



# Of Human Bondage

Trafficking in women and contemporary slavery in the UK



Eaves  
June 2009



# Acknowledgements

This report would not have been possible without the valuable contributions and insights provided by Kate Roberts and Jenny Moss at Kalayaan, the Research and Development team at Eaves and the Support teams at POPPY.

The information in the report was provided by many individuals and organisations and this work would not have been possible without the foundation of research laid in this area. I have interpreted and analysed the information, and all of the conclusions and recommendations are my own, as are any omissions, mistakes or misinterpretations, which may possibly occur in the text.

**Abigail Stepnitz 2009**

## **OF HUMAN BONDAGE TRAFFICKING IN WOMEN AND CONTEMPORARY SLAVERY IN THE UK**

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*Design Jennifer Barteluk*

*Print DG3 Limited*

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# 1. Introduction

## 1.1 Introduction to trafficking

Neither slavery – the practice of keeping a person in a situation of servitude or forced labour – or the slave trade – the sale and transfer of vulnerable, exploited persons – are a contemporary development. However, it is how the practice has developed within the last 200 years which is most important for understanding the roots and realities of contemporary slavery, and thus for developing effective responses and preventative measures.

In the 19th and early 20th centuries, slavery, particularly forced labour, was rightly associated with the colonial regimes, particularly those in Africa, Latin America and the then-British colonies in North America, as well as some remnants of serfdom in Europe. From the 1940s through to the middle of the 20th century forced labour camps were used by Stalin in remote areas of Siberia as “correction camps”, by the Emperor of Japan to punish prisoners of war, by the Khmer Rouge regime in Cambodia, in Communist Romania and most notably, of course, by the Nazis in Germany. Later in the century, similar camps were used by the North Vietnamese during the war with the US, in Cuba following the revolution and by the Israelis against the Palestinians. The existence of forced labour in an organised fashion, namely one with specific political aims, has been reduced greatly since the end of the 1970s.

Contemporary remaining examples include forced labour and organ harvesting by the Chinese government of the Falun Gong<sup>1</sup> and the forced labour of civilians in service of the military junta in Myanmar. Estimates about the number of persons currently held in slavery vary widely:

- The US State Department Trafficking in Persons report<sup>2</sup> estimates that 800,000 men, women and children are trafficked across international borders each year (approximately 80% of whom are women and girls and up to 50% minors)
- The International Labour Organization (ILO) estimates that there are 8.1m persons in situations of forced labour, 1.1 million of whom were trafficked<sup>3</sup>
- Free the Slaves, a US-based anti-slavery organization, estimates that there are 27m enslaved people worldwide<sup>4</sup>, nearly three times the number of slaves traded during the height of the transatlantic slave trade<sup>5</sup>.

Seventeen per cent of persons trafficked into forced labour – approximately 187,000 people – are trafficked into industrialised economies, such as the UK. Additionally, a 2006 ILO report on child labour states that in 2004 there were 218m children in forced labour worldwide, of whom between 126m and 171m were engaged in “hazardous work”<sup>6</sup>. Despite the ever-present difficulties in measurement, an increasing number of studies are being undertaken which give a better grasp of the extent of modern slavery. In Europe there have been several estimates about the impact of trafficking. A study conducted in 2003 found that there were an estimated 3-4.5m people living in the EU without any legal papers, with an estimated 400,000 people a year being trafficked into member states<sup>7</sup>, the majority into Western and southern Europe.

Current data also demonstrate that the majority – possibly up to 85% – of transnational victims are

<sup>1</sup> Nowak, Manfred United Nations. (19 February 2008) *Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development. Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. A/HRC/7/3/Add.1* 19 February 2008

<sup>2</sup> State Department of the United States (June 2008). *Trafficking in Persons Report*. Washington DC: US Department of State. Page 9

<sup>3</sup> Belsar, P., M. de Cock, and F. Mehran. 2005. *ILO Minimum Estimate of Forced Labour in the World*, Geneva: ILO page 7.

<sup>4</sup> Bales, Kevin (2004). *Disposable People: New Slavery in the Global Economy*. Berkeley: U of California Press. Page 8

<sup>5</sup> See Lovejoy, Paul E. 2000. *Transformations in Slavery*. Cambridge: University Press.

<sup>6</sup> *Supra* note 3 at page 7

<sup>7</sup> Smartt, U. (2003) ‘Human trafficking: simply a European problem?’, *European Journal of Crime, Criminal Law and Criminal Justice*, vol 11/2, pp 164-77, at 168

women and girl children trafficked into prostitution or other forms of sexual exploitation. However, these numbers do not include the millions of victims trafficked within their own national borders<sup>8</sup>.

“Victim of trafficking” is both an administrative category entailing certain state protections and obligations towards individuals, and a descriptive term applied by NGOs and other civil society actors to people who have certain sets of experiences – though exactly what should constitute those sets of experiences is contested. Those who fit the descriptive term do not necessarily fall into the administrative category, a further reason for discrepancies between large-scale numbers of estimated trafficked persons, which have a strong reliance on NGO figures and estimates, and the numbers of those officially registered<sup>9</sup>.

Joseph Rowntree Foundation, 2007

Trafficking for forced labour and servitude takes many forms, but it is essential to remember that it is overwhelmingly a responsive, demand-driven crime. That is, forced labour situations in any country will respond to the local or national demand for a certain kind of inexpensive or cost-free labour. In the UK that has predominantly taken the form of domestic labour, as well as work in the construction and agriculture industries. The specific indicators and circumstances which identify a situation of forced labour or servitude will be discussed below, but it is important to acknowledge that a small list of indicators will never represent the depth and breadth of the crime and the violations of rights that occur.

It is also important to remember that slavery, like all social and economic relationships, has evolved – and continues to evolve – over time. While our understanding needs to be informed by developments throughout history, any definition based on a historical form of slavery will soon become inaccurate and irrelevant. Our understanding and our definition of slavery must become as dynamic as the phenomenon itself<sup>10</sup>, as must our responses and efforts to abolish it both in trade and practice.

## 1.2 Methodology

### Data collection methods, limitations and nature of the data

Information in this report is a result of an in-depth literature review addressing previous research conducted on trafficking, migration, domestic workers and forced labour. The literature review was conducted between September and December 2008. Data were also provided by women using POPPY Project services, Kalayaan and the UK Human Trafficking Centre. Women on the POPPY Project responded to surveys in November and December 2008; the survey template can be seen in Appendix A. Data with regard to numbers of identified persons trafficked into forced labour were collected from Kalayaan in January 2009, and data from UKHTC reported in February 2009.

### Ethical considerations

As with all participatory research regarding vulnerable populations, the primary goal must be not to re-traumatise or cause further harm to any trafficked or exploited person. This report has therefore in part relied on interviews with service users conducted by highly trained Senior Support Workers at POPPY, information gathered for other purposes and anecdotal evidence provided by service users. All information is used with the free and informed consent of those participating in the research.

<sup>8</sup> Craig, Gary et al. 2007. *Contemporary Slavery in the UK*. London: Joseph Rowntree Foundation at 21.

<sup>9</sup> *Ibid* 10

<sup>10</sup> Bales and Robbins. 2001. “No One Shall Be Held in Slavery or Servitude: A Critical Analysis of International Slavery Agreements and Concepts of Slavery.” *Human Rights Review* January. March 2001. pp18-45. At 41

## 2. Summary and key findings

- The hesitancy of the governments in destination countries to address trafficking as a crime which violates the rights of vulnerable persons stems from the perception of nationals of foreign states that migration into their countries is always desirable to the migrants.
- Trafficking for forced labour and servitude takes many forms, but it is essential to remember that it is overwhelmingly a responsive, demand-driven crime. That is, forced labour situations in any country will respond to the local or national demand for a certain kind of inexpensive or cost-free labour. In the UK that has predominantly taken the form of domestic labour, as well as work in the construction and agriculture industries.
- Persons trafficked for labour exploitation are deceived, coerced or forced into their situation, in the same way as those trafficked for sexual exploitation. The type of coercion or deception is particular to the life and circumstances of each person. Women trafficked for sexual or labour exploitation do report many of the same 'push factors,' or reasons that may have compelled them to attempt to migrate, most with the promise of a 'new opportunity' in the form of work or education.
- Domestic workers can become victims of trafficking if they have been deceived about the nature of the work, have their wages withheld or their movements restricted, some in situations of debt bondage. Sexual abuse and rape of migrant domestic workers (MDWs) is common but underreported, and the disclosure of such abuse is used as a threat by employers who know what impact this would have on the workers (many would never be able to return to their families due to social and familial shame and stigma).
- Just as with trafficking for sexual exploitation, we see a continuum of harm and human rights violations committed against vulnerable individuals in situations of forced labour. Establishing that different types of violence are responses to particular social, economic and cultural realities is helpful in terms of creating appropriate responses, but also heightens the risk of creating a hierarchy of victims, in which vulnerable persons are categorised as more or less innocent, harmed or deserving of empathy and support.

### **WHO SHOULD READ THIS REPORT?**

- **NGOs, labour unions, legal, health and education professionals working with trafficked women, domestic workers and other migrant women vulnerable to labour exploitation**
- **Researchers and policy analysts examining issues of migration, trafficking, labour rights and violence against women**
- **Policy-makers and others in government involved in creating and enforcing policies with regard to immigration and 'border control', labour rights, trafficking in persons and regulation of business and trade in the UK**



# 3. Trafficking in context: migrants, morals and myths

## 3.1 Political and economic context

“Human trafficking represents an opportunistic response to the economic necessity of migrating, and the politically motivated restrictions on doing so.”  
ILO 2005<sup>11</sup>

Issues related to trafficking in persons cannot be understood outside the complex and often tense political circumstances that simultaneously fuel, permit, complicate and seek to eradicate the sale and exploitation of human beings.

In the UK, the political landscape has responded to the country's roles as:

- **Destination country** The place in which a victim of trafficking is exploited either sexually, for organ harvesting, or in forced labour; and
- **Transit country** (to a lesser extent). i.e. a country through which a victim will pass en route to the destination. He or she is likely to be exploited in some or all transit countries.

Responses have been divided, at best, undoubtedly because governmental responses to trafficking as crime (arresting, investigating and prosecuting traffickers) and as a human rights violation (protecting and serving victims) have been overshadowed by the perception of trafficking as an immigration problem<sup>12</sup>.

The hesitancy of the governments in destination countries to address trafficking as a crime which violates the rights of vulnerable persons stems from the perception of nationals of foreign states that migration into their countries is always desirable (to the migrants). Rising xenophobia in Europe and particularly within the UK<sup>13</sup> has fuelled social, economic and political concerns about migration levels and has detracted from the substance of debates around regular and irregular migration, smuggling and trafficking in persons.

