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Information on the UK

Compliance with ILO Convention No.29 on Forced Labour (ratified in 1931)

Trafficking for forced labour in the UK

What we know about trafficking in the UK

Unpublished Government research shows that there were an estimated 4,000 victims of trafficking for prostitution in the UK during 2003 at any one time - a huge increase from the top Home Office estimate for 1998 of 1,420. Ten years ago roughly 85 per cent of women in brothels were British, now 85 per cent are from outside the UK.

Operation Pentameter 2 was launched in October 2007 to tackle trafficking for the purpose of sexual exploitation and involved the searching of over 800 premises across England, Scotland and Wales. The operation led to more than 500 arrests and, as of May 2008 a total of 71 people were charged with offences under dedicated human trafficking legislation. During Pentameter 2, 167 victims of trafficking were rescued, the majority of whom were from China, South-East Asia and Eastern Europe.

In relation to children, ECPAT UK's research from 2004 documents 35 cases of child trafficking in 17 London boroughs. Most of these children were trafficked for domestic work or for prostitution.¹ ECPAT's research in 2006 in three other regions of the UK found 80 reported cases of known or suspected child trafficking (in 60 per cent of cases the child had gone missing from social services and had not been found). Most children were from China, Nigeria, Somalia and Vietnam (19 were male) with 28 per cent under 16. Government research identified 330 cases of known or suspected child trafficking and noted that around 50 per cent had gone missing.

During Pentameter 2, 16 of the 167 victims of trafficking children, 13 of whom were trafficked for sexual exploitation and three for forced labour. The youngest of the children was 14 years old.

There is even less information available relating to trafficking specifically for forced labour. In 2006, Anti-Slavery International published the findings of six months qualitative research on trafficking for forced labour in the UK. It identified 27 individual cases in which migrant workers had been trafficked for forced labour in the UK. Industries affected included agriculture, construction, food processing and packaging, care/nursing, hospitality and the restaurant trade.

¹ Of the 35 cases, 21 were trafficked for labour exploitation, primarily for domestic work, although there were cases of trafficking for benefit fraud, restaurant work and involvement in illegal activities.

Among the trafficked people were nationals of European, African, South American and Asian countries. However, certain nationalities were concentrated in particular industries. For example, trafficking into agriculture mainly affected individuals from Central and Eastern Europe.

Anecdotal information is also available about people being trafficked and forced to work as casual labour in ports, doing laundry, etc. In several cases, information was received which indicated that people had been trafficked for illicit activities such as shoplifting, pick-pocketing and the sale of pirate CDs and DVDs on the street.

The trafficked migrants were compelled to work against their will in exploitative conditions through a variety of coercive mechanisms. The most common of these were debt bondage, the removal their passport or the use of intimidation and threats.

Agencies commonly charged fees for arranging work which put the migrant workers in debt bondage before they arrived in the UK. These fees ranged from several hundred to thousands of pounds. Care workers from Bulgaria paid £2,000 for jobs to be arranged in the UK, which was then deducted from their wages including very high interest rate charges. Additional deductions were also made from wages and often justified as a requirement under UK law (for taxes, worker registration, visa extension, national insurance etc.).

Removal of documents is also a key method through which people are controlled by their employers, but the research also showed that migrant workers often do not speak English, are isolated from wider society and do not know what their rights are under the law. The vulnerability of the migrant means that any one of the coercive mechanisms highlighted above can be sufficient to coerce them into working in conditions they did not agree to. In some cases a variety of control mechanisms are used.

Care workers were made to work 95-97 hours a week without being entitled to days off. These workers were contracted by an agency to provide care in the home of clients, but the travel time between clients (often an hour) was not included in their work hours or their pay, even though the clients were paying the agency for the travel time.

