.

find it virtually impossible to access emergency accommodation and other welfare support in order to escape violence and abuse. Without access to public funds and housing support, they are routinely denied access to refuge spaces.

Women's Aid's research finds that even before the COVID-19 crisis, 4 in 5 migrant women were already turned away from refuges.⁶⁶ The NRPF policy is forcing migrant survivors to choose between becoming destitute or returning/staying with the perpetrator.

Case study – NRPF and Domestic Servitude

Carla is from Uruguay. She arrived in the UK in 2017 with a visitor visa and overstayed. She is working as a domestic worker with an extended family member, living in her employer's house in London. The family has 3 children - 10, 8 and 6 years old - and they live in a big house with various rooms, a garden and swimming pool. She works from around 6:30 am up to 10 pm, around 15 hours per day, without breaks except for when she eats. She earns £1600 per month, which comes to £3.55 an hour. She did not take any annual leave for the last year, and she believes she is not going to get paid for them as her employer's sister said to her that she is working illegally and has no right to paid annual leave.

Carla came to LAWRS to enquire about her rights as a worker, and stated that she is suffering from joint and back pains and would like to see a doctor. When LAWRS advised her to register with the local GP, she stated that she could not provide the address where she is living as she is not authorised, and she does not want to risk the police going to her employer's house as she fears she could be deported. LAWRS advised her that she is a victim of exploitation and that she could be referred to another organisation to receive further support. However, Carla is scared of reporting her employer and losing her job, as she has no recourse to public funds and therefore no financial support from the government. She feels she has no alternative but to continue to work in these conditions.

LAWRS

⁶⁶ Women's Aid (2020a) Nowhere to turn 2020: Findings from the fourth year of the No Woman Turned Away project. <https://www.womensaid.org.uk/wp-content/uploads/2020/06/Nowhere-toTurn-2020.pdf>

Case study – NRPF and Reporting Abuse

Rubina came to the UK from Bangladesh on a student visa and married her first husband. He was abusive and she left him and claimed asylum in 2015 based on the abuse. She was concerned about taking this further as she had insecure immigration status. Her asylum application was refused and so were her subsequent appeals. She then met her second husband who was extremely violent, physical emotionally and sexually, subjecting her to horrendous sexual abuse and violence. Her would withhold money from her, was coercively controlling knowing that she had insecure immigration status. He treated her as a slave and her health was significantly impacted upon due to the abuse including suffering from incontinence due to the severity of the sexual abuse and frequent rape. Eventually, Rubina's second husband threw her out of the property and Rubina was forced to find sanctuary at her friends' house as she has no recourse to public funds. Whilst she was staying at the family's house, Rubina was seen on the street by her husband. He pursued her and attempted to get her to come home with him, in effect he as trying to abduct her. She did not report this incident to the police because she was scared to as she had insecure immigration.

Safety4Sisters

Case study - NRPF

GM is an Ecuadorian woman survivor of domestic violence by her British partner. Since the beginning of the relationship, he was controlling and continuously misinforming GM about her immigration status. The violence escalated in 2019, when GM got pregnant. During this time, isolation, emotional abuse, coercive control and manipulation were exerted. Furthermore, the perpetrator increased threats of deportation and separation from her child if she reported the abuse to the police. GM sought help from LAWRS. However, due to the NRPFP condition attached to her visa, she has been unable to access welfare benefits. After leaving her home, GM was provided accommodation by the local authority in an unsuitable and unsafe mixed hostel with her 1 year-old child. This situation has made GM constantly consider getting back to the perpetrator due to the lack of alternatives.

LAWRS

Case study - NRPF

Fanta entered UK in 2019 on a visitor visa from Nigeria with her abusive husband. Fanta experienced severe and prolonged abuse and when she got the chance to escape, she left him to find her sister in the North West. However, Fanta didn't find her, and a female stranger found her wandering the streets lost so she let her stay in her house while she continued to look for her sister. At this point Fanta then met Mr X at a bus stop and moved in with him because she had nowhere to go and she has No Recourse to Public Funds (NRPF) barring her from accessing safe accommodation and welfare support, and he had offered her help. As soon as she moved into his house, Mr X became violent, abusive and became very controlling knowing she had NRPF and insecure immigration status as her visa had expired. Mr X goaded her that without secure immigration, he could treat her with impunity, that the police would not assist her and that the Home Office would 'deport her back to her country'. On one occasion Fanta was taken into hospital overnight because he kicked her in the stomach when she was pregnant, and she started bleeding. She eventually lost the baby. The health care practitioners asked her whether she was a victim of abuse and she did not report this for fear that they would inform the police and they in turn would report her to the Home Office.

After a violent incident where he had threatened her with a knife and attempted to strangle her, Fanta called the police who took her to a council run women's hostel. A few days later Fanta was told to present at the local Homelessness Department who said they had no housing duty to her because she was NRPF (despite her having just fled domestic violence and still bleeding heavily after losing her baby) they advised that Social Services would ring her if she waited in the reception area. Fanta waited and the office closed, and so she left and miraculously found a police station at 10pm that night. The police took her back to the council's women's hostel (for one night/ emergency bed) and the next morning she waited for Social Services to ring her again. They did eventually ring her and told her to go to their NRPF office but she had no money, was bleeding heavily and the office was near to the area she had left Mr X and she had no idea if the police had found him or not. It was at this point she then met a man on the street who actually helped her and took her back to his sister's house. They could not accommodate her for more than a couple of days and so 2 days later she was on the streets again. S4S received the referral from the Immigration Centre and arranged for her to come to our office sending her a taxi.