Arguments that migration has increased to intolerable and unmanageable numbers are abundant, but ill-thought out and unsupported by data. In 1960 the world population was approximately three billion people, with nearly 75m migrants living and working abroad – roughly 2.5% of the total population<sup>14</sup>. Today there are an estimated 200m migrants<sup>15</sup> and a world population of 6.7 billion<sup>16</sup>, or about 2.9% of the total.

<sup>11</sup> *Supra* note 3 at page 11.

<sup>12</sup> See Home Office. March 2007. *UK Action Plan on Tackling Human Trafficking*. London: Home Office. <http://www.homeoffice.gov.uk/documents/human-traffick-action-plan> At page 7

“The first question that we posed in our consultation document was whether we had got the scope of the Plan right. This question drew a number of comments on the need to place greater emphasis on combating human trafficking from a human rights perspective and not to see human trafficking exclusively through the prism of organised immigration crime.” At page 4, and “As human trafficking often involves crossing international borders, it is essential that measures to address it are mainstreamed into the UK's immigration system. Dealing effectively with human trafficking will be an integral part of the new Border and Immigration Agency's business, delivering the Agency's objectives to strengthen our borders and ensure and enforce compliance with immigration laws.”

<sup>13</sup> See *Migrants Face Growing Hostility*. 19 March 2009. BBC. [http://news.bbc.co.uk/1/hi/uk\\_politics/7953764.stm](http://news.bbc.co.uk/1/hi/uk_politics/7953764.stm)

Kelland, Kate. 19 March 2009. *UK Jobless pose far-right political risk*. Reuters.

<http://uk.reuters.com/article/domesticNews/idUKTRE5215OZ20090319>

*Immigrant Amnesty “road to hell”* 17 March 2009. BBC. [http://news.bbc.co.uk/1/hi/uk\\_politics/7947592.stm](http://news.bbc.co.uk/1/hi/uk_politics/7947592.stm)

<sup>14</sup> *Population Growth over Human History*. University of Michigan. Updated 1 April 2006. Available at: [http://www.globalchange.umich.edu/globalchange2/current/lectures/human\\_pop/human\\_pop.html](http://www.globalchange.umich.edu/globalchange2/current/lectures/human_pop/human_pop.html)

<sup>15</sup> *Remittance Patterns in Flux*. December 2008. *Migration Information Source*. <http://www.migrationinformation.org/Feature/display.cfm?id=704>

<sup>16</sup> CIA *World Factbook*. *World Population*. Available at: <https://www.cia.gov/library/publications/the-world-factbook/print/xx.html>

Migration has been a mixed experience for all concerned. International migrants create at least \$265bn annually in remittances home<sup>17</sup>, with appreciable effects on household and national economies. Their contribution is cultural as well as economic; migrants pick up and transmit cultural messages in both host and sending communities, including attitudes to human rights and gender equality<sup>18</sup>. Remittances – funds sent home to support the workers’ families in their home country – are increasing, especially funds sent to developing countries. Data show a surge of 18 per cent in 2006 (\$229bn in all) and 16 per cent in 2007 (\$265bn), according to World Bank estimates.

In contrast, the politically-motivated migration policies of many destination countries appear to be based on a framework of “consequentialist nationalism”, which focuses on the consequences (perceived or actual) for the receiving community, rather than the rights of individuals (nationals or migrants), and accords a significantly lower moral standing to non-citizens than to citizens<sup>19</sup>. Existing immigration policies have tended to be concerned primarily with questions of national identity and the limited nature and distribution of economic resources, rather than on economic efficiency or individual rights. There has been virtually no concern regarding the impact on migrants and non-migrant citizens of sending countries, i.e. those persons who depend upon remittances from family abroad to survive<sup>20</sup>. The conflation of trafficking and immigration is also problematic from an asylum standpoint. The right to claim asylum is enshrined in the 1951 Convention Relating to the Status of Refugees, and this right must be protected and guaranteed for all persons fleeing persecution.

Although it is impossible to establish the precise numbers of people forced to leave their homes and migrate in order to survive conflicts, persecution, extreme poverty and famine, it is estimated that between 1960 and 1995 the number of refugees in/from the African continent alone increased from 79,000 to 6.4m<sup>21</sup>. In the UK in 2007 23,430 persons claimed asylum, the primary countries of origin being Afghanistan, Iran, China, Iraq and Eritrea<sup>22</sup>.

In the UK the current political climate related to trafficking does have positive components. In 2004 the revisions to the Sexual Offences Act (2003) brought in the specific crime of trafficking a person for sexual exploitation; in 2006 the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT) was signed, and in that same year the UK Human Trafficking Centre, a multi-agency body, was established to oversee efforts to prevent trafficking and prosecute offenders. In December 2008 the ECAT was ratified and came into force on 1 April 2009 – creating more thorough protections for identified trafficked persons.

In terms of prosecution there have been 92 convictions to date for trafficking for sexual exploitation and four for forced labour<sup>23</sup>. Other related legislation, such as guidance discouraging the Crown Prosecution Service (CPS) from prosecuting trafficked persons for crimes related to their trafficking situation (e.g. possession of false documents) also reflect a certain level of political will.

17 *Supra* note 15

18 UNFPA. 2008. *State of world population: Reaching Common Ground: Culture, Gender and Human Rights*. New York: UNFPA.

19 Ruhs, Martin. 2005. *Designing viable and ethical labour immigration policies*. Centre on Migration, Policy and Society (COMPAS). Oxford: University of Oxford. At page 208

20 *Ibid*

21 Zlotnik, Hania. (1 September 2004). In *Data Insight: International Migration in Africa: An Analysis based on Estimates of the Migrant Stock*. United Nations DESA/Population Division, in 2004 Migration Policy Institute: <http://www.migrationinformation.org/USfocus/display.cfm?ID=252>

22 Home Office. *Control of Immigration: Statistics United Kingdom 2007*. At page 10. Available at: <http://www.homeoffice.gov.uk/rds/pdfs08/hosb1008.pdf>

23 As of 22 January 2009. Alan Campbell.

<http://www.theyworkforyou.com/wrans/?id=2009-01-22a.241045.h&s=prosecution+trafficking>

## 3.2 Social and cultural context

Social and cultural perceptions of issues relating to trafficking are also largely influenced by questions of migration, national identity and the desire to protect and maintain social cohesion and solidarity. The focus on transnational trafficking has also meant that persons trafficked within the borders of their own country are not the “face” of trafficking, and so the victims are seen as being an “other,” and one who would have been an irregular (“illegal”) migrant had they not been trafficked.

What people think is good for their country and what is actually good for their economy and development are quite different. Optimal migration rates for maximising “world welfare<sup>24</sup>” would involve moving far more people from poor to rich countries than the latter admit at present<sup>25</sup>. Benhabib and Jovanovic found in their 2008 study on optimal migration that maximising human welfare would require global migration levels of between 1.8bn and 2.5bn persons – or between 26 per cent and 37 per cent of the world’s population<sup>26</sup>.

According to the Office for National Statistics, the population of the UK was approximately 61m<sup>27</sup> in 2007, and net migration into the UK was 237,000<sup>28</sup> or 0.4 per cent of the population.

Migration levels which maximise economic efficiency and human and capital potential would undoubtedly be far greater than those seen to be socially desirable or beneficial to the community from a cultural perspective.

**“Affluent and free countries are like elite universities, besieged by applicants. They have to decide on their own size and character.”**  
**Michael Walzer, Spheres of Justice: a Defense of Pluralism and Equality**

This may especially be the case where national identity is defined in terms of cultural homogeneity. It may, however, also apply to already diverse and multi-ethnic societies which view further immigration as a threat to social cohesion and solidarity. Debate in the UK has questioned whether immigration is making the state “too diverse to sustain the mutual obligations behind a good society and the welfare state”<sup>29</sup>; yet what the public have found to be quite tolerable, even desirable, is the steady flow of inexpensive goods and labour made possible by gross human exploitation. Western culture thrives on efficiency and values disposable goods – these cultural attitudes and perceived entitlements are fuelling the practical demand for forced labour.

Not only will political attitudes and economic systems have to respond appropriately to reduce trafficking for forced labour, but social and cultural attitudes will also have to change to create communities and countries where goods and services which cost so little in financial terms yet exact such a human cost will no longer be in demand.

*24 Welfare is assumed to be a weighted average of the utilities of the world’s various citizens.*

*25 Benhabib, Jess and Boyan Jovanovic (2007). Optimal Migration: A World Perspective. NBER Working Paper No. W12871 National Bureau of Economic Research (NBER). Available at SSRN: <http://ssrn.com/abstract=960446>. Page 3*

*26 Ibid page 2*

*27 Office for National Statistics. Population Estimates 21 August 2008. Available at: <http://www.statistics.gov.uk/cci/nugget.asp?ID=6>*

*28 Office for National Statistics. 19 November 2008. News Release: Net migration to the UK was 237,000 in 2007. Available at: <http://www.statistics.gov.uk/pdfdir/ppmg1108.pdf>*

*29 Supra note 19 at 206*



# 4. Analysis

## 4.1 Law and policy

Law and policy relating to slavery first began in a formal sense with the abolitionist movement, which sought to abolish the transatlantic slave trade in the mid to late 1800s. These early abolitionists were concerned primarily with ending the slave trade, but not with eradicating the practice of slavery itself. It follows that the first law – the Slave Trade Act in the UK, passed in 1807 – criminalised only the trade. It was not until 1833 that the Slavery Abolition Act was passed, outlawing slavery in all forms – and even then special exceptions were granted for the use of prisoners as slave labourers, and initially excluded areas of what are now South Africa, India and Sri Lanka<sup>30</sup>.

In the 1920s and 1930s there was increased public concern in Europe and North America about the issue of “white slavery,” relating specifically to the sale of white women into prostitution. The first agreements dealing with trafficking in women were entitled The International Agreement for the Suppression of the White Slave Trade, drafted in 1904, and the International Convention for the Suppression of the White Slave Trade, drafted in 1910.

The titles above demonstrate the difficulty faced in the political and social space after early abolitionist movements and before the women’s movements. Difficulty in defining slavery by the circumstances in which the person is sold, held or exploited, as opposed to defining a “slave” by personal characteristics, proved particularly challenging. It was this inability to separate contemporary forms of slavery from historical forms that led to initial definitions of trafficking in women being given a racialised definition as the “white” slave trade, and relationships characterised by violent control and economic exploitation, but without benefit of legal ownership, were termed “similar institutions and practices<sup>31</sup>”.

It is now a well-established principle that the prohibition of slavery and servitude, and the right to be protected from that kind of exploitation, have reached the status of *ius cogens*, or universally-accepted international law.

More specifically, slavery, slave-related practices and forced labour in international law constitute:

- a common international crime when committed by public officials or private persons against any person, in any state, under any circumstances;
- a “war-crime” when committed by a belligerent against the nationals of another belligerent; and
- a “crime against humanity” when committed by public officials or persons acting on behalf of public officials, whether or not the crime is committed against a national of the same state. Slavery under these circumstances may also qualify as a form of torture or inhumane, cruel or degrading treatment.

