Mandates of the Special Rapporteur on the human rights of migrants; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Independent Expert on human rights and international solidarity; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls

Ref.: AL GBR 20/2025
(Please use this reference in your reply)

8 December 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the human rights of migrants; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Independent Expert on human rights and international solidarity; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Special Rapporteur on contemporary forms of slavery, including its causes and consequences; Special Rapporteur on trafficking in persons, especially women and children; Special Rapporteur on violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 52/20, 53/4, 60/10, 53/5, 52/36, 51/15, 53/9, 59/20 and 59/14.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the violations of the human rights of migrants and asylum seekers, including children and those in vulnerable situations, stemming from the implementation of the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic on the Prevention of Dangerous Journeys.**

According to the information received:

In late July 2025, the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic signed an Agreement on the Prevention of Dangerous Journeys (the UK / France Agreement).[1] The stated objective of the Agreement is to disincentivise 'dangerous' crossings of the English Channel by small boats by allowing for a swift return of persons who arrived in the UK by small boats and do not fulfil the conditions of entry. It would also facilitate the reciprocal transfer of qualifying individuals from France to the UK.

Specifically, individuals arriving by small boat can be detained immediately and their asylum claim declared inadmissible if the Home Office is of the view that they could have claimed asylum in France ("safe third country" for the purposes

[1] https://assets.publishing.service.gov.uk/media/68909bb2486754ec288783c2/CS_France_2.2025_Dangerous_Journeys_Agreement.pdf

of the Agreement). Under the inadmissibility process, individuals have a screening interview and are then issued a "Notice of Intent" that their claim may be considered inadmissible in accordance with the Nationality and Borders Act 2022,[2] and they may be removed to a safe third country. Individuals have seven days to reply to this notice (and may apply for an extension). If the claim is deemed inadmissible, the individual is served with a decision letter.[3] The UK must refer their return to France within 14 days of arrival. France has 28 days to accept or refuse the return. Individuals accepted by France are then removed to France.

Case of [redacted]

[redacted] a Sudanese national, arrived in the UK on [redacted] August 2025 by small boat, having travelled through Egypt, Libya, Italy and France. He had a screening interview at 1 a.m., after an arduous journey across the Channel. He had fled his home country, Sudan, due to torture and exploitation during imprisonment by the militia Janjaweed/RSF. He claimed asylum only in the UK, as in other countries on his route, he did not feel safe. He was transferred to an Immigration Removal Centre (hereafter IRC). His immigration detention, deteriorated his mental health, as a survivor of torture. He experiences nightmares and flashbacks.

[redacted] was placed on a waiting list for a rule 35 report of the Detention Centre Rules 2001 (hereafter Rule 35), which is a safeguarding report prepared by a medical practitioner in the IRC informing the Home Office of concerns that individuals may be victim of torture and hence at risk of deterioration in detention.

On [redacted] August 2025, [redacted] received a "Notice of Intent" informing him of the intention to treat his asylum claim as inadmissible and to remove him to France. On [redacted] September 2025, his solicitors wrote to the Home Office asking for him to be referred to the National Referral Mechanism, UK's framework for identifying victims of trafficking and modern slavery and also the framework that should provide them with appropriate support (hereafter NRM) as a potential victim of trafficking. On [redacted] September 2025, a negative Reasonable Grounds Decision was made, finding no reasonable grounds that he had been trafficked. It was reported that there appear to be significant procedural flaws in the decision-making process related to the Negative Reasonable Grounds decision, as [redacted] was not given the opportunity to obtain further evidence or provide additional details through another interview. On [redacted] October 2025, his Rule 35 report was completed, recording scarring, pain in his ankles and legs, swelling in his leg and mental health problems. The report concluded that the clinical presentation was consistent with past trauma. On [redacted] October 2025, a decision was made to accept him as an "Adult at Risk at level 2," but to continue detention on the basis that an inadmissibility decision could be made within a week, with removal taking place within 3-4 weeks.

[2] https://www.legislation.gov.uk/ukpga/2022/36/contents
[3] Home Office, Inadmissibility: safe third country cases, updated 27 June 2025.

On [redacted] October 2025, he was assessed by an independent medical expert who found symptoms indicating a diagnosis of Post Traumatic Stress Disorder (hereafter PTSD), linked to his reported torture and exploitation in Sudan. [redacted] remains in immigration detention.

Case of [redacted]

[redacted] fled Rafah/ Gaza with his cousin after Israeli forces shelled his family's home. He assumes that his parents, uncles, cousin and pregnant wife died in this shelling. During the journey, he received threats from the smugglers and his other family members were shot. The smugglers took pictures of every person and threatened them that if they informed anyone of the death, or if they were ever seen back in France, they would be killed. [redacted] was then transported by small boat to the UK, arriving on [redacted] August 2025. He applied for asylum upon arrival and was placed in immigration detention.

On [redacted] August 2025, [redacted] underwent a screening interview from 2.27 a.m. until 3.20 a.m. On [redacted] August 2025, he was issued with a "Notice of Intent," which invited representations in response to why he could not be returned to France. [redacted] did not have legal representation at this point and did not understand his rights or the necessity of responding to the Notice of Intent. On [redacted] August 2025, a readmission request was sent to France. He was not able to receive legal advice. On [redacted] September 2025, France accepted the readmission request, and an inadmissibility decision was made the same day.