She was traumatised and exhausted and S4S gave her a new phone in case Mr X tried to contact her as well as essentials such as sanitary pads, food, clothing. S4S booked her into a nearby bed & breakfast and eventually found space in a women's refuge which we paid for until she was able to put in an application for asylum support. She was able to access advocacy and our specialist Migrant Women's Group.

Safety4Sisters

Case Study - NRPF

Ana came to the UK in 2017 fleeing extreme violence from Latin America and having been subjected to numerous death threats. She arrived on a tourist visa and whilst in the UK, began a relationship with a new partner, who soon convinced her to move in with him. However, after falling pregnant in 2018, he subjected her to escalating violence. Her partner demanded that she have an abortion and threatened to report her to immigration enforcement if she did not comply. Ana was attempting to claim asylum in the UK, but this was refused along with the appeal as a result of receiving poor immigration advice. Ana's perpetrator is aware that her life is at risk if she goes back to her home country and deliberately weaponised this as a form of coercive control.

With the support of her mother-in-law, Ana managed to continue with the pregnancy. However, this was a very stressful time, and she was constantly subject to her partner's terror. Ana was terrified, but due to the fear of deportation and the lack of access to public funds, she did not have any other option but to stay in the abusive relationship. In December 2019 she was granted 30 months leave to remain as the main carer of a British child but was still subject to the NRPF condition.

When lockdown occurred, the abuse escalated even further. As Ana feared for her and her child's safety, she fled the household in May 2020. The local authority placed Ana and her child in unsuitable emergency accommodation in a mixed hostel. According to Ana, the place was infested with rats. Due to the inadequate housing, the lack of resources and the pressure from her perpetrator, she reconciled with the perpetrator only a month after she had escaped. However, as soon as she returned, the abuse started again, so she fled once more after only a few days—all of this during a pandemic and a national lockdown.

Ana has been living in emergency accommodation with her child, with the constant fear of becoming destitute and homeless as she is living with the bare minimum. She continues to be contacted persistently by her perpetrator, who threatens to have her separated from her child. Ana has recently had the NRPF condition lifted due to support from LAWRS, and a couple of weeks ago just received her first Universal Credit payment.

LAWRS

3.5.4 Immigration policies and reporting domestic violence

Safety4Sisters argues that COVID-19 is not only a public health crisis but a human rights one. We are told to “stay home” to keep safe. Women are trapped with abuser(s) in conditions ripe for increased violence. Families are forced together with little respite. Economic and psychological impacts of restrictions cause untold stress. For migrant Black and minority ethnic (BME) women, many of whom have insecure immigration status or language barriers, escaping violence is even more difficult and they remain trapped in life-threatening situations.⁶⁷

Women fear reporting will lead to immigration detention.⁶⁸ Many migrant women cannot contact authorities for help as they fear reporting to the Home Office which may negatively impact their immigration cases, resulting in detention and/or deportation.⁶⁹ This is a threat abusers instil as a significant form of coercive control and meets their experiences of years of the hostile environment. As a result, Safety4Sisters is deeply concerned that women will not come forward to escape the increased.

For recommendations to public authorities to alleviate the barriers and challenges faced by women who fear reporting, see 4.2 (below).

3.5.5 The Home Office and the ‘Hostile Environment’

The impacts of isolation on the wellbeing of BME migrant women are exacerbated by the fear of the Home Office. In August 2020, a number of BME migrant woman spoke to Safety4Sisters explaining their experiences:

- One woman explained how she “can’t go anywhere” she said “I have no energy and every time I go outside it takes all of my energy just to act normal. I am very tired. And when I come home my body aches for days like today I can’t get out of bed. I’m just very scared of the home office.”⁷⁰
- One woman told Safety4Sisters “it impacted me a lot because they [the Home Office] haven’t answered about my interview they haven’t said yes or no. They make the people sick. They are taking hopeful people and giving them stress. When I had an interview, I told them I had anxiety and I’m on medication for this. During lockdown we

⁶⁷ <https://www.safety4sisters.org/blog/2020/4/23/safety4sisters-covid-19-position-paper>

⁶⁸ <https://www.safety4sisters.org/blog/2020/4/23/safety4sisters-covid-19-position-paper>

⁶⁹ <https://www.safety4sisters.org/blog/2020/4/23/safety4sisters-covid-19-position-paper>

⁷⁰ Safety4Sisters, Interview conducted August 2020.

are worried about our health, and during coronavirus we need health, but they are making our health bad. It affects everything, I can't work, I can't do anything, I'm not 20 yrs. old anymore I'm worried about my health and my age. I'm checking my email, my phone every day I'm scared to turn on my phone, what I will do if I have an answer, my body shaking."⁷¹

