

International Dialogue on Migration Intersessional Workshop on

Trafficking in Persons of Migrants: Ensuring Protection of Human Rights.

Contextualising Human trafficking and Migrant Exploitation:

The remit of my presentation is what work is being undertaken within the United Kingdom (UK) on behalf of migrant workers in forced labour industries including work with the Gangmasters Licensing Authority (GLA).

The United Kingdom Human Trafficking Centre (UKHTC) is a multi-agency centre that provides a central point for the development of expertise and cooperation in relation to Trafficking in Human Beings (THB), working together with other key stakeholders. The centre has adopted the 4Ps approach to working; prevent, prosecute, protect and partnership and this is set out within its business plan. The centre also takes a holistic approach to THB and works equally on prevention, research, learning and development, victim care and operations and intelligence.

The GLA is a government body set up to protect workers from exploitation in agriculture, commercial forestry, horticulture and shellfish gathering... to ensure labour providers operate within the law. The licensing scheme was launched in April 2006 to ensure businesses have the minimum employment standards required by UK law.

Before I can begin it is necessary to consider who are migrant workers and who are trafficked victims, all are victims, it is important to know who are trafficked and who are not in order to understand the different problems and also the appropriate response. As the ILO stated in their operational indicators (March 2009), "Without clear operational indicators there is also a risk that researchers and practitioners may not recognise trafficking when they see it – or see trafficking where it does not exist."

One of the key UKHTC strategic objectives is to build knowledge and understanding of the nature and scale, and also the extent and impact, of THB. From the 1<sup>st</sup> April 2008, trafficking for forced labour has been prioritised and this includes trafficking for domestic servitude.

Where did we start in the UK?; –

It was decided to start by using pilot sites where it was known that there was limited knowledge about trafficking for forced labour. It was accepted that in early 2008 there was not a sufficient knowledge base to consider a national operation within the UK. Three pilot sites were chosen; Cambridgeshire, Norfolk and Lincolnshire working with the GLA; London, concentrating on Domestic Servitude, and working with

Kalayaan (an NGO specialising in trafficking victims of domestic servitude); the West Midlands. It is accepted that this pilot was not particularly successful in its aims to identify forced labour victims and provide victim protection and possible prosecutions, a full evaluation was completed. However, the learning from the bad practice proved to be invaluable in later operations. This pilot also attempted to try out the procedures for a National Referral Mechanism (NRM).

The key element within this pilot was training which was delivered by staff from the UK Borders Agency (UKBA), UKHTC and Anti-Slavery. The training delivered explained what trafficking was; the difference between labour exploitation and forced labour (especially the continuum between them) and the difference between victims of trafficking and those in a position of exploitation that were migrant workers (those in forced labour were more likely to have been trafficked); what were the indicators of trafficking and how to use them; and how the pilot NRM would work. It was accepted that the use and understanding of indicators was essential to ensure that victims of trafficking were correctly identified.

A clear example was given during one of the training sessions where it was described how two Bulgarian workers fought with each other to get in a van so the successful one could be taken to work in a position of forced labour. This showed total control by the trafficker and a recognition by those being trained of trafficking for forced labour.

What happened next in the UK?; -

As a result of increasing the awareness of all agencies about trafficking for forced labour a serious incident of forced labour was identified within the agricultural sector, the GLA were again involved. Having identified the situation a multi-agency response was organised which included enforcement agencies and NGOs. Victim care facilities were identified in advance and arrangements for the proper care of victims was put in place for the day of the operation with identified premises being turned into a fully equipped reception centre and coaches being provided to transport victims. The centre incorporated NGOs to provide victim care, interpreters, food etc. The aim was to protect the victims and ensure they were in a safe environment and that they understood what was happening and that they were not being victimised. However, despite planning in advance there were still aspects of care that provided additional learning. The initial accommodation provided was in a hotel and when it was offered to the victims some of them thought it was a “trap” and wouldn’t stay there. It wasn’t until other victims stayed at the accommodation that they realised it was genuine accommodation and they then agreed to stay at the hotel.

This operation showed that a multi-agency pre-planned approach could provide both successful victim care and also the correct identification of those who were victims of trafficking and those who were traffickers. It also allowed for a successful

investigation and there are a number of traffickers charged with offences of trafficking for forced labour and the case is on-going within the judicial system. There have also been other successful investigations into trafficking for forced labour within the UK. These include a Roma child who was trafficked by her family and made to work 17 hours a day every day and two Malaysians who recruited fellow Malaysians to work within their care home. There are other on-going prosecutions and investigations into a number of different types of trafficking for forced labour including domestic servitude.

Following the ratification of the Council of Europe Convention in 2008 on the 1<sup>st</sup> April 2009 the UK adopted the NRM. There are two separate but linked Competent Authorities within the UKHTC and UKBA and the procedures for the NRM were built on the learning from the pilot operations. Within the NRM there is provision for victims of forced labour and domestic servitude and safe house provision for these victims.

Future activity in the UK:-

Research is an important aspect to ensure that we fully understand the reasons for trafficking for forced labour, why it is happening, the problems within source countries and how we can better understand victims. Research is a key tool in all aspects in the reduction of trafficking, it informs prevention, adds value to learning and development and victim care and improves prosecutions and investigations. The UKHTC has recruited a Research Development manager who is working with universities and other key stakeholders to ensure that we maximise the potential of research.

Finally, with the GLA as a partner the UKHTC is in the process of writing an EU funding bid to help us better understand trafficking between source and transit countries and improve knowledge transfer at an operational level. The aim is to; “Establish mechanisms that facilitate exchange of knowledge and best practice in developing intervention to counter the trafficking of human beings for forced labour”.

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