Doctors concluded that he had symptoms of PTSD and found that detention was exacerbating his psychological distress. Due to an expressed intention to end his life if his removal to France took place, he was placed on hourly checks under the Assessment Care in Detention Teamwork (a process for managing detained people at risk of self-harm or suicide in detention). Removal was set for [redacted] September 2025. On [redacted] September 2025, the Home Office sent further information to France regarding [redacted] vulnerabilities. Removal was deferred because France rejected the readmission request. On [redacted] September 2025, the removal date was reset to [redacted] October 2025.

On [redacted] October 2025, [redacted] was released and obliged to report once weekly to the Home Office. On attending his first reporting event on [redacted] October 2025, he was re-detained. The next day, a third set of removal directions was set for [redacted] October 2025. It remains unclear whether France has accepted the return, given the additional information sent regarding [redacted] vulnerabilities.

Case of [redacted]

[redacted] fled Eritrea after having been subjected to torture and ill-treatment in connection with his refusal to join compulsory military service. On [redacted] August 2025, he entered the UK, was detained, and on [redacted] August 2025, was served with a "Notice of Intent." On [redacted] August 2025, he had an NRM interview. He states that the interpretation provided by the interpreter was not accurate and that the interview record contains several significant inaccuracies. On [redacted] September 2025, the Secretary of State for the Home Department (hereafter

SSHD) in her capacity as Competent Authority decided that there were no reasonable grounds to believe that [redacted] was a victim of modern slavery. Following a reconsideration, requested by solicitors, the SSHD found that there were reasonable grounds to believe that he was a victim of modern slavery.

Following several requests from solicitors, on [redacted] September 2025, a Rule 35 assessment was conducted which confirmed that [redacted] account of torture was consistent with his physical and psychological presentation (including the scarring on his body) and concluded with a diagnosis of PTSD. On [redacted] October 2025, a doctor provided an assessment that continued detention was likely causing harm to [redacted]. Nonetheless, he remains in detention.

Case of [redacted]

[redacted] fled Eritrea aged 3, following which time he lived in Ethiopia under challenging circumstances until November 2022. He was later trafficked through Sudan and Libya, and was exploited in Libya between 2023 and 2025, before travelling to the UK. On [redacted] August 2025, [redacted] arrived in the UK and was detained.

On [redacted] September 2025, the SSHD, in her capacity as Competent Authority, found that there were no reasonable grounds to believe that [redacted] was a victim of modern slavery. On [redacted] September 2025, an assessment was conducted in line with Rule 35 and concluded that no scarring had been noted. [redacted]' instructions are that he was not asked about whether he had any scarring on his body. He presents with scarring. A request for an urgent reassessment, prepared by solicitors, was refused, and the detention centre failed to support the assessment of [redacted] via video.

Following an induction interview with the SSHD Detention Engagement Team in which he disclosed a history of exploitation, [redacted] was referred to the NRM. During his NRM interview, he did not have access to legal representation nor did he understand what the NRM was or the significance of the interview. He felt anxious and unable to focus on the interview.

On [redacted] and [redacted] October 2025, inadmissibility and removal decisions were made against him. On [redacted] October 2025, interim relief was refused, inter alia, because the rule 35 assessment had not noted any scarring. [redacted] has since had a video assessment by a doctor who has confirmed the existence of his scars and that they are consistent with his account of torture and trafficking.

On [redacted] October 2025, [redacted] was removed to France – before which he was not able to speak confidentially with his legal representatives. He was unaware of where he was to be taken and was not allowed to put on footwear. One of the officials suddenly placed a hood over his head. As he had difficulty breathing, he struggled and asked them to remove the hood. The officials appeared to interpret this as him resisting, and proceeded to force him to the ground, bumping his forehead, causing a break in his skin and leading to some bleeding. He felt boots placed on his neck as he lay on the ground. During the flight from

London to Paris, [redacted] hands were bound to his chest in such a way that that rendered him effectively immobilised. He experienced pain and swelling for at least a few hours afterwards.

Case of [redacted]

[redacted] is a national of Yemen, who was subjected to physical abuse, forced labour and sexual exploitation at the hands of multiple abusers, from the age of 3 until she fled Yemen at the age of 18. She arrived in the UK on [redacted] August 2025 and was detained.

The Rule 35 report, following the assessment on [redacted] September 2025, noted that the General Practioner's psychological and physical examination of [redacted] corroborated her account, and included a description of the scarring with which she presents. However, the SSHD failed to refer [redacted] to the NRM as a potential victim of modern slavery. A referral to the NRM was only made once solicitors requested it. On [redacted] October 2025, the SSHD decided that there were no reasonable grounds to believe that [redacted] was a victim of modern slavery. That decision inter alia asserted that she was not credible because her account of trafficking had not been raised at the earliest possible stage.

[redacted] was unable to obtain any legal assistance via the Detained Duty Advice Scheme to respond to the "Notice of Intent" on time.

Case of [redacted]

[redacted] fled Eritrea following forced military conscription, and travelled to Sudan, where he was kidnapped for ransom and subjected to torture. Following his release, he fled to South Sudan, where he faced further exploitation for the purposes of forced labour. On [redacted] August 2025, [redacted] arrived in the UK and was detained on [redacted] August 2025. On [redacted] August 2015, the SSDH served [redacted] with a "Notice of Intent."

[redacted] medical records show that he disclosed an account of torture to the SSHD's IRC Healthcare staff on [redacted] and [redacted] August 2025, in the course of routine medical check-ups. After repeated requests and a letter in accordance with the Pre-Action Protocol for Judicial Review from his solicitors, on [redacted] October 2025, the rule 35 assessment was conducted.