- Another woman explained "I'm very scared every night it is getting worse when I dream. I'm very scared from Home Office, not knowing when the lockdown will end."⁷²
- One woman said "for me it has become a very painful situation. I was told I would be out of the hostel within 2 weeks. It is very stressful, if I knew this earlier, I could have asked my friends to let me stay with them. This is very stressful. It's not suitable to share hostel with people during COVID-19. Everything is stuck, it is not moving, when I try and get information on the status of my application, they just say it is up to the home office. It's stressful that they are not responding or doing anything. I would not expect this would happen to me. I have been diagnosed with depression since. I have had many bad days and I am very sleep deprived; I can't sleep. I would rather bare the violence of my husband than go through this. I could have seen friends, here I have no one."⁷³

4. How could inequalities in the health outcomes of people in different ethnic groups be addressed by government, public bodies, the private sector, and communities? [Question 7]

4.1 UK Government: end NRPF

An immediate suspension of the NRPF condition, so that migrants can access protection if they need to stop working or leave an abusive partner during the pandemic. Women with insecure immigration status need access to this vital and often life-saving support and routes to safety. See all evidence in Section 3.5.

⁷¹ Safety4Sisters, Interview conducted August 2020.

⁷² Safety4Sisters, Interview conducted August 2020.

⁷³ Safety4Sisters, Interview conducted August 2020.

4.2 UK Government and public bodies: end data-sharing for immigration enforcement

There is an urgent need for an end to data-sharing between all statutory services - including the police, healthcare services and employment inspectorates - and the Home Office, to protect vulnerable workers and victims of crime. Fear of immigration enforcement is affecting not only undocumented migrants, but also European citizens who are not aware of their rights and entitlements due to misinformation and fears related to Brexit. Suspending all data-sharing will allow the most vulnerable workers to report abusive employers, victims of crime and domestic abuse to report to the police, and all migrants to access healthcare especially during the COVID-19 pandemic.

LAWRS' work with Latin American Women in the UK finds that invasive data-sharing agreements undermines trust in the police, deters victims of crime from reporting, increases their risk of enduring or suffering further abuse and/or exploitation and prevents perpetrators -who often weaponise women's insecure immigration status as a tool of coercive control- from being held into account. Data-sharing a breach of the UK Government's international human rights obligations to treat victims with respect in a non-discriminatory way but, by deterring reports, this practice continues to obstruct the work of public authorities in their obligations to prevent, detect and punish serious crimes.

According to LAWRS, migrant victims and witnesses of crime are afraid to approach the police for fear of facing negative consequences related to their immigration status. Under the hostile environment, policies have prioritised immigration control over the safeguarding of victims of crime. This has led members of migrant communities to perceive the police as a threat, rather than an institution that will protect them even if they are victims. No measure will be fully successful if the police are still sharing immigration information with the Home Office which might result in the detention and deportation of migrants.

In order to enhance community relations and perceptions of the police, it is imperative that the police not share information with the Home Office, as this feeds into the fear migrant communities currently have to approach the police. This fear affects not only undocumented migrants but also those with insecure immigration status and even many European citizens who, since Brexit, are unsure of what their rights are. This fear also means the police cannot investigate and prevent crime and protect victims, which is their primary duty. As a result, wider communities are at risk.

Immigration status is used both by perpetrators of domestic abuse and by exploiters and traffickers as a means of control. When the police share information with the Home Office, they are giving perpetrators and exploiters a weapon to abuse with impunity and removing the possibility of protection for victims.

LAWRS recommends training for police officers delivered by specialists by and for services on issues such as:

- anti-racism
- Culturally-sensitive support for victims
- Gender and inclusiveness

Safety4Sisters also recommends putting in place a firewall so women coming forward to the police – or any other public service - do not have their data shared with the Home Office. This must be clearly communicated with migrant women; they must be assured that they are safe to report violence.

4.3 UK Government: suspend NHS charges to migrants and inform migrants that they can access any health service free of charge

Evidence has shown that migrants are resistant to accessing healthcare for fear of charges and information being shared with the Home Office. The COVID-19 pandemic, in the context of the hostile environment, is a risk not only to the health of migrant women workers but to public health as well.

The UK Government and local authorities must ensure all people enjoy access to healthcare⁷⁴ and issue clear guidance on the suspension of healthcare charges.