The table below demonstrates the many existing laws which can be broken and rights which are violated when a person is trafficked for labour exploitation. It is not an exhaustive list as each trafficking situation will be unique and no two persons will experience exploitation in the exact same way.

<sup>30</sup> Anti-Slavery Society. *Slavery Abolition Act 1833*. Available at: <http://www.anti-slaverysociety.addr.com/huk-1833act.htm>

<sup>31</sup> *Supra* note 10 at 22-23

Current laws in England and Wales which may be violated in a situation of trafficking for forced labour include:

<b>OFFENCE</b>	<b>UK (ENGLAND &amp; WALES) STATUTE</b>
Aiding and abetting a criminal offence	Common Law Offence
False imprisonment	Common Law Offence
Murder	Common Law Offence
Kidnapping	Common Law Offence
Theft (for example of a passport)	Section 1, Theft Act, 1968
Obtaining a money transfer by deception	Section 15A, Theft Act, 1968
False accounting and false reporting	Sections 17 & 19, Theft Act, 1968
Blackmail	Section 21, Theft Act, 1968
Common assault	Section 39, Criminal Justice Act, 1988
Common assault (domestic violence)	Chapter 28, Part 2, Section 10, Domestic Violence, Crime and Victims Act, 2004 (arrestable offence)
Cruelty to persons under 16	Section 1, Children and Young Persons Act, 1933 (including neglect and abandonment)
Harassment	Section 2, Protection from Harassment Act, 1997
Threats to kill	Section 16, Offences Against the Person Act, 1861
Assisting illegal immigration	Section 1, Asylum and Immigration (Treatment of Claimants, etc.) Act 2004
Immigration documents: forgery	Section 3, Asylum and Immigration (Treatment of Claimants, etc.) Act 2004
Trafficking for labour exploitation (slavery) or organ harvesting	Section 4 (4), Asylum and Immigration (Treatment of Claimants, etc.) Act 2004
Trafficking for sexual exploitation	Sexual Offences Act, 2003 Trafficking into the UK: Section 57 Trafficking within the UK: Section 58 Trafficking out of the UK: Section 59

At an international level, a further collection of rights can be violated and protections denied when a person is trafficked into labour exploitation:

<b>RIGHT OR PROTECTION</b>	<b>INTERNATIONAL STATUTE</b>
Protection from torture or cruel, inhuman or degrading treatment	Article 3, European Convention on Human Rights (ECHR); Article 5 Universal Declaration of Human Rights (UDHR)
Protection from slavery, servitude or forced/compulsory labour	Article 4, UDHR, ECHR
Protection from unlawful deprivation of liberty	Article 5, ECHR
Protection from unlawful imprisonment for debt	Article 1, Protocol 4, ECHR
Right to family and private life	Article 8, ECHR
Freedom of movement	Article 13, UDHR; Article 2, Protocol 4, ECHR
Right to work	Article 1, European Social Charter (ESC)
Right to just, safe and healthy conditions of work	Articles 2 & 3, ESC
Right to fair remuneration	Article 4, ESC
Right of migrant workers and families to protection and assistance	Article 19, ESC
Right to dignity at work	Article 26, ESC
Access to services which facilitate physical, psychological and social recovery, in particular, the provision of: (a) Appropriate housing; (b) Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand; (c) Medical, psychological and material assistance; and (d) Employment, educational and training opportunities	Article 6, Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol)
To be treated as a child when there are reasons to believe that the person is under 18 years of age	Article 10(3), ECAT
To have private life and identity protected by the state	Article 11, ECAT
To have a reflection period of at least 30 days, during which there can be no threat of removal	Article 13, ECAT
To apply for or renew a residence permit if necessary owing to personal circumstances or the need to cooperate with authorities in an investigation or criminal proceeding	Article 14, ECAT
To access judicial information in a language they understand, to receive free legal assistance and legal aid. The right to receive compensation from the perpetrator	Article 15, ECAT
To be protected from prosecution for any unlawful activity in which they participated as a result of the trafficking situation	Article 26, ECAT

Additional information regarding laws, treaties and conventions can be sought in the text and guidance notes of the Slavery Convention (1926); Refugee Convention (1951); International Covenant on Economic, Social and Cultural Rights (1966); International Covenant on Civil and Political Rights (1966); European Convention on the Legal Status of Migrant Workers (1977); the International Convention on the Protection of Migrant Workers and their Families (1990); Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol); Palermo: United Nations (2000); and the Council of Europe Convention on Action against Trafficking in Human Beings (2005).

## 4.2 Existing research and limitations

Existing research on trafficking shows some trends and changes, but most clearly demonstrates that the gaps and the unknowns are far more numerous and present significant hurdles in developing our understanding of trafficking.

In 2007 the Home Office conducted a literature review of the available materials related to trafficking for labour exploitation. Significant findings from this report include<sup>32</sup>:

- There is no quantitative evidence available in relation to the UK for either adult or child trafficking;
- Existing studies lack methodological transparency, indicating potential unreliability and, given the nature of the area under investigation, are liable to be biased by social desirability pressures on the interviewees;
- Examples of confusion within some of the literature in relation to the definitions of trafficking and confused use of the terms 'smuggling' and 'trafficking'.

The research which has been undertaken, especially within a UK-specific context, includes small-scale studies from which it is by and large inappropriate to draw broad conclusions. Small numbers of specific cases of those trafficked to the UK for the purposes of labour exploitation are documented by research or the police. For example, a 2006 study conducted by Anti-Slavery International and work from Bridget Anderson and Martin Rogaly of the Centre on Migration Policy and Society at Oxford University in 2005 documented 27 and 46 individual cases respectively<sup>33</sup>. Operation Tolerance (covered later in greater detail), a 2008 multi-agency pilot project with a component intended to identify women trafficked into domestic servitude in London, resulted in the formal identification of more than 100 men and women by the respective "competent authority". Eight women were identified and supported by POPPY, and an additional 36 women were identified by various social service providers, police officers and legal representatives, but were not accepted onto the pilot due to resource limitations.

<sup>32</sup> Dowling, Samantha et al. 2007. *Trafficking for the purposes of labour exploitation: a literature review*. Home Office Online Report 10/07. London: Home Office. At page 4

<sup>33</sup> *Ibid* page 6

**Available research has indicated some commonly observable traits among persons trafficked for forced labour. Those include, but are not limited to:**

- **Pay which is less than the national minimum wage or the complete withholding of wages;**
- **Excessive hours worked;**
- **Inadequate breaks during the work day, few or no days off (for sickness, other personal leave or holiday time);**
- **Poor working conditions in terms of health and safety; work often described as “the three Ds” – dangerous, dirty and demeaning;**
- **Lack of appropriate accommodation and privacy;**
- **Abuse – physical, sexual and/or psychological;**
- **Threats and intimidation;**
- **Isolation from community, family and friends.**

No data exist with regard to which types of exploitation are most common in the various sectors, or whether abuse is more acute among undocumented or irregular workers, although the widespread use of threats of denunciation by the employer to the authorities regarding a person’s immigration status does suggest additional vulnerability of undocumented persons.

It is also not known how the extent and type of exploitation might vary according to sector, migrant characteristics or across different points of the trafficking process (e.g. exploitation upon recruitment, transport and employment). Furthermore, it is not known how exploitation might differ between authorised and unauthorised workers and whether there are differences between those who are simply illegal and working voluntarily and those who are actually trafficked.

In 2005 the ILO published the findings of a multi-country study focusing on returned migrants from Southern and Eastern Europe. Out of a sample of 300 persons subjected to forced labour, 23 per cent had been trafficked into prostitution, 21 per cent into construction and 13 per cent into agriculture. The remaining persons (43 per cent) had experienced force or coercion in sectors such as (but not limited to) domestic service and care work, small manufacturing, restaurants and catering and food processing<sup>34</sup>.

Profits generated from the world’s 1.1m persons trafficked into forced labour are estimated by the ILO at US\$3.8bn. The profits are by far the highest in industrialised countries (US\$2.2bn altogether). In the other regions, profits vary between US\$40m in Sub-Saharan Africa and US\$776m in Latin America<sup>35</sup>.

There is some anecdotal knowledge suggesting that traffickers to the UK might:

- Be members of the same nationality as the trafficked person; and/or
- Use former trafficked persons for recruiting.

<sup>34</sup> *Supra* note 3 at page 47-48

<sup>35</sup> Belsar P. (2005). “Forced Labour and Human Trafficking: Estimating the Profits”, Working paper no 42, InFocus Programme on Promoting the Declaration on Fundamental Principles and Rights at Work, International Labour Office, Geneva, Switzerland. At page P11

At POPPY, five of the eight women supported during Operation Tolerance, the pilot project on labour trafficking (detailed further below in section 7.4), had indeed been trafficked by a person of the same nationality, but none of the women had been recruited or trafficked by a former trafficked person. Women who have been trafficked for sexual exploitation are more likely, in the experience of POPPY, to have been recruited by someone who had been exploited but who has “moved up the pecking order”, and data show that nearly 71 per cent of women trafficked into prostitution (per internal data collected by POPPY<sup>36</sup>) were trafficked by a member of the same nationality.

Overall, however, little is known about the characteristics of perpetrators – those who recruit, transport and exploit women in the UK. There has not been any UK-specific research conducted in relation to perpetrators. In general, there is a lack of information concerning demographic characteristics such as age and gender, education or profession, and previous or simultaneous involvement in crime, including convictions or time spent incarcerated. There is also little data with regard to the overlap between trafficking in persons and trafficking in drugs or arms. Research on this topic would be immensely helpful in developing our understanding of traffickers and the persons they exploit.

### **4.3 Let’s (not) talk about sex**

While the abolitionist movements of the late 19th and early 20th centuries focused primarily on the sale and use of human beings for forced labour, predominantly agriculture and domestic servitude, the contemporary anti-trafficking movement has focused almost exclusively on trafficking in women and girl children for sexual exploitation. Current estimates of trafficked persons globally range between 700,000 and more than 2.5m persons annually, 85 per cent<sup>37</sup> of whom it is estimated are women and girls trafficked for sexual exploitation. While the numbers of persons kept in situations of forced labour, between 12.45m and 27m worldwide, are several times higher, both public outrage and law enforcement have responded overwhelmingly to sex trafficking.

The shock value of phrases like “sex slave” has proven useful in media campaigns and has also raised public awareness and placed pressure on governments to respond. The majority of responses have focused primarily on addressing trafficking as a form of organised crime, secondly as a human rights violation and lastly as a response to demand for prostitution.

Civil society has also focused on sexual exploitation, as a result of a demonstrated need (e.g. women’s charities who noticed an increase in trafficked women in the early-mid 1990s), the existence of political will and the availability of funds.