Another case involved two Vietnamese men in their twenties who were recruited in Vietnam to work in a hotel in the UK. They paid the agent £18,000 to arrange the job and came to the UK under the work permit scheme with a promise to receive £4.95 per hour for their work. On arrival in the UK an agent met them at the airport and took their passports away from them. The men worked in a major hotel chain for two months without receiving any pay. All they were given was food. They attempted to organise a strike at the hotel, but almost immediately after this their families in Vietnam received threats. The men were too frightened to approach the Vietnamese Embassy or the police and only approached a Citizens Advice Bureau office via a Vietnamese speaking person they met on the street.

There are two key findings from the research which need to be highlighted. Firstly, the majority of the trafficked people identified in the report entered the UK legally. Traffickers are using regular migration routes and work visas, but using debt bondage,

the removal of documents and migrants' uncertainty about their rights and status to subject them to forced labour. Many of the migrant workers believed they were dependent on their employer in order to stay in the country (e.g. for visa extensions). In other cases the employer retained the migrant's documents, sometimes claiming they had sent the documents to the Home Office for official purposes, until the workers became irregular and were therefore much easier to exploit because they no longer had a right to be in the UK.

This clearly shows that regular as well as irregular migrants are subject to trafficking for forced labour and that strategies which look at trafficking only as part of organised immigration crime are not going to identify a significant number of people who are working in forced labour conditions.²

Secondly, none of the 27 cases were identified as trafficking cases by the agencies that initially recorded them. Furthermore, in the majority of these cases there is no information as to what has happened to the trafficked people. This reflects both a real lack of awareness about trafficking for forced labour amongst individuals in the relevant agencies and also a lack of support services for the people affected. In the following case no effort was made to identify whether the person was trafficked or to try and provide them with some form of support.

One domestic worker interviewed in the research recounted her friend's experience: *"She managed to run away – through a window - from the family that treated her like a slave. She was terrified and had bruises on her body. Her passport was locked in the house. The policeman at the station asked her for her documents. She of course did not have them and wanted to tell him what happened, but he insisted on her documents first and said he must first know who she was."*

The information contained in Anti-Slavery International's research is consistent with other information available on trafficking for forced labour in the UK, such as the report by COMPAS and the TUC, *Forced Labour and Migration in the UK*.

The legal framework and enforcement of the law in the UK

The UK introduced an offence of trafficking for sexual exploitation in the Sexual Offences Act 2003 and a separate offence in the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 which covers trafficking for all forms of labour exploitation. Exploitation is defined as: slavery or forced labour; use of threats, force or deception to obtain a service; or a request or inducement to get someone to undertake an activity that someone who was not young, disabled or a family member would be likely to refuse. These trafficking offences came into force in 2004 and both carry a maximum penalty of 14 years in prison.

The UK Government also passed the Gangmasters (Licensing) Act 2004, which establishes a system for registering labour providers in the agricultural, shellfish gathering and associated packing and processing sectors. The licensing system came

² The large percentage of trafficked people identified in this study who entered the UK through regular migration channels could simply be a consequence of the fact that they are easier to identify because they are more likely to come forward to the relevant organisations for assistance.

into force in 2006 and by 2008 the Gangmasters Licensing Authority had revoked 56 licenses and refused 36 applications.

In 2006, the Government set up a UK Human Trafficking Centre which is a dedicated national police led unit (which co-ordinates with the CPS, immigration, etc.) and has a mandate to pursue trafficking for both labour as well as sexual exploitation.

By May 2008, there had been 86 successful convictions for trafficking for sexual exploitation and strong sentences have been upheld on appeal. However, Anti-Slavery International is not aware of a single successful prosecution brought for trafficking for labour exploitation since the offence came into force in 2004.

Issues which need to be addressed to effectively combat trafficking in the UK

Despite the many positive initiatives undertaken by the Government, which includes a commitment to ratify the Council of Europe Convention by the end of 2008³, there are still some important gaps in its counter trafficking policy which need to be addressed.

The Government urgently needs to carry out detailed research into trafficking for labour exploitation in the UK. In addition, the identification, referral, protection and support measures are still inadequate for those adults and children trafficked into sexual exploitation and the situation is worse still for those trafficked into labour exploitation.