4.4 UK Government and public bodies: improve support via agencies for specific racial and ethnic groups

ICOS have gathered qualitative evidence which presents experiences of Eastern European people in Sunderland. The findings show that agencies can do more to help and support Eastern European individuals who are victims of domestic violence or hate crime. One respondent told ICOS that “Agencies don’t do much but they should have support at work place when incidents like this occur. They need to give more support to people who don’t

⁷⁴ ICESCR, Article 12.

speak English very well.”⁷⁵ In particular, there should be an increase counselling services, victim support and emotional support from different agencies that provide specialist assistance, for Eastern European communities. As a respondent said: “There isn’t enough help and support for Eastern Europeans, there should be more support at work places because if an incident like that occurs people are scared to talk to someone about it because they are afraid they might lose their jobs when they report something. People are also scared to talk about it to authorities and instead polish people talk among each other and ask their friends for help because they feel like there isn’t anyone else they can talk to. People only believe you that such incident occur when it's recorded on CCTV cameras, if they have time to check them and look at it so there is a lack of trust. There should be more awareness and training in at work because the training they have now doesn’t do anything and incidents like that still occur. There should also be support at work place for those who need it, which should be the first place you turn to for help.”⁷⁶

4.5 UK Government and public bodies: improve access to support and information

In Sunderland, one service user at ICOS says that “People need to be informed about possibilities of help. There is no one clear space/point of information. I am often told to go from one to another, with no clear advice, and asked the same questions by many people. People should be asked about what they need, and they should be given a clear answer and exact support. At the moment, I need a financial support and support with my health issues. When I came to UK I would have appreciated someone to tell me that I need to register with local Council. This would have given me a better beginning and needed support. But when we told the local police about the stolen documents, they were not interested. I did not know who else to speak to and was feeling nervous to speak to other authorities. Organisations need to be able to provide a support advice system on different levels, anonymously at first maybe, so people can feel comfortable to go speak to someone.”⁷⁷

The Equality Act 2010 contains the Public Sector Equality Duty (PSED), which requires all public bodies (such as the local council or police) carrying out public functions to take active steps to consider equality when exercising their functions.⁷⁸

⁷⁵ ICOS, Interview conducted in April 2017.

⁷⁶ ICOS, Interview conducted in April 2017.

⁷⁷ ICOS, Interview conducted in 2018.

⁷⁸ Section 149 of the Equality Act 2010.

LAWRS is concerned about national campaigns on domestic abuse as BME and migrant women and their needs are overlooked, despite being disproportionately affected by this COVID-19 crisis. In terms of distribution, online campaigns may not be suitable for migrant and BME women due to the lack of access to wi-fi, smartphones and social media, amongst others.

LAWRS stress that it is urgent that campaigns are translated into different languages and women are signposted to specialist BME and migrant services where they would be able to access specialist services. Making sure the police, community based groups and other volunteers such as mutual aid groups have information on local specialist 'by and for' services can be a more effective way of ensuring women have access to the information they need in a safe way. Safety4Sisters similarly stresses the importance of communications which are accessible and produced in different languages to ensure all women experiencing violence know what help is available irrespective of immigration status.

In 2016, LAWRS research concluded that one in six Latin American women were not registered with a GP and nearly seven in ten have not seen a dentist while in the UK.⁷⁹

Safety4Sisters recommend including migrant women in safety and protection measures in the proposed Greater Manchester Violence Against Women and Girls (VAWG) strategy and requests that these documents are available and accessible in the public domain.

The UK Government has a legally binding obligation under the International Covenant on Economic, Social and Cultural Rights to ensure all people enjoy the right to mental and physical health.⁸⁰ The UK Government must follow expert UN guidance and ensure temporary or undocumented migrants, asylum seekers, refugees can access all necessary health care, ensuring health facilities, goods and services are available to everyone, without discrimination in line with UN advice on the right to health.⁸¹

4.6 Compliance with equality duties by statutory services

Evidence from LAWRS' casework suggests that in the context of the COVID-19 pandemic, statutory services and other public authorities are not following equalities duties when supporting migrant and BME survivors. To illustrate this, LAWRS has been dealing with rising

⁷⁹ McIlwaine, C., Bunge, D. (2016) Towards Visibility: the Latin American Community in London, London: Trust for London.

⁸⁰ ICESCR, Article 12.

⁸¹ ICESCR concluding observations 2016, paragraph 56.

cases of lack of provision of translation services, which shows that public authorities are failing to meet the obligation to remove or reduce disadvantages suffered by BME and migrant women because of their protected characteristics.

Case study

MK is an Ecuadorian woman who has been enduring domestic and sexual abuse for a long period of time. When reporting the abuse to the police, MK's underage daughter was asked to act as translator. In the end, LAWRS' case worker supported MK when disclosing the abuse to the police. The consequences of the lack of interpreting services - a failure from the police to overcome the unlawful discrimination, experienced by MK, posed a grave risk to the safeguarding of her daughter.

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4.6.1 Coordinated response from statutory services

LAWRS also finds that there is a lack of coordinated response from statutory services and as a result migrant and BME women are receiving inconsistent information regarding domestic abuse from different public bodies such as social services and the police. In addition, BME and migrant services have reported difficulties when trying to contact local authorities and statutory services in order to access information about their clients. Furthermore, there is a lack of coordination between central and local governments, which leads to different responses in different councils.

LAWRS finds that there has been a failure in putting in place an emergency response for Violence Against Women and Girls (VAWG) related issues. LAWRS reports that despite evidence showing the urgent need for the establishment of an emergency response in relation to violence against women and girls, there has been a lack of a coordinated plan to address domestic violence from local to central UK Government. Meanwhile, BME and migrant women are experiencing increasing levels and multiple forms of abuse and 'by and for' specialist BME and migrant services are facing decreased capacity whilst working on more complex cases.

