

Trafficking for Forced Labour UK Country Report

Anti-Slavery International 2006

Executive Summary

This report is a result of research carried out by Anti-Slavery International in a six month period between 2005 and 2006 with the aim of finding out more about trafficking for forced labour in the United Kingdom (UK). This was a qualitative rather than quantitative project which aimed to provide information about how migrants become trafficked and which industries in the UK are affected.¹ During the research, 27 individual cases were identified in which migrant workers had been trafficked for forced labour in the UK.

More than one case of trafficking for forced labour took place in the following industries: agriculture, construction, domestic work, food processing and packaging, care/nursing, hospitality and the restaurant trade. Anecdotal information is available about people being trafficked and forced to work in motorway services, as casual labour in ports, doing laundry and in nail parlours. In several cases, information was received which indicated that people had been trafficked for illicit activities such as shoplifting, pick-pocketing and the sale of pirate CDs and DVDs on the street.

An example that appeared to be trafficking for illicit activities which was reported to the researcher, but not documented as part of the 27 cases, involved a group of women from the Baltic States who were repeatedly recorded on CCTV shoplifting in supermarkets in the South of England. The recordings showed a man who seemed to be supervising the group. The police raided the flat where the women were staying and found that they were all sleeping in one room. The flat was very basic and none of the stolen goods was found on the premises. The women denied knowing the man who appeared to be the supervisor and seemed anxious, afraid and intimidated. In an informal talk with a translator, they seemed ashamed of what they were doing and said that they had come to work, but the work they were promised was not available when they arrived.

Among the 27 trafficked people were nationals from European, African, South American and Asian countries. However, certain nationalities were concentrated in particular industries. For example, trafficking into agriculture mainly affected individuals from Central and Eastern Europe.

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

Agencies commonly charged fees for arranging work which put the migrant workers in debt bondage even before they arrived in the UK. These fees ranged from several hundred to thousands of pounds. Care workers from Bulgaria paid £2,000 for jobs to be arranged in the UK, which was then deducted from their wages including very high interest rate charges. A Polish woman was told that according to the law in the UK she had to pay £300 as part of facilitating a job as an au-pair. Additional deductions were also made from wages and often justified as a requirement under UK law (for taxes, worker registration, visa extension, national insurance, etc.).

Removal of documents is also a key method through which people are controlled by their employers. A report produced by the NGO Kalayaan, which works with migrant domestic workers, found that, between 2001 and July 2003, 49 per cent of domestic workers registered with the NGO had their documents taken by their employers (511 people).

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

¹ In the course of the research 23 professionals working in various agencies that come into contact with migrant workers and 11 migrant workers employed in different industries were interviewed. Some 300 migrant worker case files which the Citizen Advice Bureau offices had recorded in the past year were also reviewed.

There are two key findings from the research which need to be highlighted because of their policy implications. Firstly, the majority of the trafficked people identified in the report entered the UK legally. Traffickers are using regular migration routes and work visas, but utilise debt bondage, the removal of documents and migrants' uncertainty about their rights and status to subject them to forced labour. Many of the migrant workers believed they were dependent on their employer in order to stay in the country (e.g. for visa extensions). In other cases the employer retained the migrant's documents, sometimes claiming they had sent the documents to the Home Office for official purposes, until the workers became irregular and were therefore much easier to exploit because they no longer had a right to be in the UK.

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

Secondly, none of the 27 cases was identified as trafficking cases by the agencies that initially recorded them. Furthermore, in the majority of these cases there is no information as to what has happened to the trafficked people. This reflects both a real lack of awareness about trafficking for forced labour amongst individuals in the relevant agencies and also a lack of support services for the people affected.

Even when agency personnel have concerns about the treatment of migrant workers they are unsure about what they can do about it or where they can refer them for assistance. One social services worker who visited a factory saw that the supervisor had many passports locked in a drawer of his desk. He explained that it was a safety precaution, because there were cases of theft at the factory. The woman who worked for social services was worried about the workers, but did not know what to do and was advised by her supervisor not to get involved in such issues.

The UK Government has taken action against trafficking for forced labour. It passed the Gangmasters (Licensing) Act 2004, which establishes a system for registering labour providers in the agricultural, shellfish gathering and associated packing and processing sectors. The licensing system came into force in 2006.

It also introduced an offence in the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 which makes trafficking for all forms of labour exploitation a criminal offence. Exploitation is defined as: slavery or forced labour; use of threats, force or deception to obtain a service; or a request or inducement to get someone to undertake an activity that someone who was not young, disabled or a family member would be likely to refuse.

In 2006, the Government announced that it would set up a UK Human Trafficking Centre which will be a dedicated national police-led unit (which will co-ordinate with the Crown Prosecution Service, Immigration, etc.) and will have a mandate to pursue trafficking for both labour as well as sexual exploitation.

Despite these positive initiatives there has not been a single successful prosecution brought for trafficking for labour exploitation since the offence came into force in 2004. Nor is there any specialised assistance available to people who are trafficked for forced labour. The Government still has not signed the Council of Europe Convention on Action Against Trafficking in Human Beings, which would ensure that people trafficked into forced labour are provided with minimum standards of protection and support. At the time of writing 30 other European countries had signed the Convention.

The UK's experience in relation to trafficking for sexual exploitation has clearly shown that the provision of good quality support services helps to ensure successful prosecutions. There is a clear need to approach the issue of trafficking for forced labour from a labour rights perspective which focuses on the forced labour outcomes rather than considering it only as an issue of organised immigration crime. In this context the

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

report highlights a number of additional policy recommendations which would help to tackle trafficking for forced labour, including the need to:

1. Ratify the Council of Europe Convention on Action Against Trafficking in Human Beings, 2005 and the United Nations Convention on the Protection of the Rights of All Migrant Workers and their Families, 1990.
2. Review existing migration policy to ensure that there are sufficient regular migration opportunities available, for both skilled and unskilled work and to remove policies which are likely to make migrants more vulnerable to trafficking for forced labour. This would include the Government's proposal to reverse the 1998 rule relating to migrant domestic workers which will mean that migrant domestics will only receive a six month visa and will have no right to change their employer even if they are subjected to abusive practices.
3. Establish a body, like a "Fair Employment Commission" as proposed by the Citizens Advice Bureau, which would be responsible for co-ordinating between all the agencies that have responsibilities in relation to labour issues in order to ensure: an effective and comprehensive system of inspections; investigation of complaints; advice, guidance and support for all migrant workers and employers; as well as a pro-active approach to compliance and, where necessary, enforcement.
4. All those who are likely to encounter trafficked people or migrant workers at-risk should be trained in detection of indicators of trafficking for forced labour. The groups to be trained should include law enforcement, immigration, NGOs, social services, unions, labour inspectors, labour providers, etc.
5. Information about their rights should be provided to migrants and potential migrants at the earliest possible stage and in a language they understand.
6. Migrants who have been trafficked or are victims of labour exploitation should have the opportunity to take cases to court in order to receive compensation for the damages suffered and be allowed to stay in the UK in order to pursue their cases regardless of their immigration status.