*36 Data collected by POPPY, 2008*

*37 Supra note 2 at page 9*

Resources in civil society are notoriously scarce, and therefore it is not surprising that NGOs are more successful when they focus on topics which are currently viewed as politically important, “sexy” and worthy of funding<sup>38</sup>. Though all organisations have ideological or other political goals, they may still choose specific topics within their area of expertise which are most palatable to the public and to those who would fund them.

The focus on sexual exploitation has played an important role in highlighting the heavily gendered component of trafficking; patriarchy is an essential component of the structures that oppress and lead to the trafficking of women and children. Much contemporary discourse also fails to address questions of racism and nationality. As Bridget Anderson points out, the fact that migrants are disproportionately represented among those trafficked into forced labour should encourage us to engage with the question of immigration controls, and how they exacerbate inequalities and injustice<sup>39</sup>.



<sup>38</sup> Anderson, B. 2006. *A very private business: migration and domestic work*. Centre on Migration, Policy and Society Working Paper No. 28, University of Oxford. At page 27-28.

<sup>39</sup> *Ibid* at page 17-18.



# 5. Forced labour

## 5.1 Definitions and existing knowledge

International Labour Organisation Convention No. 29, adopted in 1930, defines forced labour as “*all work or service, which is exacted from any person under the menace of any penalty and, for which the said person has not offered himself voluntarily*” (Art. 2.1).<sup>40</sup>

The ILO (2007) has furthermore suggested six elements, which, either individually or together, can indicate forced labour<sup>41</sup>:

- Threats or actual physical harm;
- Restriction of movement and confinement to the workplace or to a limited area;
- Debt-bondage;
- Withholding of wages or excessive wage reductions which violate previously-made agreements;
- Retention of passports and identity documents (the workers can neither leave nor prove their identity and status);
- Threat of denunciation to the authorities where the worker is of illegal status.

It is generally considered that the most frequent “push factors” for persons trafficked into forced labour are:

- Globalisation and limited opportunities in source countries for employment;
- Restrictive migration policies forcing migrants into illegal routes;
- Environmental and other disasters in source countries; and
- The implementation of labour and employment standards in source countries which make securing work more difficult, if not impossible<sup>42</sup>.

It is important to remember, however, that the presence of these push factors or indicators is not sufficient on its own to indicate trafficking for forced labour. It is also important not to assume that these situations arise in a limited number of industries. It is the type of engagement linking the person to the “employer” which determines whether a person is in forced labour, not the type of activity he or she is actually performing<sup>43</sup>.

### **ACCORDING TO THE EUROPEAN EXPERTS GROUP ON TRAFFICKING IN HUMAN BEINGS<sup>44</sup>:**

**“From a human rights perspective, there is no reason to distinguish between forced labour involving “illegal migrants”, “smuggled persons” or “victims of trafficking”... States should criminalize any exploitation of human beings under forced labour, slavery or slavery-like conditions, in line with the major human rights treaties that prohibit the use of forced labour, slavery, servitude etc. If such policies were followed, then many of the current confusions of the trafficking definition – whether a case was smuggling or trafficking, whether a case was trafficking or forced labour and whether a trafficked person was perceived as “innocent” or “guilty” would become redundant. By policymakers concentrating primarily on the forced labour outcome the Trafficking Protocol can overcome its current definitional and practical operational difficulties and has the potential of a tool to more effectively tackle the human rights violation of trafficking in human beings”.**

<sup>40</sup> *Supra* note 3 at page 7

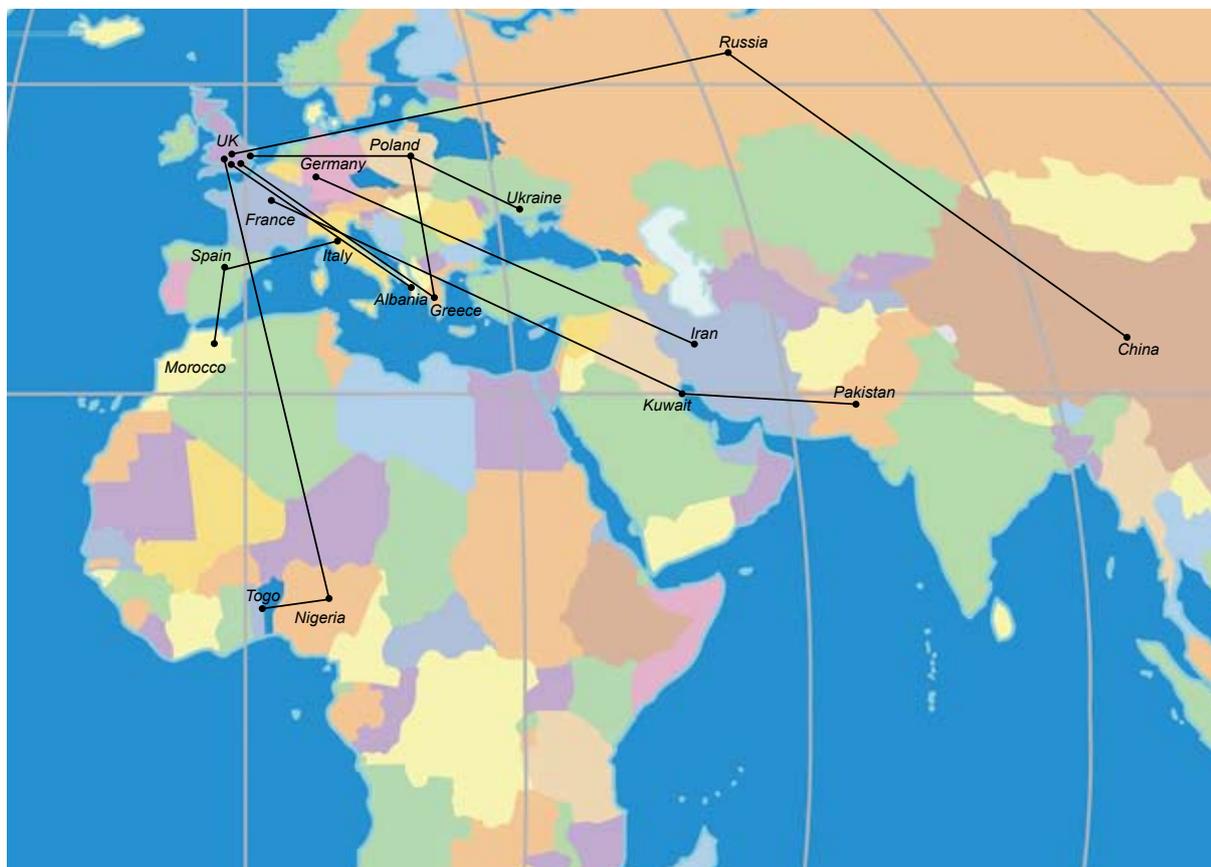
<sup>41</sup> ILO. 2005. *A Global Alliance against Forced Labour. Report of the Director General. Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work 2005 International Labor Conference 93rd Session, Report I (B)*. Geneva: ILO. At page 16.

<sup>42</sup> *Supra* note 32 at page 10

<sup>43</sup> *Supra* note 3 at page 8

<sup>44</sup> European Experts Group on Trafficking in Human Beings, *Draft Report*. 26 October 2004. *Consultative Workshop Framework of the EU Forum for the Prevention of Organised Crime*. Brussels. At page 9

## 5.2 Routes



Some research has been done into the trafficking routes used to bring women into Western Europe – though this has focused almost exclusively on women trafficked for sexual exploitation. Helga Konrad<sup>45</sup>, Chair of the Task Force on Trafficking in Human Beings, Stability Pact for South Eastern Europe, has outlined the following basic routes, to which some explanatory information has been added below.

In the 1970s, most of the women trafficked into Western Europe originated from South America, predominantly Brazil, and were trafficked via Lisbon, Portugal. Many Brazilian women are entitled to Portuguese passports and therefore this was not necessarily a route used for undocumented women.

This was followed by a short wave of women trafficked from the Philippines, which was then superseded by women from Africa for a short period of time in the early 1980s.

From the mid-eighties until 1989 many women were trafficked out of Thailand and the French Overseas Territories. Women arriving from Thailand, Malaysia, Hong Kong and Singapore generally are trafficked direct by air into a British airport – usually in London.

<sup>45</sup> *Supra* note 44 at page 46

Since 1989 the increased access to the former Soviet states has meant an increasing number of cases of trafficking of Eastern European women, especially those from the Commonwealth or Independent States. The rise in identification of women trafficked from these states also contributed to the first public awareness campaigns, which have been effective in raising awareness of the problem, but which have also contributed to a rather myopic view of a trafficking victim, leading to women being identified by personal characteristics (i.e. nationality or appearance) rather than by their experiences. Many of these women are trafficked via Greece and Italy, two countries which have responded to the pressure of being “transit countries” by creating environments which are not conducive to respecting the rights of undocumented migrants and asylum seekers.

Because of this, the “Balkan route” is to date one of the best-known routes, and has contributed to public perception that a trafficked person must be a woman from Eastern Europe trafficked into prostitution. These stereotypes are shared by the public and many officials as well, and can be damaging. On this route, most trafficked persons are sold to brothels and/or at markets, and consequently moved on through Albania, Slovenia and Hungary and into EU countries.

Another popular route leads via Turkey, Bulgaria or Romania first to Albania, then on into the European Union through Italy. Migrants from the Far and Middle East and from the former Soviet Union are usually transferred into Western Europe via Ukraine, Czech Republic and Slovakia or Hungary.

Other documented routes include:

- The “Eastern” route through Poland, which starts in Belarus and Moscow;
- The “Central” route from central European states, which leads via Croatia and Slovenia into Austria and thus into the European Union;
- The “Mediterranean” or “Southern” route, mostly used by migrants from Africa via North Africa into Spain, Portugal, Italy and Greece.

Contemporary routes, predominantly from Africa to Western Europe, are particularly troubling given the vast numbers of women being trafficked, the reluctance of law enforcement to identify African women as trafficked and the lack of prevention measures being taken in the countries of origin.

As at the end of January 2009, 28.8 per cent of referrals to POPPY were women trafficked from Africa, predominantly from Nigeria, Uganda, Cameroon, Kenya, Sierra Leone and Ghana. Many women report internal trafficking predominantly within Nigeria, Benin, Togo and Ghana, before being trafficked either directly by air to the UK, or via France or Italy.



# 6. Exploitation and consequences

## 6.1 Domestic servitude

Domestic workers, those who work in care work, cleaning, child minding and elder care in the UK are typically female migrants, predominantly from South East Asia, who have emigrated to earn money and send remittances to their families. Most of these workers enter the UK legally with an employer on a migrant domestic worker (MDW) visa to work in a private household. In recent years, an average of 10,000-12,000 MDWs have been granted entry to the UK, per year.