4.7 Public decision-makers and stakeholders: BME and migrant women on the public agenda

LAWRS is actively advocating for BME and migrant women workers to be placed higher up in the public agenda for stakeholders and decision-makers, so their urgent needs can be met. Migrant women workers are among those that society is now praising for their role as "key workers", and even being recognised for their work in the NHS, yet little is discussed about

their working conditions and their lack of opportunities and options. They continue to work because they are left with no other recourse, even if they are ill, have pre-existing conditions, or childcare responsibilities. While their work is recognised, their plight is invisible.

4.8 Adequate, ring-fenced, unrestricted, flexible funding for specialist BAME, BME and migrant 'by and for' organisations, including refuges, so they can reach the most vulnerable and marginalised members of society

The impact and positive outcomes of specialist BAME and migrant 'by and for' organisations is evidenced in the following case studies and data.

Safety4Sisters have found that services working with migrant women escaping violence struggling to survive. Small BME and migrant women's organisations like Safety4Sisters have been severely underfunded and under-resourced for years due to austerity. Funding is short-term and piecemeal, making sustainability fragile. The UK Government announcement of a £2 million fund for domestic abuse helplines and online support is welcome but woefully inadequate. In recent weeks, Safety4Sisters have seen a huge increase in workload as they deal with women in increasingly distressed states whose cases are complicated by many refuges denying access and lack of clarity whether women from outside Manchester can get access to emergency COVID-19 provisions.

Safety4Sisters have had to fill the significant gaps in services for migrant women with NRPF. This comes at a financial cost – of over £10,000 on accommodation, subsistence and interpreters – and personal cost. Preventing destitution of women has relied on hope and good will. Migrant women with NRPF were locked out, at a time when the local policy strategy was 'everyone in'. It is in this context that Safety4Sisters has had to increase the material support to the migrant women; Safety4Sisters has delivered, in partnership with others, essential provisions such as uniforms, food, mobile phone top-ups and travel expenses to roughly thirty women a month.⁸²

Adequate funding must be provided to Violence against Women and Girls (VAWG) services including BME and migrant women's organisations to ensure all women can access lifesaving services.

⁸² Locked in Abuse, Locked out of Safety: The Pandemic Experiences of Migrant Women (2020) https://static1.squarespace.com/static/5af498dd3c3a53848b8530b6/t/5f8d43da5688f32ed1347aaa/1603093480213/Locked_in_abuse_locked_out_of_safety_S4Sreport.pdf

In June 2020, the Haref Network found that there have been impacts on organisations and staff working to support BAME groups through the pandemic:

- Staff are tired, this has been incredibly intense and they are worried about the people they are working with.
- Everything has taken longer to do working remotely when individuals' needs have increased.
- Community and voluntary sector staff have been the main link to explain the key messages without proper support or funding to do this.

Since the COVID-19 crisis started, LAWRS adapted its services to provide phone and online advice to our service users. Since then, LAWRS has seen a considerable increase in its workload and a decrease in capacity, which has had a direct impact on its staff's wellbeing. This is due to a series of factors, including the lack of support available for the Latin American community and the lack of information available in Spanish and Portuguese, the increased anxiety and need for support experienced by the community, and social distancing measures. Staff capacity has also been reduced due to childcare responsibilities and an increase in sickness absence of staff. Furthermore, organisations like LAWRS are usually run by small staff teams which rely on volunteers, who as a consequence of social distancing measures may not be currently able to continue collaborating with the organisation. Specialist organisations providing essential services to women need urgent, unrestricted and flexible funding to support our frontline staff during this period and ensure our services remain open and accessible to women facing exploitation and abuse. In this vein, we are concerned about the lack of clear information on how the £750 million fund for the charity sector announced by the UK Government will reach 'by and for' specialist services.

For Eastern European women in Sunderland, a specialised ICOS group, found that out of 79 beneficiaries 34% were experiencing problems with health and wellbeing, 30% needed help with meeting new people, 29% were experiencing problems with communication, 28% lacked access to information and 18% had reported financial problems. The group now has 124 female members. This project had a very positive impact on Eastern European women in Sunderland and surrounding areas. In October 2020, one woman reflected on the social distance group sessions: "Your training sessions were the best thing that happened to me in these difficult times. I suffered from anxiety since April. My frustration, negative emotions and feelings of helplessness and hopelessness were creating chronic stress, tiredness and low mood. When I attended these training sessions, I realised that my mental wellbeing has started to improve with every session by increasing my energy and positive attitude, improving my

self-esteem and sleep quality. Also my body has started to change in positive way. I feel stronger mentally and physically. “

Section 1 of the Equality Act provides a useful framework for public authorities to have due regard to the desirability of reducing the inequalities of outcomes resulting from socio-economic disadvantage when taking strategic decisions on exercising their functions (‘the socio-economic duty’). Just Fair urges the UK Government to enact Section 1 in order to make this duty legally binding on public authorities in order to address socio-economic inequalities.

4.9 Provide Statutory Sick Pay for low income workers

The UK Government should widen eligibility to Statutory Sickness Pay, so as to protect the health of all people, especially those with a protected characteristic(s) and/or disproportionately affected by the COVID-19 pandemic.