On [redacted] September 2025, [redacted] was interviewed within the NRM, without a Tigrinya interpreter. He felt compelled to proceed in English, which he does not speak fluently. The interview lasted 10-15 minutes. He was unable to give a detailed account of his experiences of trafficking and forced labour. On [redacted] September 2025, the SSHD found that there were no reasonable grounds to believe that [redacted] was a victim of modern slavery. Following a request made by solicitors, a second interview was arranged on [redacted] September 2025. The interview record indicates the interview was short and limited in scope. No further decision was made following this interview.

In the course of the asylum screening interview and the Rule 35 assessment, [redacted] disclosed that he had an enlarged spleen. The abdominal ultrasound on [redacted] September 2025 was conducted without an interpreter present, leaving him feeling distressed and confused.

Case of [redacted]

[redacted] fled the Islamic Republic of Iran in 2019, having converted to Christianity. On [redacted] August 2025, he arrived in the UK and was detained upon arrival. During his time in detention, his psychological and physical health have significantly deteriorated. He presents with symptoms of PTSD, including flashbacks and nightmares. On [redacted] August 2025, he made a suicide attempt and has self-harmed on several occasions. He has had two periods of refusing food and was hospitalised on [redacted] September 2025. The detention healthcare team has been required to respond to the risk of suicide by opening a care plan. Later, he was placed under observation within the supported living facility in the detention centre. His medical records note clinical observations that he is "a high risk of suicide" and that "ongoing detention is harming his health". Notwithstanding these observations and the background of suicide attempt and ideation, the SSHD has deemed him a "Level 2 Adult at Risk," meaning that there is no professional and/or documentary evidence that detention is likely to lead to a risk of harm.

On [redacted] September 2025, [redacted] received the rule 35 assessment. He had an interpreter for part of the assessment, but the connection was disrupted, and no further interpreter was provided. The rule 35 report completed on [redacted] September 2025 noted his account that he had been, inter alia, kidnapped for ransom in Albania. Despite this, an NRM referral was only made following a request from his solicitors on [redacted] September 2025.

The NRM interview was conducted on the fifth day of [redacted] refusal of food, with no adjustments having been made for this. When he attempted to detail his account, he was told by the interviewer that his experiences did not qualify as modern slavery. On [redacted] September 2025, the SSHD found that there were no reasonable grounds for believing that [redacted] was a victim of modern slavery, inter alia, because sufficient detail was not provided.

Without prejudging the accuracy of the information received, we reiterate our serious concerns that the implementation of the Agreement may involve violations of international law by the UK.

Risk of arbitrariness

We are concerned about the lack of clarity in selecting individuals to be returned to France and, relatedly, the risk of arbitrariness and discrimination. In fact, the basis for the removal of such individuals to France is simply that they have travelled to the UK irregularly (i.e. via small boat) and 'could have' claimed asylum in France. We believe that, given the significant uncertainties surrounding the application of the criteria in practice, there is a greater risk of systemic unfairness, particularly in light of the absent or truncated procedural safeguards discussed below. That is, the application

of the criteria may authorise or approve unlawful (or unfair) conduct by those to whom it is directed, such as the misdirection of decision-makers to the effect that they do not have to invite representations, notwithstanding their legal obligation to do so.

We also consider that a failure to conduct individualised assessments by reference to an individual's personal circumstances may be incompatible with due process protections and fair trial rights under international human rights law. We observe that the Agreement (article 4(1)) contains certain criteria for readmission that must be met before an individual can be readmitted, but which do not require individualised assessment (and specifically state that no further formalities are to be undertaken by the UK other than those provided for therein). Further, we note that a readmission application may be made, and a positive reply received, prior to the conditions in article 4(1) being satisfied (provided the individual fulfils at least one of the criteria in article 3).

As regards the admission channel from France to the UK, we are concerned that individuals without documentation, stateless persons and unaccompanied children are excluded. We also consider that excluding those without documentation may disproportionately affect certain racial, national, and/or ethnic groups. We believe that the selective hierarchy, in particular the prioritisation of nationality-based indicators, may give rise to a risk of discrimination on the grounds of nationality, contrary to article 26 of the ICCPR.

Procedural guarantees, including due process

The Agreement does not explicitly state that individuals will have access to legal representation, advice, or interpretation during screening. We consider the seven-day window to respond to the "Notice of Intent" to be too short to ensure due process and access to legal remedies, especially for individuals in vulnerable situations or detained.

We have concerns that individuals subject to the Agreement may not have access to remedies with a suspensive effect. If an individual has obtained a suspensive remedy from the UK court (for example, an injunction or a stay of a removal decision) France is not required to readmit that individual under the scheme (article 4(1)(f)). However, the Agreement does not itself provide for suspensive remedies to be granted by the UK where an individual objects to a removal decision. An individual faced with a removal decision would need to seek a suspensive remedy (injunction or stay) from the court. Article 10(1) also appears to anticipate that removals may take place while there are ongoing legal proceedings in the UK.

We are concerned that the Agreement (article 4(6)) provides that after France has replied positively to a readmission application, the UK shall seek to dispose, as soon as practically possible, of all outstanding applications, namely protection claims, outstanding human rights claims, suspensive judicial remedies, and injunction or court order prohibiting their transfer from the UK.

Arbitrary detention

In our view, the Agreement may lead to arbitrary detention in violation of article 9 of the ICCPR. We note with concern that it appears that all those selected for

possible removal to France are detained in IRCs while a decision is made by: (a) France about whether it will accept their return to France; and (b) the UK about whether their asylum claim is inadmissible.

We respectfully consider that individuals detained in the UK are at risk of poor detention and reception conditions; in extreme cases, these may give rise to a risk of, inter alia, articles 7 and 10(1) ICCPR and article 3 ECHR breaches. We understood that immigration removal centres ("IRCs") in the UK are prison-like and have repeatedly been shown to be unable to detain people safely. There are serious concerns about failures to provide adequate healthcare in those immigration removal centres.