MDWs are able to change employer as long as they are still working as a “domestic” in a private household, but must be employed and sponsored by an employer when renewing or adjusting their immigration status<sup>46</sup>. The majority of these women and men will work for a short period of time for their employer, earn a salary and either extend their stay legally in the UK if there is a continued demand for their work, or will return home. It is impossible to know how many of these persons experience trafficking, exploitation, forced labour or other human rights abuses as the vast majority are never in touch with authorities or support providers.

There are some domestic workers, however, who suffer extremely high levels of abuse and exploitation at the hands of these employers. MDWs can become victims of trafficking if they are have been deceived about the nature of the work, have their wages withheld or their movements restricted, some in situations of debt bondage. Sexual abuse and rape of MDWs is common but underreported and the disclosure of such abuse is used as a threat by employers who know what impact this would have on many MDWs (they would never be able to return to their families due to social and familial shame and stigma).

The number of MDWs admitted to the UK has been fairly stable in recent years. Control of Immigration statistics from the Home Office indicate the following levels between 2003 and 2007:

### Migrant domestic workers admitted to the UK 2003-2007<sup>47</sup>

2003	2004	2005	2006	2007
10,600	10,400	10,100	12,500	10,600

The ILO’s International Standard Classification of Occupations lists the following “task statement” describing the work that domestic housekeepers, in private households with or without the support of subordinate staff, may be required to do<sup>48</sup>.

- Supervising workers employed in households as domestic staff;
- Purchasing or controlling the purchase of supplies;
- Controlling storage and issue of supplies;
- Assisting in cases of minor injury or illness by performing tasks such as taking temperature, giving medicine, putting on bandages;
- Sweeping or vacuum-cleaning, washing and polishing floors, furniture and other fixtures;
- Making beds, cleaning bathrooms, supplying towels, soap and related items;
- Taking care of household pets and plants;
- Receiving visitors, answering telephones, delivering messages and shopping for groceries;
- Preparing and cooking meals, setting and clearing tables and serving food and beverages;
- Cleaning kitchens and generally helping with kitchen work, including dishwashing.

<sup>46</sup> For a thorough discussion of the immigration, employment and other rights of Migrant Domestic Workers in the UK, please see Roberts, Kate (2006) “UK Immigration Law and the position of migrant domestic workers.” London: Kalayaan.

<sup>47</sup> Supra note 22 at page 43

<sup>48</sup> International Labour Organisation. *International Standard Classification of Occupations (Not dated)*. Group Definitions: Occupations in Cleaning and Housekeeping. ISCO-08 Code 5152: Domestic Housekeeper. Available at <http://www.ilo.org/public/english/bureau/stat/isco/docs/d515.pdf>

The reality of life for many MDWs falls well outside this task statement, and many men and women are exploited and abused in situations of servitude, forced labour and debt bondage. This is supported by the experience of Kalayaan, a London-based migrant domestic workers' rights organisation which provides advice and assistance to MDWs and campaigns for their rights. Kalayaan observes high levels of physical and psychological abuse among MDWs in the UK. Anderson's research has also shown that in the EU male employers commonly expect the domestic worker to be sexually available to them<sup>49</sup>.

Questions related to the treatment of domestic workers are complex and relate to social, cultural, economic and political aspects of society. Research conducted into the perceptions employers in the UK hold about domestic workers provides important insight into the abuses which many MDWs suffer. As Bridget Anderson points out, "It is the personhood [of the domestic worker] rather than her labour power, which the employer is attempting to buy<sup>50</sup>".

**"In the UK, workers have reported broken bones, beatings and an almost ritualised violence used to overtly demonstrate the employer's control over the worker, similar to the degradation expressed through work<sup>51</sup>".**  
**Bridget Anderson**

## 6.2 Abuses perpetrated against domestic workers

- Contracts which do not comply with basic employment law, such as in relation to the National Minimum Wage (NMW) and rest breaks; lower wages than were agreed to, or non-payment of wages; illegal deductions from their pay (namely for food or under the guise of paying taxes or immigration 'fees'); no rest breaks or days off; inadequate and often unsafe living and working conditions.
- Removal and withholding of passport and residence documents and information regarding current status as well as requirements for achieving/maintaining regular status – often forcing the MDWs' employment and immigration status to become irregular by lying about the status of a visa or about having extended a visa, or by simply refusing to extend a visa; withholding information about rights and entitlements, particularly the right to change employer (other than when the worker is employed by a diplomat).
- Working conditions that lead to illnesses and injury (e.g. repetitive motion, exposure to toxic substances, exhaustion and malnutrition such as anaemia, physical injuries and workplace accidents); lack of access to health care and sexual and reproductive health concerns such as unwanted pregnancies, unsafe abortions, STDs/HIV/AIDS, and gynaecological problems; mental health and emotional concerns such as depression, anxiety and suicide.
- Physical abuse (which can amount to torture) and permanent injuries or death.
- Gender-based violence, including sexual harassment and rape. In some cases a sexually exploitative component is introduced into the labour situation (e.g. being forced to clean house naked) and in some cases re-trafficking into other sexually exploitative situations such as prostitution.
- Shame and alienation from family and community and difficulty reintegrating into communities if they return without having earned any money or there is an indication that they have been sexually abused.

<sup>49</sup> Anderson, B. 2000. *Doing the Dirty Work? The global politics of domestic labour*. London: Zed Books. At Page 143

<sup>50</sup> *Ibid* page 2

<sup>51</sup> *Ibid* page 136

Kalayaan reports the following levels of abuse experienced by 340 new clients registering with their organisation between April 2006 and March 2007:

### **Domestic workers registering April 2006 – March 2007<sup>52</sup>:**

Psychological abuse	69%
No day or time off	68%
No meal breaks	66%
Working 16 hours or more per day	66%
Not allowed out	61%
No private room	54%
Food deprivation	37%
No private bed	37%
Passport retention	32%
Physical abuse	24%
Sexual abuse	9%

While some abuse is surely the result of inappropriate behaviour on the part of individual employers, much of the abuses suffered by MDWs relates to deeper structural concerns which are informed by racism, xenophobia, gender-based violence, poverty and citizenship.

One interesting component related to gender and gender-based violence (GBV) is the higher incidence of physical and psychological abuse domestic workers suffer at the hands of female employers.

Domestic work in the UK is disproportionately carried out by racialised groups – particularly by women from South East Asia and Africa. Employers in the UK commonly exhibit xenophobia, ranging from the perception on the one hand that these women are better suited to domestic work due to assumptions about education, abilities and that they “need” the job, to not wanting an African domestic worker because “AIDS is such a problem in Africa”<sup>53</sup>.

In *A Very Private Business: Migration and Domestic Work*, a study conducted by the Centre on Migration, Policy and Society (COMPAS) at Oxford University, the following findings relating to employers’ attitudes towards domestic workers were noted:

- London employers were more likely than those in other European cities to say that migrants were the only people available to do this job (30 per cent of UK employers as compared with 18 per cent overall)<sup>54</sup>;
- 54 per cent of UK employers stated that one of their reasons for employing a migrant was that: “They need the opportunity more than locals<sup>55</sup>”;
- 70 per cent of survey respondents thought workers should not have a right to join a trade union;
- 52 per cent of survey respondents thought workers should not have a right to the minimum wage;
- 45 per cent of survey respondents thought workers should not have a right to fixed hours of employment<sup>56</sup>.

<sup>52</sup> Kalayaan 2007. 2006-2007 Annual Report. London: Kalayaan.

<sup>53</sup> Supra note 49 at page 147

### 6.3 Migrant domestic workers and trafficking

Questions remain as to how we disentangle issues related to exploitation of domestic workers into the two strands of trafficking and forced labour. How deceived, coerced, forced or exploited must someone be to establish that they have been trafficked? Does the reality of being a woman fleeing poverty and seeking opportunities mean that as a domestic worker she has been coerced? What about workers who are knowingly smuggled, only to be exploited and abused in the destination countries? How, and more importantly, why, do we distinguish between these myriad forms of violence and abuse?

Just as with trafficking for sexual exploitation, we see a continuum of harm and human rights violations committed against vulnerable individuals in situations of forced labour. Establishing that different types of violence are responses to particular social, economic and cultural realities is helpful in terms of creating appropriate responses, but also heightens the risk of creating a hierarchy of victims, in which vulnerable persons are categorised as more or less innocent, harmed or deserving of empathy and support.

**“Estimating the percentage of employment relationships in which domestic workers suffer one or more human rights abuses is extremely difficult. Because of lack of governmental monitoring and deterrents that impede and often prevent domestic workers from making legal complaints alleging abusive employer treatment, the number of reported cases of abuse of migrant domestic workers with special visas most likely under-represents the number of actual cases. No governmental records exist logging even those reported cases<sup>57</sup>”.**

**Hidden in the Home: Abuse of Domestic Workers with Special Visas in the United States (Human Rights Watch 2001)**

<sup>54</sup> Anderson, B. 2006. *A very private business: migration and domestic work*. Centre on Migration, Policy and Society Working Paper No. 28, University of Oxford., at page 14

<sup>55</sup> *Ibid* page 17

<sup>56</sup> *Ibid* page 19

<sup>57</sup> Human Rights Watch. 2001. *Hidden in the Home: Abuse of Domestic Workers with Special Visas in the United States*. New York: HRW. Page 5

## 6.4 Operation Tolerance: supporting women in forced labour

In anticipation of the ratification and implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT), the UK Border Agency, in partnership with the UKHTC, law enforcement and civil society groups throughout the UK, launched Operation Tolerance in May 2008.

Operation Tolerance ran from May to December 2008, providing services until 5 December 2008. The operation was a pilot project investigating the prevalence of trafficking for labour exploitation. In London the focus was on trafficking in women for domestic servitude. The POPPY Project has received 36 referrals for women trafficked into forced labour (see the table below), some of whom have also been forced into prostitution or other forms of sexual exploitation. Further data on specific indicators are discussed later in the report.

The below table details the month in which the referral was received, the age of the trafficked person when they were referred and their country of origin. It also lists the referral source (police, non governmental organisations (NGOs), legal services such as solicitors or immigration advisors, immigration officials from the UK Border Agency or prison). Finally, the chart indicates if the referral was accepted to the Acute service – which includes accommodation in a London-based POPPY safe house; the Outreach service – for women already in secure accommodation or a detention centre; or if POPPY was unable to accept the referral. The majority of referrals POPPY was unable to accept were referred elsewhere due to the limited number of places (five). POPPY was also unable to work with men and boys and referrals made regarding persons outside the geographical area where the pilot operated (greater London.)