This involves abolishing the restriction for Statutory Sick Pay for those earning less than £120 per week who are currently ineligible, and an increase of Statutory Sick Pay to cover the equivalent of one working week (35 hours) at minimum wage level.

LAWRS finds that many Latin American women who work in sectors of cleaning, hospitality and domestic work, are consistently not being allowed to take sick leave (paid or unpaid), or have to find their own replacement in order to do so. However, LAWRS’ work finds that in the current situation, many women who are displaying symptoms of COVID-19 or are part of at risk groups, are being forced to choose between their health and their livelihood.

This means that employers are endangering not only their employee’s health and the health of the ones they live with, but also putting public health at risk by potentially spreading the virus. Managers and supervisors are also demanding proof of workers being ill and threatening not to pay unless they present such evidence. NHS 111 online form is rejected as proof. The self-certificate for illness is in English and in PDF format, so many workers need support to complete it.

A number of LAWRS service users are not receiving SSP because they do not qualify for it, either because they earn less than £120 per week, or because they are self-employed (in bogus self-employment). LAWRS notes that women working in cleaning and domestic work generally have no savings, and rely on their pay-check to survive each month. They are one pay-check away from destitution. They cannot stop working or work from home. But if they are

not paid SSP and they are not self-employed, they are currently either working despite being ill, endangering their own health and also public health, or are staying home and not earning money or receiving any support.⁸³

4.10 Improve regulation of cleaning, hospitality and domestic work

The UK Government has legally binding human rights obligations to protect the right to work for all people from interference by third parties, such as employers, particularly in relation to recruitment, salaries, and other work conditions.⁸⁴

LAWRS' service users are Latin American migrant women, working mainly in cleaning, hospitality and domestic work. Many of them are facing physical, financial, emotional or psychological abuse and are being gravely impacted by COVID-19. On the basis of their race and their gender, and considering migrants and women are overrepresented in these sectors of employment and are the main victims of domestic violence. Women and migrants are more likely to work as outsourced staff in cleaning and hospitality, as well as in domestic work. These are feminised sectors, characterised by lack of regulation, low wages and over-exploitative practices towards workers. Worker exploitation in these sectors was high before the COVID-19 pandemic, and evidence suggests that for those who are still employed during the crisis, exploitation has continued if not worsened. Workers who are in a vulnerable situation and cannot access support are more at risk and will suffer the consequences. Their working conditions will continue to deteriorate during and after the health crisis.

LAWRS' work with Latin American women in London finds that cleaners working in offices and public spaces are not being provided with appropriate protective material such as masks and gloves. They are being forced to work without them.

In 2019,⁸⁵ LAWRS produced the following quantitative data on the experiences of Latin American women in the following of London's labour sectors: cleaning, hospitality and domestic work:

- Over half of the workers faced breaches to their contracts (62%).
- Unlawful deduction of wages was the most common type of abuse (151 cases, 46%).

⁸³ LAWRS, April 2020.

⁸⁴ ICESCR, Article 7.

⁸⁵ Nahir de la Silva, Lucila Granada and Dolores Modern (LAWRS), 'The Unheard Workforce: Experiences of Latin American migrant women in cleaning, hospitality and domestic work', July 2019 <https://trustforlondon.fra1.digitaloceanspaces.com/media/documents/unheard-workforce-research.pdf>

- 1 in 5 (20%) experienced illegal underpayment of the National Minimum Wage.
- 17% were unlawfully denied the annual leave they were entitled to, and 16% were not paid accrued in lieu annual leave once they left the company.
- Health and safety issues were present in 25% of the cases – predominantly injury due to the nature of the work (33%), limited or no protective equipment (17%), and lack of training (12%).
- Over two in five (41%) of women in the sample have experienced discrimination, harassment or unreasonable treatment.
- 66% experienced bullying or unreasonable treatment as regular occurrences.
- A large proportion endured verbal and/or faced physical abuse, 37% and 11% respectively.
- 16% of the women endured a total of 13 different types of sexual harassment and abuse in the workplace.
- Abuse on the grounds of maternity was experienced by 9% of women. This includes failure to pay for hours spent at prenatal appointments and denial of risk assessments during pregnancy.
- 11 cases of potential trafficking for labour exploitation were identified: 7 were cleaners or hospitality workers and 4 were domestic workers.

The UK Government should be taking further action to end discrimination against women. In particular, there has been a failure to tackle discrimination in the labour market, including women's disproportionate representation in high risk work, low qualification for statutory sick pay, 'closed down' employment sectors, gender pay gap, decision-making roles, and precarious employment.⁸⁶

⁸⁶ ICESCR 7 and 9; Also see ICESCR concluding observations 2016, paragraph 35

4.10.1 UK Government must set a real Living Wage

In 2016, an independent monitoring body called the UN Committee on Economic, Social and Cultural Rights, reviewed the UK Government's compliance with its human rights obligations to ensure all people enjoy economic and social rights. The experts recommended that the UK sets a living wage at a level which provides all workers and their families with a decent standard of living. The real Living Wage guarantees the right to just and safe working conditions, and an adequate standard of living.⁸⁷

5. Can you suggest other ways in which racial and ethnic disparities in the UK could be addressed? In particular, is there evidence of where specific initiatives or interventions have resulted in positive outcomes? Are there any measures which have been counterproductive and why? [Question 10]

The UK Government must take specific, positive measures to ensure the protection and equal enjoyment of rights for groups particularly affected by the current crisis, which includes people of specific race or ethnic groups.