As underlined by the former Special Rapporteur on torture in his report on migration-related torture and ill-treatment (A/HRC/37/50), any detention of migrants must, in each individual case, be justified as lawful, necessary and proportionate in the circumstances and, in the case of administrative or preventive detention, be periodically re-assessed and subject to judicial review. In line with the Human Rights Committee's general comment No. 35, asylum seekers who enter irregularly may only be detained for a brief initial period strictly limited to documenting their entry, recording their claims and, where necessary, verifying their identity; any continued detention in the absence of specific, individualized reasons – such as a substantiated risk of absconding, a danger of crimes against others or a risk to national security – is arbitrary. Breaches of immigration law are essentially administrative in nature and do not, as such, constitute offences against persons, property or national security capable of justifying sanctions involving deprivation of liberty; criminal or administrative detention based solely on migration status therefore falls outside the narrow margin of permissible migration-related detention under international law and should be regarded as arbitrary.

Right to life

We are particularly concerned about information indicating that both [redacted] and [redacted] have displayed clear suicidal behaviour while in immigration detention in the United Kingdom, reportedly in direct connection with the prospect of removal under the bilateral return arrangement with France. International human rights law recognizes that States have a heightened duty of care towards persons deprived of their liberty, including a positive obligation to take all reasonable measures to prevent suicides and serious self-harm where the authorities know or ought to know that an individual presents a real risk of taking their own life. This duty is engaged in respect of migrants held in immigration detention and requires, at a minimum, the prompt identification of persons at risk, access to appropriate mental health and psychosocial support, adaptation of the detention regime to their specific needs, reconsideration of the necessity and proportionality of continued detention where it exacerbates their condition, and close, regular monitoring. Failure to take such measures in the face of known suicidal behaviour may result in violations of the right to life and of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

We are equally concerned by reports that [redacted], who may be subject to return from the United Kingdom to France, has received serious and credible death threats from smugglers should he return to France. The right to life and the prohibition of torture and ill-treatment entail a positive duty on both States to take preventive operational measures to protect individuals whose lives are at real and immediate risk

from third parties, including criminal networks, where the authorities know or ought to know of such a risk. In the migration context, this obligation requires a rigorous, individualized assessment of protection needs before any transfer, and the adoption of concrete protective measures – such as relocation, effective police protection or other appropriate safeguards – where a risk has been identified. The existence of a bilateral return arrangement between the United Kingdom and France cannot displace or diminish these obligations: no person should be transferred under such an arrangement if, in the receiving State, they face a real risk of arbitrary deprivation of life or serious harm at the hands of non-State actors whom the authorities are unable or unwilling to effectively control.

Family life

We consider that the right to respect for family life, protected under article 8 ECHR, article 17(1) ICCPR and article 10 ICESR, may be engaged where selection for removal impacts individuals with strong UK family ties. In fact, individuals with family ties in the UK are not excluded from the scope of the Agreement.

People in vulnerable situations, including victims of contemporary forms of slavery and trafficking in persons

We are concerned about the lack of protection of people in vulnerable situations. We have serious concerns that the abridged system established under the Agreement may have the effect of minimising and/or disregarding vulnerabilities, including evidence of indicators of contemporary forms of slavery and trafficking in persons, in particular for women and that such comprehensive checks are not being carried out. In particular, fast timelines, detention environments, and fear of deportation can suppress disclosures.

We welcome the exclusion of unaccompanied children from the scope of the Agreement (article 4(2)(d)). However, we are concerned about the risk of children not being identified as such due to incorrect age assessments and being placed in detention in preparation for readmission under the Agreement. We have serious concerns about human rights violations under article 24(1) ICCPR and articles 3, 11, 20 and 22 of the CRC.

Further, we are concerned that trafficking indicators are not being picked up on, and referrals into the National Referral Mechanism are not being made promptly enough or at all, despite individuals displaying strong indicators of having been trafficked and/or subjected to other forms of exploitation such as contemporary forms of slavery. We would like to remind your Excellency's Government that the State has positive obligations arising under international human rights law, in particular under article 4 of the European Convention on Human Rights, read in conjunction with the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT), ratified by Your Excellency's government on 17 December 2008, regarding identification and protection of victim of trafficking in persons. Specifically, obligations set forth in article 10 (Identification of the Victims) which provides: "Each Party shall adopt such legislative or other measures as may be necessary to identify victims as appropriate in collaboration with other Parties and relevant support organizations. Each Party shall ensure that, if the competent authorities have reasonable

grounds to believe that a person has been victim of trafficking in human beings, that person shall not be removed from its territory until the identification process as victim of an offence provided for in article 18 of this Convention has been completed by the competent authorities and shall likewise ensure that that person receives the assistance provided for in article 12, paragraphs 1 and 2. …". In particular, article 12.1 requires that assistance includes inter alia: "…translation and interpretation services, when appropriate; d) counselling and information, in particular as regards their legal rights and the services available to them, in a language that they can understand; e) assistance to enable their rights and interests to be presented and considered at appropriate stages of criminal proceedings against offenders". We are concerned that in view of the allegations made in this letter, these obligations may have been disregarded by the competent authorities. We are also concerned at the compliance with obligations regarding the recovery and reflection period (article 13), residence permits (article 14), and the conditions for repatriation and return of victims (article 16) of the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT).