## Referrals received by POPPY May 2008 – January 2009

NO.	MONTH	AGE	COUNTRY OF ORIGIN	REFERRAL SOURCE	ACUTE SERVICE	OUTREACH SERVICE	UNABLE TO ACCEPT
1	May-08	17	Ethiopia	Police	X		
2	May-08	Unknown	India	NGO	X		
3	May-08	21	Morocco	NGO	X		
4	May-08	19	Nigeria	Police	X		
5	May-08	Unknown	India	Police	X		
6	May-08	24	Congo	NGO		X	
7	Jun-08	29	Mauritius	Police		X	
8	Jun-08	16	Vietnam	Social Services			X
9	Jun-08	41	Mauritius	Police		X	
10	Aug-08	Unknown	India	NGO	X		
11	Aug-08	Unknown	Eritrea	Legal Services			X
12	Sep-08	29	Ghana	NGO	X		
13	Sep-08	43	Uganda	Legal Services		X	
14	Sep-08	20	Morocco	Legal Services			X
15	Sep-08	48	China	Immigration			X
16	Sep-08	21	Ghana	Legal Services			X
17	Sep-08	Unknown	China	Legal Services			X
18	Sep-08	20	Morocco	Legal Services			X
19	Oct-08	19	China	Immigration		X	
20	Oct-08	24	Ethiopia	NGO		X	
21	Oct-08	Unknown	China	Legal Services			X
22	Nov-08	19	Ethiopia	Legal Services			X
23	Nov-08	34	Ethiopia	Legal Services		X	
24	Nov-08	Unknown	Nigeria	Legal Services			X
25	Nov-08	18	China	Legal Services			X
26	Nov-08	18	Nigeria	Immigration			X
27	Nov-08	27	Cameroon	Legal Services			X
28	Dec-08	Unknown	Nigeria	Legal Services			X
29	Dec-08	16	Ethiopia	NGO		X	
30	Dec-08	Unknown	Vietnam	Prison		X	
31	Dec-08	19	China	Prison	X		
32	Jan-09	24	Nigeria	NGO		X	
33	Jan-09	17	China	Social Services		X	
34	Jan-09	17	Sierra Leone	Legal Services			X
35	Jan-09	25	Eritrea	Legal Services			X
36	Jan-09	Unknown	Uganda	NGO	X		

### Top countries of origin

China: 7

Ethiopia: 5

Nigeria: 5



Eight women were supported by POPPY during this pilot project. It is an extremely small sample, and therefore a greater amount of qualitative data regarding the women's experiences was sought. Information presented is based on a very small sample size, but nevertheless does provide some useful insight into the characteristics and experiences of women who have been trafficked for labour exploitation in the UK.

Women supported by POPPY during the pilot were provided with the same level of support and accommodation as women on the existing Acute scheme. They were provided with secure, confidential, women-only accommodation, access to physical and mental health care, a monetary allowance for food, clothing and transport, access to English classes and other personal development, and many other services. Some women moved on from the project rather quickly, after securing the right to work or refugee status, while other women had more complex support needs and therefore required more time with the project.

Qualitative data regarding the experiences of these women was collected via their support worker, based on a survey (included in Appendix A). The survey asked about women's awareness of their rights, experiences with various statutory and voluntary organisations in the UK and their opinions about POPPY services. All eight women responded to the survey.

#### **6.4i In their own words**

Women supported by POPPY during Operation Tolerance were asked a series of questions about their experience of the service as well as their perceptions of other agencies with which they interacted during this time.

##### **Awareness of labour rights in the UK**

Despite the fact that many women were interviewed at British Embassies or Consulates before entering the UK, only one woman reported some level of awareness of labour rights as a domestic worker. None of the women knew they had the right to change employer. One woman reported that all she knew is that it would be "good money, and easy to find a job."

##### **Experiences with police**

Many women reported a sense of relief that they were not faced with the levels of corruption they see in their home countries, particularly noting that they did not have to offer financial bribes to UK police. One woman also noted that there was: "No fighting, no shouting. [They] didn't ask for money". Some women reported less positive experiences, however. One woman noted: "The police weren't helpful. They left me without anything, including accommodation, and they didn't speak nicely to me." Another woman didn't appreciate being taken into custody when she was a trafficked person, not a criminal. Two women mentioned being grateful that the police had brought them to POPPY.

##### **Experiences with immigration**

Many women report that their experience of the immigration process was "depressing." For many others the process is ongoing, and so without a resolution their feelings are still anxiety, stress and apprehension.

### **Experiences of being a POPPY service user**

One woman said: “The Home Office is like a lion, and we are little mice. When we have an association, like POPPY, it gives us strength”. She went on to say: “It is like I was born yesterday, and now I am 23 and I know everything”.

Another woman noted that she was very “dizzy” when she first came to POPPY, as a result of high levels of stress and anxiety. She says: “POPPY Project help[ed] me, [I am] feeling better, thank you”.

Other comments include:

“POPPY is like living with my family, everyone asks how I am. I like it.”

“I’m ok now because before I don’t know anything. My employer scared me. Now my future [is] getting better, I can find a good future.”

“Really nice, caring and supportive. I like staying with other women too.”

“POPPY are like my mother and father, my only hope at the moment.”

### **What other options existed at the time of referral to POPPY?**

None of the service users reported having viable, safe alternatives at the time they were referred to POPPY:

“No options, nothing. I was homeless.”

“No options, I didn’t know any organisations.”

“Only Kalayaan.”



### **Experience of other support/service providers in the UK**

Four women had been involved with other organisations in the UK as a result of trafficking and/or exploitation. All women who had worked with Kalayaan reported extremely positive experiences, and said that they understood the different roles played by Kalayaan and POPPY, and found having the support of both organisations to be beneficial. Other women mentioned the following:

“A job in the UK [is] difficult to find. [With] Kalayaan, I understand what to do in each place”

“Praxis was good.”

“Kalayaan [was] a good experience.”

“Refugee Council was ok, but a little confusing.”

“Helen Bamber was good, difficult.”

**One particularly striking example of bad practice came from the Al-Hasaniya Moroccan Women’s Centre. A POPPY service user was put under pressure by this organisation to drop the charges and keep quiet about what had happened to her. A representative of this centre told the service user that she should not slur the name of Morocco by criticising the people who had trafficked and exploited her, as they were highly placed in the country’s military and royal family.**

**The woman involved commented on her experience, saying, “Al-Hasaniya Moroccan Women’s centre, I hate them, they just bring me trouble and have confidentiality problems”.**

**Another woman mentioned social services saying they were “Not really supportive, just give you money...they don’t care.”**

หนังสือเดินทาง  
ประเทศไทย



THAILAND  
PASSPORT



# 7. Conclusions

## 7.1 Trafficking: labour versus sexual exploitation<sup>58</sup>

Through independent research and the experience of supporting women trafficked into labour exploitation during Operation Tolerance, several lessons have been learned about the needs and experiences of these women, and the similarities and differences that exist between trafficking for sexual and labour exploitation. Persons trafficked for labour exploitation are deceived, coerced or forced into their situation, in the same way as those trafficked for sexual exploitation. The type of coercion or deception is particular to the life and circumstances of each person. Women trafficked for sexual or labour exploitation do report many of the same 'push factors,' or reasons which may have compelled them to attempt to migrate, most with the promise of a 'new opportunity' in the form of work or education.

Similarities observed between victims of trafficking for sexual and labour exploitation supported by POPPY:

- The average age of women trafficked into sexual exploitation is 21, while the average age for trafficking into labour exploitation is 25;
- Five out of eight service users trafficked for labour entered the country legally, and three had false documents (60 per cent). This is slightly higher than POPPY service users trafficked for sexual exploitation, where about one-quarter of women have false documents;
- The average length of the workday in domestic servitude is 16.13 hours, and all women report less than eight hours of sleep per night. Women in sexual exploitation also report days of at least 12 hours, many being 'on call' at all times;
- Five of the eight women on the pilot were sexually assaulted or exploited in addition to labour exploitation.

Differences observed between victims of trafficking for sexual and labour exploitation supported by POPPY:

- Average length of time in a labour trafficking situation is 20.6 months. This is significantly longer than situations of sex trafficking, where the average time in the trafficking situation is just over seven months (7.3);
- Three of the women trafficked for labour exploitation worked en route, compared with the less than one per cent of women trafficked for sexual exploitation who are forced to work en route;
- Five women trafficked for labour exploitation were 'on loan' to others to use for their services, while the movements of women trafficked for sexual exploitation are more tightly monitored by traffickers and pimps;
- Two women trafficked for labour were expected to perform some kind of additional inappropriate 'work' such as massaging or bathing their employer, while it is extremely rare for women trafficked into sexual exploitation to report experiencing forced labour.

<sup>58</sup> All reported data on women trafficked for sexual exploitation were collected for and published in Stephen-Smith, Sarah (2008). *Routes In Routes Out: Quantifying the Gender Experience of Trafficking in the UK*. London: POPPY. The statistics are based on a survey of 118 current and former POPPY service users. Available at: [http://www.eaves4women.co.uk/POPPY\\_Project/Publications.php](http://www.eaves4women.co.uk/POPPY_Project/Publications.php)

## **7.2 Unique support needs of women trafficked for labour exploitation**

### **Education**

Three of the eight women trafficked for labour exploitation and supported by POPPY had experienced only primary school level education, as opposed to 19 per cent of women trafficked for sexual exploitation. We may therefore see many women with low levels of literacy and numeracy, possibly requiring greater support in mastering tasks such as grocery shopping, using public transit and other skills related to living independently.

### **Economic responsibility**

Half of the women trafficked for labour exploitation report having primary economic responsibility for extended family, although no women report having children. While 28 per cent of women trafficked for sexual exploitation have children, just 14 per cent report economic responsibility for extended family. Women whose primary concern is providing for their families tend to be much more concerned with securing employment and sending money home than women with no dependants, and therefore will need support to find alternative employment which is not exploitative and which allows them time to focus on their other needs such as health or legal issues.

### **Risk on return**

Two women (25 per cent) trafficked for labour exploitation were recruited by a family member, compared to six per cent of women trafficked for sexual exploitation. This means that the risk on return for women exiting labour trafficking situations could be exceptionally high if they are returned to their families.

### **Long-term injuries**

Victims of labour trafficking spend on average 20.6 months in the trafficking situation before they escape, compared with victims of sexual exploitation who are usually in the trafficking situation for an average of 7.3 months. Women held for a longer period of time may be suffering from mental and physical health problems related to extended periods of malnutrition from food deprivation, repetitive motion injuries and exposure to chemicals used in cleaning.

### **Employment tribunal**

Two women trafficked for labour exploitation had an employment contract and four were interviewed at a British Embassy or Consulate before entering the UK. Many of these women are due unpaid wages and will therefore be eligible to make a claim against their employers via the Employment Tribunal. They will need legal support and advice to pursue this compensation, in addition to other compensation channels such as the Criminal Injuries Compensation Authority (CICA).