Statistics collected by Kalayaan, a charity which works with migrant domestic workers, confirm that each year hundreds of migrant domestic workers face forced labour situations and many come under the definition of trafficked people.

Of the 340 migrant domestic workers registered with Kalayaan in the period April 2006 – March 2007, just under a quarter reported instances of physical abuse (e.g. beating them, slapping them, throwing things at them, spitting in their face, pulling their hair), with the figure rising to nearly 70 per cent for those reporting psychological abuse (e.g. shouting, insults, threats to throw them out or have them deported). Nearly one third had their passports retained by their employer and more than 60 per cent reported that they were not allowed out and had to work 16 hours or more a day without meal breaks.

Despite the scale and seriousness of these abuses the UK Government has considered amending current immigration rules which provide migrant domestic workers with one year renewable visas and allows them to change employer. Under the new proposals, migrant domestic workers would have been granted only a six month non-renewable visa and not been allowed to change employers even if they were subject to abusive practices. Furthermore, migrant domestic workers would not have been recognised as workers, but rather as domestic “assistants” and consequently would not enjoy protection under employment laws.

³ As of January 2008, 37 countries had signed the Convention and 13 had ratified including, Albania, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, France, Georgia, Moldova, Norway, Romania and Slovakia. The Convention entered into force on 1 February 2008.

Following a consultation process, the Government announced that it was “proud of the protection we afford overseas domestic workers. The current overseas domestic worker visa will be preserved and then reviewed as appropriate after the first two years of the reformed immigration system”.

This is an extremely welcome move, but we hope the Government will look at providing additional protections for domestic workers when they review the system and rule out once and for all the proposals which would prevent them moving employers and remove them from the protection of employment laws, as these changes would certainly lead to an increase in the number of migrant domestic workers subjected to forced labour and other forms of labour exploitation.

The UK Government has made a commitment to introduce a national referral mechanism based on the OSCE model. It is essential that when this is introduced the Government ensure that the decision about whether someone has been trafficked or not is made by a multi-agency body composed of individuals who are independent and expert. Such a body should include statutory agencies (police, immigration, the Gangmaster Licensing Authorities, etc.) and specialist NGOs, trade union, legal experts and clinicians. This type of multi-agency panel will be in the best position to accurately identify trafficked people, grant them reflection periods and refer them for appropriate assistance and support.

Counter-trafficking policies should focus on the forced labour outcomes. Currently, counter-trafficking policies are placed within the framework of organised immigration crime. This perspective fails to take into account the fact that people can be trafficked through regular migration channels with the correct visas (e.g. nurses, agricultural workers, domestic workers, etc.) or may come from EU states or have EU passports.

All those who are likely to encounter trafficked people or at-risk migrant workers (e.g. law enforcement, immigration, social services, unions, labour inspectors, labour providers, etc.) need to be trained to detect indicators of trafficking as it cannot be assumed that trafficked people will identify themselves as such to the authorities.

Migration policies which increase workers’ vulnerability to forced labour (like the proposed immigration rule changes for migrant domestic workers) or which discourage irregular migrants from coming forward to the authorities because they fear being arrested and deported, need to be urgently reviewed. All trafficked people should have access to specialised support and assistance regardless of their immigration status. There is substantial evidence from both the UK and elsewhere which shows this approach helps to prevent re-trafficking and assists in securing successful prosecutions.

The Government should promote regular migration within the framework of the UN Convention on the Protection of the Rights of All Migrant Workers and their Families, 1990 and allow migrants who have been trafficked or are victims of forced labour to stay in the UK to pursue compensation claims regardless of their immigration status. The UK Government should also withdraw its reservation on the UN Convention on the Rights of the Child relating to immigration and nationality.

Finally it would be extremely beneficial if the UK established an independent National Rapporteur on Trafficking in Human Beings as a focal point for information; to foster co-ordination between different organisations; and to review government policy and make policy recommendations.