The positive obligations arising under article 4 ECHR, to ensure that victims of trafficking and contemporary forms of slavery are provided with assistance and protection, have been recognised in domestic courts in the United Kingdom in K & AM v SSHD: "[…] I am in no doubt article 4 does indeed carry with it the positive obligations to provide appropriate support and assistance to the victims".

We are also concerned that despite credible evidence of contemporary forms of slavery and trafficking in persons, alleged victims are placed in detention in violation of the principle of non-punishment of victims of trafficking in persons, including immigration related detention due to the illegal entry in the territory. The principle of non-punishment is stated in the Council of Europe Convention on Action against Trafficking in Human Beings, (ECAT) article 26, and article 4 of the ECHR incorporates the non-punishment principle, as recognized in V.C.L. and A.N. v. United Kingdom. States have an obligation to ensure that victims of trafficking are given an effective opportunity to claim asylum, and that they are not penalized for their mode of entry into the State.

We are further concerned that migrants in an irregular situation include a particularly high proportion of survivors of torture and other serious violence. In his report on migration-related torture (A/HRC/37/50), the former Special Rapporteur noted that, depending on the context, confirmed torture prevalence among irregular migrants can reach up to 76 per cent, with an overall average of 27 per cent, which raises serious concerns as to the compatibility of many current migration-control practices with the absolute prohibition of torture and ill-treatment. Under the Convention against Torture and the guidance of the Committee against Torture, in particular its general comment No. 3 on article 14, States have a heightened obligation to promptly identify victims of torture, ensure that they are not subjected to measures or conditions (including forms of detention) that may aggravate their physical or psychological suffering, and guarantee access to effective redress and as full rehabilitation as possible, including appropriate medical, psychological and social support. Placing torture survivors in migration detention – particularly in overcrowded, punitive or otherwise unsuitable facilities – entails a serious risk of re-traumatization and may in itself amount to cruel, inhuman or degrading treatment; any interview, assessment or medical examination must therefore follow a trauma-informed, gender-

and age-sensitive approach, consistent with the Istanbul Protocol, in conditions that fully respect the individual's dignity, safety and autonomy and are designed to avoid re-victimization.

In view of the above-mentioned observations, we are deeply concerned that the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic on the Prevention of Dangerous Journeys may result in serious violations of international human rights law. Reflecting the recommendation of the Special Rapporteur on the human rights of migrants (A/80/302, para.63), we therefore respectfully call your Excellency's Government to end this agreement with France and ensure that migration governance measures respect, protect and fulfil human rights and not create new situations of vulnerability or exacerbate existing ones. We urge your Excellency's Government to comply with international human rights norms and standards and the principle of good faith when engaging in migration and asylum-related cooperation.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1) Please provide any additional information and/or comment(s) you may have on the above-mentioned observations and cases.

2) Please indicate how individuals are selected on arrival for potential readmission to France and clarify the criteria applied for this selection. Given that not all arrivals by small boat are included in the pool, please explain why these criteria have not been published and how the UK Government is ensuring non-discrimination as discussed above.

3) Please provide information on whether all those selected for return are detained, what alternatives have been considered at a policy/systemic level, and how the UK Government has ensured detention is only being used as a last resort (i.e. if all those who may be removed are detained, please provide information as to what consideration has been given to whether removals could be achieved from the community). How does the UK Government ensure that detention related to the implementation of the Agreement is not imposed on persons in vulnerable situations, including pregnant and nursing women?

4) Please provide information on whether and how the UK Government assures itself that those subjected to the Agreement have adequate legal representation and interpretation prior to removal, in particular, in sufficient time to respond fully to a notice of intent served pursuant to the scheme.

5) How does the UK Government ensure that screenings offer individuals ample opportunity to be heard and explain reasons for seeking protection in the UK? Please also indicate how victims of trafficking and of contemporary forms of slavery are identified, protected, and assisted in a timely manner.

6) Please provide information on what measures the UK Government has taken or will take towards ensuring that there is adequate screening for age and other vulnerabilities, age assessment errors are minimised, and that those important safeguards are working adequately in practice. In particular, please provide information on how many and what percentage of individuals who are selected are then excluded following initial screening and for what reasons, such as being a potential victim of torture or trafficking.

7) How does the UK Government ensure that gender sensitivity is reflected in the current agreement, taking into account the specific needs of victims of sexual abuse and exploitation, of trauma and torture or ill-treatment and of other particularly vulnerable groups of women and girls?

8) Please provide information on measures taken by the UK Government to protect the right to life of migrants in immigration detention and upon possible return to France.

9) How does the UK Government ensure that the force used during deportation is strictly proportionate to the circumstances? Are there complaint mechanisms available and accessible, including in different languages?

10) Please provide information in relation to the agreement, understanding or other arrangement, if any, between the French and UK governments about what will happen to those returned from the UK to France. In particular, where are these individuals to be housed, or will they be detained in France? Please provide information as to any undertakings that have been made, such as in relation to non-refoulement.

11) Please explain the rationale for excluding certain groups from admission to the UK, including unaccompanied children and those without travel documentation. Please explain how the UK Government has satisfied itself that this will not result in discriminatory exclusions.

This communication and any response received from your Excellency's Government will be made public via the communications reporting website within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the

accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please be informed that a letter on this subject has also been sent to France.

Please accept, Excellency, the assurances of our highest consideration.

Gehad Madi
Special Rapporteur on the human rights of migrants

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Tlaleng Mofokeng
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Cecilia M. Bailliet
Independent Expert on human rights and international solidarity

Ashwini K.P.
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Tomoya Obokata
Special Rapporteur on contemporary forms of slavery, including its causes and consequences

Siobhán Mullally
Special Rapporteur on trafficking in persons, especially women and children

Reem Alsalem
Special Rapporteur on violence against women and girls, its causes and consequences

Claudia Flores
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the legal principles and standards applicable to this communication.