### **7.3 Recent developments – Council of Europe Convention on Action Against Trafficking in Human Beings**

#### **Background**

The Council of Europe began to address issues related to trafficking, slavery and servitude in the late 1980s, and since then has adopted a variety of initiatives in the field of trafficking in human beings. Initially, activities aimed to raise awareness and encourage states to take action. One of the most notable early attempts was *Recommendation No. R(2000)11 of the Committee of Ministers to member states on action against trafficking in human beings for the purpose of sexual exploitation*.

Until now, most states had relied heavily on the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, as added in 2000 to the Convention against Transnational Organized Crime (known as the Palermo Protocol), when addressing issues related to trafficking. The Palermo Protocol establishes the most widely accepted definition of trafficking in human beings; the same definition is used in the ECAT. The problem with the Palermo Protocol is that it is not a human rights instrument, but is focused on combating trafficking as organised crime. The Council of Europe Convention is not only the first European treaty in this field, but it strives to be human-rights and victim-care focused. In addition, the Convention provides for the setting up of an effective and independent monitoring mechanism – Group of Experts on Action Against Trafficking in Human Beings (GRETA) – charged with monitoring the implementation of the obligations contained in the Convention and highlighting any failures on the part of signatories.

ECAT was adopted by the Council of Europe Committee of Ministers on 3 May 2005, and opened for signature in Warsaw on 16 May 2005 on the occasion of the Third Summit of Heads of State and Government of the Council of Europe. On 24 October 2007, the Convention received its tenth ratification, allowing it to enter into force on 1 February 2008. The UK signed it on 23 March 2007 and ratified it on 17 December 2008. As of 1 March 2009, 20 countries had signed the Convention and 20 had ratified.

## **ROLE**

The critical component of the ECAT is that it is a human rights instrument, focused in large part on the identification of and care for trafficked persons. While certain provisions for identified women trafficked into prostitution have been in place in the UK since 2003, expanded services will be in place from 1 April 2009. ECAT Articles 10-17, as well as Article 26, are dedicated specifically to addressing the needs of trafficked persons<sup>59</sup>. Improvements to existing services include:

- An extension of the “recovery and reflection period” from 30 to 45 days, allowing the person a short period of time in which to make initial steps towards recovery and evaluate their options.
- Expanded availability of housing, medical treatment, psychological care, legal information and assistance and access to education for children for all trafficked persons, not just those served by the POPPY Project.

## **The future**

The potential for the ECAT to have an overwhelmingly positive impact on the prevention of trafficking, as well as the level of care which trafficked persons receive, is enormous, but its efficacy relies on proper, thorough and timely implementation. A key element will be ensuring that those who may first encounter a victim of trafficking are aware of their obligations to trafficked persons under ECAT, and that they have the training and resources to connect vulnerable persons with appropriate services. All too often treaties are signed and ratified in a highly symbolic way, and little is done to effect change for those who would benefit the most. For example, the UK ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1986, Article 6 of which calls upon the state to “take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women<sup>60</sup>”. Yet more than 20 years and two additional international treaties later, the problem persists in the UK. In another example, Article 11(d) of CEDAW calls on states to ensure, “The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work,” yet in 2008 the government Office for National Statistics reported a 12.8 per cent pay gap between hourly rates paid to men and women<sup>61</sup> in the UK.

<sup>59</sup> See legal tables on pages 9-11 above

<sup>60</sup> United Nations. 1979. *Convention for the Elimination of all forms of Discrimination against Women Article 6.*

<sup>61</sup> Office for National Statistics. 14 November 2008. *Gender Pay Gap.* Available at: <http://www.statistics.gov.uk/cci/nugget.asp?id=167>

Similarly, the Convention (No. 29) Concerning Forced Labour was signed by the UK in 1931, Article 1 of which requires that each signatory “undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period<sup>62</sup>”. Unfortunately, the need for ECAT arose partly from a lack of domestic commitment to addressing trafficking into situations of forced labour, more than 70 years after ratifying this Convention. This is reflected in domestic law, which has focused almost exclusively so far on trafficking for sexual exploitation.

Examples of similar failures of implementation, lack of political will, resource scarcity and public unpopularity abound, not just in the UK, and not just with regard to trafficking. It would be a real testament to the British commitment to human rights and promotion of dignity and equality if ECAT can be implemented fully and speedily, with every intention to reach the maximum number of vulnerable persons, not merely to meet the bare minimum requirements. Just as the UK led the movement to abolish the transatlantic slave trade more than 200 years ago, again the opportunity arises to take a leading role in ending the trade in human beings, prosecuting offenders and caring for vulnerable persons. It is in this spirit that we hope to see an end to slavery in the UK once and for all.



62 International Labour Organization. 1930 Convention No. 29 concerning Forced Labour (ILO No. 29). Article 1



# 8. Recommendations for Government

## 8.1 Law and policy

- Fully and adequately implement the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT).
- Ratify the Convention on the Protection of All Migrant Workers and Members of their Families.
- Commit to prosecuting, to the fullest extent of the law, any person who traffics someone into exploitative labour or otherwise benefits from the exploitation of a trafficked person.

## 8.2 Victim care and service provision

- Maintain funding commitments to the Metropolitan Police Human Trafficking Team.
- Increase efforts to identify and extend support provisions to all identified victims of trafficking, taking into account the need for specialised gender-sensitive services and a victim care-centred approach.
- Increase efforts to identify persons trafficked for labour exploitation, including comprehensive training of front-line staff and other first responders.
- Increase legal aid provisions available to victims of trafficking. Many women on the Operation Tolerance pilot could pursue multiple court cases: criminal cases for abuse, trafficking and false imprisonment; employment tribunal claims for back wages and violation of contract; and immigration claims for asylum. Making sure that women do not have to prioritise the different ways in which their rights have been violated when they access justice is essential, but will not be possible without adequate access to legal aid.

## 8.3 Awareness-raising

- Ensure that identified victims of trafficking who came to the UK to pursue paid work and were led to believe that they were pursuing a legitimate offer of employment when they were deceived into coming to the UK are given the opportunity to apply for a valid work visa or to access work while in possession of a residence permit.
- Guarantee that persons coming to work in the UK, and those seeking to hire foreign nationals, especially as migrant domestic workers, are aware of labour rights and policies in the UK. Of particular concern is ensuring that persons coming to work in the UK are aware of the minimum wage and of their right to change employer without compromising their immigration status. Employers need to be aware of their responsibilities in terms of pay and conditions, the fact that they cannot control the immigration status of their employee (i.e. “have them deported”) and should know that coaching a potential employee into providing false information when applying for a visa or when entering the UK is a crime. The government should also commit to prosecuting persons who commit such crimes.
- In response to growing xenophobia and anti-immigrant sentiment in the UK, the government should take:
  - Any and all necessary measures to prevent the creation and/or dissemination of misleading information relating to emigration and immigration;
  - Any and all necessary measures to impose effective sanctions on persons, groups or entities which use violence, threats or intimidation against migrant workers or members of their families.

# Appendix A Survey

Data Collection: experiences of trafficking for labour exploitation, exiting the trafficking situation, post-trafficking support services and resettlement.

ID: \_\_\_\_\_ DOB: \_\_\_\_\_  
 Date entered Eaves: \_\_\_\_\_ Nationality: \_\_\_\_\_  
 Date left Eaves: \_\_\_\_\_ Ethnicity: \_\_\_\_\_  
 Referral source: \_\_\_\_\_ Languages spoken: \_\_\_\_\_  
 Interpreter: \_\_\_\_\_

<b>1. Pre-trafficking background</b>	Education Status (University/Secondary School/Primary School/None)
	Living environment (home town/village) (Rural/Semi-Urban/Urban/Capital City)
	Living situation? Did this ever involve "live-in" domestic work?
	Economic status (Affluent / Average / Poor / Very Poor)
	Employment/past work experience:
	Previous work abroad? If so, in what countries?
	Previous work experience had indicators of forced labour? 1. Threats or actual physical harm: Yes/No 2. Restriction of movement and confinement to the workplace or to a limited area: Yes/No 3. Debt-bondage: Yes/No 4. Withholding of wages or excessive wage reductions, that violate previously made agreements: Yes/No 5. Retention of passports and identity documents: Yes/No 6. Threat of denunciation to the authorities where the worker is of illegal status: Yes/No
	Worked as domestic worker for UK employer in Country of Origin as well? If so, for at least 12 months prior to coming to the UK?
	Economic responsibilities (Dependants incl. children)?
	Mental health issues prior to trafficking:
	Physical health issues prior to trafficking:
	Substance misuse issues prior to trafficking:
	<b>2. Experiences of violence before trafficking</b>
<b>3. Recruitment method</b>	Recruitment Process – who recruited? (friend/neighbour/spouse/partner/family member/stranger)
	Were others recruited at the same time? If so, how many? (if known)
	Age when trafficked?
	Re-trafficked?
<b>4. Expectation of work in country of destination</b>	What industry?
	If it was the same employer: Expected a continuation of same tasks/duties?
	On what grounds – contract provided?
	Interviewed at British embassy/consulate prior to travel? If so, describe questions asked. Coached by employer about what to say?

	Funds owed for arranging work (i.e. debt bondage)? If so, what amount? Further arrangements for work after the bondage period ended?
	Salary promised? Amount: £ Paid to whom? (worker, family?): Pay Period (per day/week/month): Is at least National Minimum Wage? (£5.73/hr): Yes/No
	Cost of room deducted from pay? Amount: £ Above legal maximum? (£27.30/wk) Yes/No Was money deducted for food? Yes/No If so, what amount: £ *nb* NO amount can be legally deducted for food
	What conditions were promised? (days off, English classes, pay for visa renewal, etc...)
	What information was known about labour rights in general, and specifically the right to change employers in the UK?
<b>5. Travel</b>	What kind of travel? (Accompanied? Alone or in group? Route? Did you hold your own paperwork/passport?)
	Who paid for travel?
	Expected to pay this back?
	Immigration paperwork arranged by:
	In own name?
<b>6. Known factors leading to trafficking/ 'decision'</b>	(e.g. poverty/unemployment, family breakdown, discrimination, civil unrest, fleeing violence, seeking opportunities etc)
<b>7. Trafficking situation</b>	Remained with recruiter or sold on?
	Who were the traffickers? (Name/alias, gender, nationality, age, description, location, relationship to other traffickers)
	How long in trafficking situation?
	Where working? (type of premises and where in the UK)
	Was "on loan" to others for domestic or other work as well?
	Any other domestic staff? Nanny? Cook? Other?
	Tasks performed? (cooking, cleaning, care of children/elderly, shopping, serving etc...)
	Any services expected other than domestic work? Esp sexual services?
	Working hours? Any day off?
	Hours of sleep per day:
	Working conditions? In general: Meal Breaks Yes/No Allowed out Yes/No
	Living conditions? Own Room Yes/No Own Bed Yes/No Allowed food Yes/No Access to education: Yes/No
	Passport withheld?
	Contact with family/friends at home?
	In contact with police? During what circumstances?