In addition, the UK Government's response to the COVID-19 will be more effective and sustainable if it adopts an intersectional approach – by mitigating the disproportionate impact of COVID-19 on groups of people who share multiple characteristics.

5.1 Improve support for BME VCS infrastructure organisations

ICOS notes that there are very few “BME [voluntary and community sector] VCS Infrastructure organisations - be it local or regional remain in existence, and as a result, BME organisations have less opportunity to voice their concerns and those of their clients and service users.”

5.2 Remove other non-health-related barriers faced in employment

⁸⁷ Just Fair, 'Good for society: a Living Wage is essential for all' (2020) <http://justfair.org.uk/good-for-society-a-living-wage-is-essential-for-all/>; ICESCR, Article 7 and 11.

The UK Government is legally obliged to improve the right of all people to work, including: ending the gender pay gap, tackling gender-based segregation in the labour market; and guaranteeing equal pay for work of equal value, without discrimination.⁸⁸

According to ICOS “Women from Eastern Europe face barriers when trying to enter / re-enter the labour market and upskill or change their career- this includes limited English language proficiency or, even when women speak good English, lack of functional skills qualifications can make it impossible to upskill in other areas without achieving level 2 English and Maths qualifications first.”⁸⁹

Case study

RS has joined her journey on wise steps back in January 2020. She originally has come from Turkey and received a refugee status in the UK. RS was a certified accountant in her home country and has been very motivated to peruse her career as an accountant in the UK but first she wants to learn English language which has been the biggest challenge for her.

ICOS

ICOS finds that many Eastern European clients have lost their jobs, as they were disproportionately represented in the sectors affected by the COVID19 epidemic, such as hospitality and catering. Many also worked through a job agency so they were the first one to lose employment as a result of the crisis. Women are also disproportionately represented in these sectors, so Eastern European women face double even triple disadvantage.⁹⁰

5.3 Remove discrimination in the housing sector

Just Fair urges the UK Government to lift the ban on the right of asylum seekers to access employment while their claims are being processed. This rule is contrary to the UK’s international legal obligations, as the right to work applies to everyone, “regardless of legal

⁸⁸ ICESCR concluding observations 2016, paragraph 27.

⁸⁹ ICOS, Senior Project Worker and Wise Steps Coach, 2020.

⁹⁰ ICOS, Senior Project Worker and Wise Steps Coach, 2020.

status and documentation”.⁹¹ In denying asylum seekers the right to work, the UK Government is also failing to follow recommendations by the CESCR.⁹²

The right to housing needs to be afforded to all regardless of immigration status. Any barrier in accessing a service will undermine efforts to control the pandemic. Housing is a particular issue for migrant communities who are more likely to live in private rented accommodation or in overcrowded accommodation. They are also more likely to be living in poverty or to be working in a sector heavily impacted by COVID-19. COVID-19 has raised particular challenges for migrant communities notably drops in income; limited access to welfare; barriers for homeless migrants in accessing housing support; and overcrowded housing leading to increased risk of transmission of COVID-19 and this is particularly serious for multi-generational households. Many migrant women experiencing domestic abuse are not able to get a place in a shelter due to their immigration status leaving them to choose between staying with their abuser or destitution and homelessness.

The ‘right to rent’ policy as part of the wider Immigration Acts 2014 and 2016 (hostile environment) must end. This policy encourages discrimination against tenants who look or sound foreign. Landlords have prospective tenants queuing up for rooms, and the evidence suggests that when facing a hefty fine or prison many will simply refuse anybody who they are sceptical about and turn to someone who is obviously a British citizen. This will drive many into the hands of slum landlords who will use their position to abuse and exploit them. Moving forward the UK Government should develop a framework to incorporate socioeconomic rights including the right to housing.

5.3.1 End the penalisation of foreign national rough sleepers

Foreign national sleepers must not be penalised. On 22 October 2020, the UK Government’s Home Office Department published a Statement of Changes (‘SoC’) to update the UK’s Immigration Rules. From 1 December 2020, being a rough sleeper will be a ground for refusing permission to stay and/or cancelling existing permission to remain in the UK. The SoC defines ‘rough sleeping’ as “sleeping, or bedding down, in the open air (for example on the street or in doorways) or in buildings or other places not designed for habitation (for example sheds,

⁹¹ General Comment No. 20 (2009) Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights); Also see Philip Alston, ‘Report of the Special Rapporteur on extreme poverty and human rights: Visit to the United Kingdom of Great Britain and Northern Ireland’ (23 April 2019) in which the following statement was made “Asylum seekers are banned from working and limited to a derisory level of support that guarantees they will live in poverty. The [UK] Government promotes work as the singular solution to poverty, yet refuses to allow this particular group to work” <https://undocs.org/en/A/HRC/41/39/Add.1>

⁹² ICESCR concluding observations 2016, paragraph 25.

car parks or stations)".⁹³ The UK has committed to implement the Sustainable Development Goals, which includes ending homelessness by ensuring access for all people to adequate, safe and affordable housing by 2030 (see target 11.1). The amendments also violate the right to adequate housing under Article 11(1) of the ICESCR which is defined as the right to live in security, peace and dignity (CESCR, General Comment No.4). Under Article 2(2), the right must be exercised "without discrimination of any kind as to...national or social origin".