Externalisation cooperation

According to a recent report by the Special Rapporteur on the Human Rights of Migrants (A/80/302):

> In order to ensure that States uphold their obligations under the human rights treaties, the Special Rapporteur calls upon States to end arrangements that […] allow for readmission or expulsion to countries different from the country of nationality, which effectively shift responsibility for migrants and refugees to third States and, in practice, lead to violations of their human rights. Until such arrangements have been ended, in order to ensure respect for the human rights of migrants and refugees in the context of migration cooperation, the Special Rapporteur recommends that States
>
> (a) Ensure that migration governance measures respect, protect and fulfil human rights, are gender-responsive and do not create new situations of vulnerability or exacerbate existing ones;
>
> (b) Comply with international human rights norms and standards and the principle of good faith when engaging in migration and asylum-related cooperation;
>
> (e) Abide at all times with the principles of non-refoulement and prohibition of collective expulsion, including at borders and on the high seas;
>
> (f) Refrain from any measure that would amount to or lead to arbitrary detention, torture and ill-treatment, arbitrary deprivation of life, enforced disappearance and racial discrimination, and ensure that people are able to enjoy socioeconomic rights and the right to leave any country, including one's own;
>
> (g) Refrain from the transfer, including through […] readmission of migrants to third States without individualized assessment;
>
> (h) Ensure that any arrangement for the transfer of migrants, refugees or asylum-seekers contains legally binding guarantees of adequate treatment, a fair and effective asylum procedure and international protection and solutions, where relevant, as well as safeguards to ensure dignity and sustainability in line with international human rights and refugee law;
>
> (i) Uphold due process guarantees, including by ensuring access to an individualized examination and the right to an effective remedy with

suspensive effect ensuring protection from removal during the time when the appeal body considers the case.

Deprivation of liberty

Under international human rights law, detention for immigration purposes should be a measure of last resort, permissible only for adults for the shortest possible period, subject to administrative and judicial review, and only when no less restrictive measure is available. If not justified as reasonable, necessary and proportional, nor reassessed as it extends time, the use of this measure may amount to arbitrary detention, prohibited by article 9 of the UDHR and article 9(1) of the ICCPR. Further, in the revised deliberation No. 5 on deprivation of liberty of migrants issued by the Working Group on Arbitrary Detention (Annex, A/HRC/39/45), the Working Group stressed that in the context of migration proceedings, "alternatives to detention must be sought to ensure that the detention is resorted to as an exceptional measure".

Procedural guarantees

According to Key legal standards and policy recommendations "Human rights in the context of return,"

> "Return procedures should respect and ensure the rights of due process and procedural guarantees of all individuals, regardless of their status. Such procedural guarantees are necessary to comply with the principle of non-refoulement, other substantive rights that may be engaged by the return, and the right to an effective remedy. Return procedures should be based on a written return decision issued in accordance with the law, in a language the concerned migrants are known to understand. Every person should be provided with the reasons for their return and be able to give their arguments, in accordance with the right to be heard. The procedure should ensure appropriate legal assistance, representation, translation and interpretation.
>
> According to the right to an effective remedy, the persons concerned should be able to challenge the return decision before an independent authority. To this end, they should be informed of the right to appeal and the appeal should be allowed within a reasonable period of time from the notification of the return decision. The persons should be given adequate time and facilities to pursue a remedy including the right to legal assistance and the assistance of an interpreter, if necessary, and be free of charge, if the circumstances of the case so require. The appeal should lead to an effective, independent and impartial review of the return decision by an independent administrative and/or judicial body. To provide an effective remedy, the appeal should be suspensive of the return measure. If a return decision that has already been executed is subsequently annulled, the person concerned shall have the right to seek compensation according and the return decision should not be used to prevent them from re-entering the State of migration."

Persons in vulnerable situations

Under the Global Compact for Safe, Orderly and Regular Migration Objective 7, in which States commit to respond to the needs of migrants who face situations of vulnerability, which may arise from the circumstances in which they travel or the conditions they face, by assisting them and protecting their human rights, in accordance with obligations under international law. In addition, under objective 12, States are committed "to increase legal certainty and predictability of migration procedures by developing and strengthening effective and human rights-based mechanisms for the adequate and timely screening and individual assessment of all migrants for the purpose of identifying and facilitating access to the appropriate referral procedures, in accordance with international law."

Persons victims of contemporary forms of slavery and trafficking in persons or at risk of contemporary forms of slavery and trafficking in persons

We would like to refer to the Slavery Convention of 1926 (signed by your Excellency's Government in 1927), which calls for the complete abolition of slavery in all its forms and to article 4 of the Universal Declaration of Human Rights which states that "No one shall be held in slavery or servitude, slavery and the slave trade shall be prohibited in all their forms". We would also like to draw your attention to article 8 of the International Covenant on Civil and Political Rights, which prohibits slavery, the slave trade, servitude and forced labor.