	In contact with immigration? During what circumstances?
	Describe experiences of dealing with immigration:
<b>8. Methods of control in trafficking situation</b>	Physical abuse:
	Sexual abuse:
	Psychological abuse:
	Verbal threats/abuse (incl. threat to ham family or loved ones):
	Use of drugs (including household products):
	Witnessed others being harmed? Witnessed child abuse?
	Attempted to escape?
<b>9. Access to health services and/or social services</b>	Injuries as a result of work? Accident? Abuse?
	Mental health effects:
	Physical health effects
	Sexual health effects:
	Pregnancies/terminations?
	Visited a clinic/hospital or doctor?
Received any treatment?	
<b>10. How did woman escape?</b>	
<b>11. Referral to POPPY</b>	Contact with Kalayaan?
	UKHTC?
	Other:
	How much time lapsed between escape and referral to POPPY?
	What information was given about services at POPPY?
<b>12. Competent Authority</b>	Referred to Competent Authority      Yes/No If so, date:
	UKHTC or West London Asylum Team (circle one)
	Granted reflection period by CA? If so, from what date?
	Time lapsed between identification and acknowledgement by CA:
<b>13. POPPY Experience</b>	Experience of being a POPPY Service User:
	Support offered:
	Facilities:
	External support (i.e. college courses, English classes etc...)
	Relationships w/other service users:
	Helpful having both Kalayaan and POPPY support (where applicable?):
	Experience of any other support/service provider in the UK? (Social services, other counter-trafficking NGO, Salvation Army, Migrant Helpline, etc...):
	Experience with solicitor/other legal support:
	Experience with health professionals: Physical health: Mental health:
	Experience with police/CPS: Met HHT involvement?

<b>14. Re-settlement Experience</b>	Return to Country of Origin:
	Who organised? (IOM, embassy, etc?):
	Who paid?
	Support agency in home country? Name:
	Current MDW visa:                      Yes/No If yes, currently working:            Yes/No
	How found new work?
	Happy with new work?
	Asylum claim:                              Yes/No If yes, current status:
Other immigration claim? (Outside the immigration rules, humanitarian protection, family reunification etc...) Current status:	
<b>Other relevant info:</b>	

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- 46 Home Office. March 2007. *UK Action Plan on Tackling Human Trafficking*. London: Home Office. <http://www.homeoffice.gov.uk/documents/human-traffick-action-plan>

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## **Laws and treaties**

### **UK**

Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

Forced Marriage (Civil Protection) Act 2007

Refugee or Person in need of International Protection (Qualification) Regulations 2006

### **EU**

Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocol No. 11 with Protocol Nos. 1, 4, 6, 7, 12 and 13.

EU Charter of Fundamental Rights: Chapter 1 (Dignity) Article 5 (Prohibition of slavery)

## **UN**

Charter of the United Nations, article 8 (equality of men and women), article 55 (universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion)

1948 Universal Declaration of Human Rights, preamble (equal rights of men and women), article 2 (non-discrimination), article 7 (equality before the law), article 16 (right to marry and found a family), article 25 (adequate standard of living; special care and assistance for motherhood and childhood).

1951 Geneva Convention Relating to the Status of Refugees.

1966 International Covenant on Civil and Political Rights, articles 2 and 26 (non-discrimination), article 3 (equal rights of men and women), article 14 (equality before the courts), article 16 (recognition as a person before the law), article 18 (freedom of thought, conscience and religion), article 23 (family and marriage), article 24 (protection of children)

1966 International Covenant on Economic, Social and Cultural Rights, article 2 (non-discrimination), article 3 (equal rights of men and women), article 10 (protection of family; special protection for mothers after childbirth; social and economic exploitation of children; employment of children in work harmful to morals or health or dangerous to life)

1966 International Convention on the Elimination of all forms of Racial Discrimination, article 1(2)

1979 Convention for the Elimination of all forms of Discrimination against Women, article 6 (trafficking and exploitative prostitution), article 8 (representation and participation at international level), article 9 (acquisition, change or retention of nationality; protections as a consequence of marriage; nationality of children),

1989 Convention on the Rights of the Child, article 2 (non-discrimination on the grounds of sex, national, ethnic or social origin, or other status), article 7 (right to acquire a nationality), articles 9-10 (separation of the family; family reunification), article 11 (illicit transfer and non-return of children abroad).

1990 International Convention on the Protection of the Rights of all Migrant Workers and Member of Their Families, articles 1 and 7 (non-discrimination), article 3 (non-application of the Convention) (not yet in force)

Declaration on the Elimination of Violence against Women, article 2 ("violence against women" includes trafficking in women), article 3 (enjoyment and protection of all human rights, including the right to just and favourable conditions of work)

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment

Slavery Convention (SC) and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (SCAS)

Palermo Protocol to Prevent Suppress and Punish trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime

## **ILO**

International Labour Organization Convention No. 29 concerning Forced Labour (ILO No. 29)

International Labour Organization Convention No. 105 Concerning Abolition of Forced Labour (ILO No. 105).

# Appendix C About Eaves

Eaves is a London-based charity which provides high quality housing, support, advice and advocacy to vulnerable women who are homeless or at risk of homelessness, and/or who have experienced violence. We also carry out research, advocacy and lobbying to prevent all forms of violence against women.

Our projects are:

## **The Amina Scheme – befriending for women survivors of sexual violence**

The scheme is run by specially-trained women volunteers who have themselves experienced sexual violence in the past. Volunteers befriend women and signpost them to services which can help them recover from their experiences, and accompany them to appointments or through court if women wish.

## **The Lilith Project – research and development**

The Lilith Project works to eliminate all aspects of violence against women. It is a centre of excellence for research, education and training on issues relating to various aspects of violence against women, including prostitution, trafficking and sexual violence. Work also includes training and education for the women's sector, lobbying for legislative change, providing support and networking opportunities for the women's sector and demonstrating, through campaigning and training, that violence against women is both a cause and effect of gender inequality.

## **The POPPY Project – accommodation and support**

The POPPY Project provides accommodation, support and advocacy to women trafficked into the UK for the purposes of exploitation in prostitution and domestic servitude. It has 54 bed spaces and an outreach team which offers short term crisis intervention and support to women who are not accommodated by The POPPY Project, working with them in different environments such as prisons and detention centres. It also offers resettlement support for women moving on from POPPY accommodation.

## **The Scarlet Centre – drop-in advice for women**

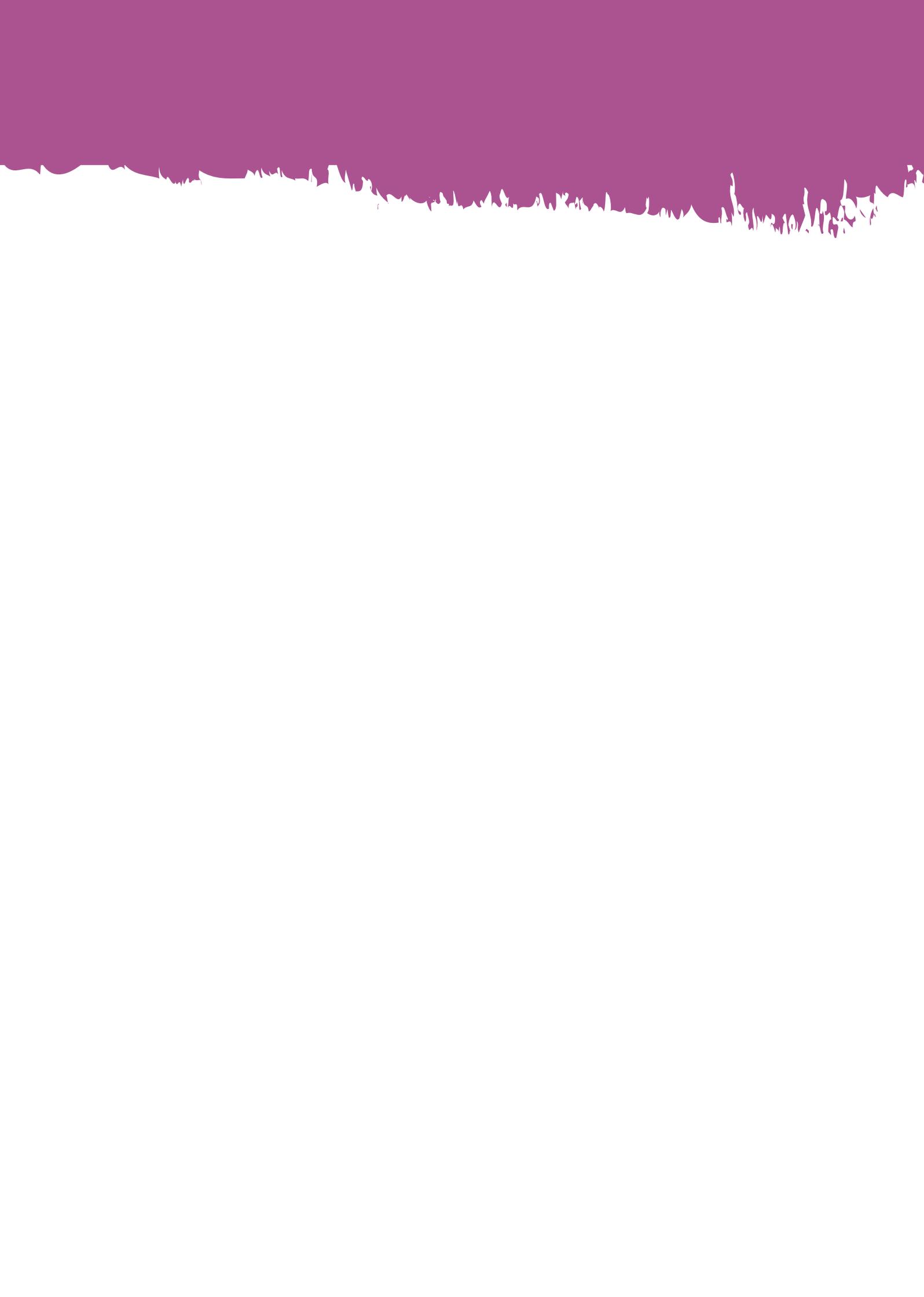
A new project for Eaves. The Scarlet Centre is a new drop-in advice centre where advice, support and information will be available to women affected by domestic violence, rape or sexual abuse, to assist them to become independent and recover from their experiences.

## **The Serafina Project – accommodation and support**

Serafina is one of the largest women-only refuge providers in London, offering 66 bed spaces across four boroughs to women and children fleeing domestic violence. Services include child and family work, outreach support for women who wish to remain in their homes and free specialist legal advice. Serafina also provides resettlement support for women moving on from the refuge.

## **Funders**

Eaves' work is made possible by funding from London Councils, the Office for Criminal Justice Reform (reporting to the Ministry of Justice), grants from foundations and from individual donations.





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This report was printed thanks to the Oak Foundation