As part of its obligations, the UK Government has to show that it has made use of all resources at its disposition to comply with minimum core obligations. In this light, the amendments set out in the SoC are discriminatory and condemn people whose right to adequate housing is being infringed. The amendments could also constitute cruel, inhuman and degrading treatment (under Article 3 of the ECHR and Article 7 of the ICCPR), and if they are detained pending removal this could also mount to a breach of the right to liberty (under Article 5 of the ECHR and Article 9 of the ICCPR). It is important to note that the Human Rights Committee's General Comment No.8 recognises that Article 9 of the ICCPR specifically protects against laws which permit deprivation of liberty in cases of vagrancy.

Instead of acting in contravention of international human rights standards, the UK Government should adopt a rights-based housing strategy aimed at ensuring adequate housing and eliminating homelessness for all people in conformity with its international commitments and human rights obligations.

5.4 Improve availability and accessibility of free legal advice

The UK Government should minimise obstacles for certain groups of people identified as those who have language barriers or who are digitally excluded. The UK Government should provide inclusive, assistive technologies and alternative accessible processes to ensure all people are able to effectively access the advice and justice system.

One service user at ICOS in Sunderland has made the case for improved access to legal advice and information: "I had an issue with my car and I have informed them that I need a day off. My employer stated I had no right and was forcing me to come into work and stated that I should get a taxi (which costs £90 pounds one way from my house to the place of employment). After exchanging several emails with the employer, I have realised that this situation was too stressful for me to be treated unfairly in that way and I have written a notice to the employer. They didn't pay me my wages for the last month I have worked for them- they

⁹³ Unkha Banda and Misha Nayak-Oliver, 'Foreign National Rough Sleepers Penalised Under the UK's Revised Immigration Rules' (OxHRH Blog, November 2020) <http://ohrh.law.ox.ac.uk//foreign-national-rough-sleepers-penalised-under-the-uks-revised-immigration-rules>.

made illegal deductions for courses, and safety clothing which has been used by another worker previously. I believe they treated me like this because I'm polish, the same thing happened with someone else. The manager didn't let me speak in Polish at all at work to other employers... People should get free legal advice, lawyers, and access to information as the whole process takes a very long time."⁹⁴

⁹⁴ ICOS, Interview conducted November 2018.

Additional recommendations to the UK Government:

- Comply with legally binding obligations under international and domestic human rights law where it makes decisions or takes steps to tackle racial and ethnic inequalities.
- Make decisions that are non-regressive; do not make decisions that prevent or hinder the enjoyment of economic and social rights (including the right to education, employment and health).
- Collect and make available in the public domain disaggregated data on impact of NRPF on people living with the restriction.
- End NRPF.
- Collect and make available in the public domain disaggregated data on the level of demand for digital assistance across all areas of social welfare law.
- Provide funding and support for specialised BAME and migrant careers advice, employment training, including needs-tailored programme for young BAME people.
- Provide adequate, ring-fenced, unrestricted, flexible funding for specialist BAME, BME and migrant 'by and for' organisations, including refuges, so they can reach the most disadvantaged and marginalised members of society.
- Minimise obstacles for certain groups of people identified as those who are digitally excluded; providing inclusive, assistive technologies and alternative accessible processes to ensure all people are able to effectively access their economic and social rights.
- Produce and implement a strategy to tackle structural barriers and discrimination to improve access to higher education for all people.
- Improve the availability and accessibility of free legal advice for all people, minimising obstacles for BAME and migrant people.
- End data sharing for immigration enforcement.

- Suspend NHS charges to migrants and inform migrants that they can access the NHS. Make health services free of charge for all people.
- Protect and increase Statutory Sick Pay for low income workers.
- Improve occupation mobility and regulation of cleaning, hospitality and domestic work sectors.
- Set a real Living Wage for all workers.
- Ensure training for police officers is delivered by specialists by and for services on issues such as:
 - anti-racism
 - Culturally-sensitive support for victims
 - Gender and inclusiveness
- Provide information about access to education, employment and health, in formats which are accessible to all people, including but not limited to Easy Read formats, different languages, braille, British Sign Language and in hard copy – to address digital exclusion.
- Develop a process to incorporate economic, social, and cultural rights into UK domestic legislation so as to continue to improve human rights protections for all people.
- Enact Section 1 of the Equality Act 2010 in England and Northern Ireland to minimise socio-economic disadvantage. The same duty was introduced in Scotland in 2018 under the name 'Fairer Scotland Duty' and is scheduled to be introduced in Wales in March 2021.

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