The duty to identify, assist and protect victims of trafficking and persons at risk of trafficking continues to apply to trafficked persons seeking asylum, and cannot be met by transferring trafficked persons to third states. The ECtHR has emphasised that there "may be different reasons why victims of human trafficking … may be reluctant to cooperate with the authorities and to disclose all the details of the case. Moreover, the possible impact of psychological trauma must be taken into account. There is thus a risk of overreliance on the victim's testimony alone, which leads to the necessity to clarify and – if appropriate – support the victim's statement with other evidence.": SM v Croatia, para. 344 (relying on the Council of Europe Group of Experts on Action Against Trafficking in Human Beings, GRETA). Another reason why the victim may be unable to disclose what happened, may be that a victim who has been detained may well remain under the influence of their traffickers: TDT, para. 82. Victims may "not be aware that they have been trafficked, or … may be too afraid to disclose this information to the authorities … Consequently, they cannot be required to self-identify or be penalised for failing to do so" (VCL and AN v United Kingdom, para. 199). Article 10 ECAT states: "(1) Each Party shall provide its competent authorities with persons who are trained and qualified in preventing and combating trafficking in human beings, in identifying and helping victims.". Further, victims of trafficking may not have a fair opportunity to provide all relevant information relating to their experiences of trafficking and the serious risks of trafficking for all purposes of exploitation, or to make representations about all of the relevant legal issues at stake. The difficulties arising for victims of trafficking in providing 'compelling evidence' of their status and protection needs, are well recognised.

Further, the State has an obligation to provide a recovery and reflection period to trafficked persons, as provided for under article 13 ECAT, which states: "Each Party

shall provide in its internal law a recovery and reflection period of at least 30 days, when there are reasonable grounds to believe that the person concerned is a victim." As stated in article 12, the purpose of the recovery and reflection period is twofold: "to ensure that a victim of trafficking may recover and escape the influence of traffickers and/or to take an informed decision on cooperating with the competent authorities."

It is important also to highlight the relevance of the principle of non-punishment in European and international human rights law, and the obligations imposed on the State. The principle of non-punishment is stated in the Council of Europe Convention on Action against Trafficking in Human Beings, (ECAT) article 26, and article 4 of the ECHR incorporates the non-punishment principle, as recognized in V.C.L. and A.N. v. United Kingdom. States have an obligation to ensure that victims of trafficking are given an effective opportunity to claim asylum, and that they are not penalized for their mode of entry into the State. The principle of non-punishment is included in the specific protection afforded under article 31 of the Convention relating to the Status of Refugees, which protects refugees from being penalized for illegal entry and presence in a country. In her Report to the Human Rights Council (2023), the Special Rapporteur highlights the purpose of article 31(1) of the 1951 Convention, which is to ensure that refugees can gain access to international protection without being penalized for breaches of immigration and other laws, and further highlights its centrality to the object and purpose of the 1951 Convention. (A/HRC/53/28 paras. 41-42). The Special Rapporteur has stated: "article 31(1) of the Convention should be interpreted as prohibiting any discriminatory treatment or procedural detriment to the refugee, including denial, obstruction, delay or limits on access to the territory or asylum procedure or applying limitations on due process guarantees and limiting duration of status, or a decision to declare an application for international protection inadmissible for the sole reason of the applicant's irregular entry or presence." (A/HRC/53/28 para. 43) In its general recommendation No. 38 (2020), the Committee on the Elimination of Discrimination against Women called upon States to ensure the non-punishment of victims for irregular entry or stay in countries of transit and destination, absence of documentation or for their involvement in unlawful activities to the extent that such involvement was a direct consequence of their situation as victims of trafficking. The obligation of nonrefoulement arising under international human rights law is absolute and permits of no exceptions. Its application in relation to any proposed transfer to another state of a victim of trafficking is recognised in the Palermo Protocol, article 14(1) of which provides for the continuing application of the "rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the principle of non-refoulement as contained therein".

We would also like to draw the attention of your Excellency's Government to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), which your Excellency's Government ratified on 9 February 2006, whereby your Excellency's Government is obliged to refrain from acts that would frustrate or undermine the objectives and purposes of the Protocol, which include preventing and combating trafficking in persons. The Protocol aims to: (i) prevent and combat trafficking in persons, paying particular attention to women and children; (ii) protect and assist the victims of such

trafficking, with full respect for their human rights; (iii) promote cooperation among States Parties in order to meet those objectives (article 2). State Parties are required to take into account, "the age, gender and special needs of victims of trafficking in persons, in particular the special needs of children." The Protocol also recalls States' obligations of cooperating with social actors, including civil society, to establish and implement programmes and policies to prevent trafficking in persons, and protect and assist victims of trafficking, when appropriate (articles 6 and 9).

We would also like to remind your Excellency's Government of obligations under articles 2 and 6 of the Convention on the Elimination of All Forms of Discrimination against Women, ratified by your Excellency's Government in 1986, which requires States Parties to take all appropriate measures, including legislation, to suppress all forms of trafficking in women, as well as article 8 of the International Covenant on Civil and Political Rights, which prohibits slavery, the slave trade, servitude and forced labor.

Women and girls

The Working Group on Discrimination against Women and Girls has emphasised that migrant, refugee and internally displaced women and girls often carry with them the trauma of violence, persecution, conflict and poverty (A/HRC/47/38). Discrimination and stereotyping may also lead to the denial of the asylum claims of migrant women and thus increase their risk of migration-related detention or incarceration for immigration-related offences. Gender stereotypes in immigration administration also manifest in legal frameworks that exclude consideration of women's experiences of violence, in particular domestic violence, for granting asylum (A/HRC/41/33).

According to general recommendations No. 32 on the gender-related dimensions of refugee status, asylum nationality and statelessness of women (CEDAW/C/GC/32) of the Committee on the Elimination of Discrimination against Women, States need to "protect women from being exposed to a real, personal and foreseeable risk of serious forms of discrimination against women, including gender-based violence" (para. 22). Also, gender-related claims can intersect with other prohibited grounds, such as race, ethnicity, religion, etc. (para. 16).

States parties should establish adequate screening mechanisms for the early identification of women asylum seekers with specific protection and assistance needs, including women with disabilities, unaccompanied girls, victims of trauma, victims of trafficking and/or forced prostitution, victims of sexual violence and victims of torture and/or ill-treatment (para. 46). Women's claims to asylum should be determined by an asylum system that is informed, in all aspects of its policy and operations, by a thorough understanding of the particular forms of discrimination or persecution and human rights abuses that women experience on grounds of gender or sex. (para. 25).

Furthermore, "States parties have an obligation to ensure that no woman will be expelled or returned to another State where her life, physical integrity, liberty and security of person would be threatened, or where she would risk suffering serious forms of discrimination, including serious forms of gender-based persecution or gender-based violence" (para. 23).

Gender sensitivity should be reflected in reception arrangements, taking into account the specific needs of victims of sexual abuse and exploitation, of trauma and torture or ill-treatment and of other particularly vulnerable groups of women and girls. As a general rule, pregnant women and nursing mothers, who both have special needs, should not be detained. Where detention of women asylum seekers is unavoidable, separate facilities and materials are required to meet the specific hygiene needs of women. The use of female guards and warders should be promoted. All staff assigned to work with women detainees should receive training relating to the gender-specific needs and human rights of women (para. 34) Specifically regarding the detention of pregnant and breastfeeding women, according to the General Assembly resolution 65/229, the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (known as the Bangkok Rules), a preference for non-custodial treatment for pregnant women, and which also require adequate hygienic conditions and physical and psychological health services for pregnant women (rule 64).

In line with the general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration (CEDAW/C/GC/38) of the Committee on the Elimination of Discrimination against Women, States "are obligated to protect victims of trafficking in persons, especially women and children, from revictimization, which includes guaranteeing victims of trafficking protection against forcible return" (para. 41). Also, "Women and girls face an increased risk of being trafficked at all stages of the migration cycle – in transit, in reception and accommodation facilities, at borders and in destination countries. Upon return, they may experience reprisals and revictimization (para. 22). Specifically, "gender-based violence against women and girls is one of the major forms of persecution experienced by women and girls that may be grounds for granting refugee status and asylum and/or residence permits on humanitarian grounds. Trafficking in women and girls breaches specific provisions of the Convention relating to the Status of Refugees and should therefore be recognized as legitimate grounds for international protection in law and in practice, in specific cases. Furthermore, refugee women and girls are highly vulnerable to trafficking and are in need of international protection, especially against refoulement" (para. 25).

Furthermore, we also wish to stress that States should ensure that all border governance measures taken at the international borders, including those aimed at addressing irregular migration, are in accordance with the principle of *non-refoulement* and should provide adequate procedural guarantees and judicial protection. The principle of *non-refoulement* forms an essential and non-derogable protection under international human rights, refugee, human rights, refugee, humanitarian, and customary law present in the ICCPR, the Convention on the Rights of the Child, and the CEDAW.

We also wish to refer your Excellency's Government to the Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 120) known as "Istanbul Convention", which was ratified by your Excellency's Government in July 2022 and whose objective is to protect women from gender-based violence, which must be recognised as a form of persecution and serious harm, giving rise to complementary protection. The Convention obliges States to ensure that women and girls who have been victims of gender-based persecution can safely

reach the European Union and apply for asylum. According to the adore-mentioned Convention, States parties shall take the necessary legislative or other measures to ensure that gender-based violence against women is recognized as a form of persecution within the meaning of article 1A (2) of the 1951 Convention relating to the status of refugees and as a form of serious harm that give rises to complementary and subsidiary protection. Parties must also take the necessary legislative and other measures to develop gender-sensitive reception procedures and support services for asylum-seekers. Article 61 of the Convention also imposes on States parties the obligation to respect the principle of non-refoulement, in accordance with existing obligations under international law.

Finally, the Special Rapporteur on Violence against women and girls, its causes and consequences, expressed in her country visit report to the United Kingdom (A/HRC/59/47/Add.1 of 2025) has also raised some concerns over the gaps that are remaining in victim support, with only 45 per cent of confirmed victims receiving long-term aid and has expressed concerned about the extreme vulnerability and risks that migrant and refugee women have been subjected to by the series of recent migration and asylum-related policies.

Right to Health

We would like to refer your Excellency's Government to article 12 of the International Covenant on Economic, Social and Cultural Rights, ratified by the United Kingdom on 20 May 1976, which protects the right to health. In general comment 14 of the Committee on Economic, Social and Cultural Rights, which indicates that States are under the obligation to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees to preventive, curative and palliative health services (GC 14, para. 34).

In this connection, we would like to refer your Excellency's Government to general comment 14 of the Committee on Economic, Social and Cultural Rights, which indicates that the right to health in all its forms and at all levels contains the interrelated and essential elements of: Availability, Accessibility, Acceptability and Quality. (GC 14, para. 12) In this regard, the Committee reiterates State's responsibility to take measures to protect all vulnerable or marginalized groups of society. (GC 14, para. 35)

We would also like to refer your Excellency's Government to The Basic Principles for the Treatment of Prisoners, adopted and proclaimed by General Assembly resolution 45/111, according to which "Prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation" (Basic Principles for the Treatment of Prisoners. Principle 9).

We draw your attention to rules 24, 25 and 27 of the UN Standard Minimum Rules for the Treatment of Prisoners (otherwise known as the Mandela Rules), which recognize the responsibility of States to provide access to necessary health-care services free of charge without discrimination on the grounds of their legal status (rule 24), paying particular attention to prisoners with special health-care needs or with health issues that hamper their rehabilitation (rule 25), and indicate that Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals (rule 27).