

# **Modern Day Slavery in London - Your Duty to Identify and Protect Victims**

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## The Human Trafficking Foundation

Our Chair, Anthony Steen CBE, was formerly the Home Secretary's Special Envoy on Human Trafficking during the passage of the Modern Slavery Bill. Our Trustees include Vernon Coaker MP and Baroness Butler Sloss.

The Foundation has worked closely with statutory authorities for many years and understands the challenges local authorities face

The Human Trafficking Foundation is the secretariat for the APPG on human trafficking.

We also lead a national **Human Trafficking Forum**, which convenes in London, with 500 members, including NGOs, police and local authorities. We meet quarterly with approximately 90 stakeholders in attendance at each event.

We have also set up a **London Working Group** with 50 members, including NGOs, the Met Police's SCO7 anti-trafficking unit, UKBA and expert lawyers.

# New Statutory Responsibilities

The Foundation is leading a two-year project to engage statutory authorities in London with the plight of victims of human trafficking, in light of the new Modern Slavery Act and Care Act, both of which have given local authorities new statutory responsibilities in this area.

Councils are struggling with the new responsibilities under these Acts and already a number of expensive judicial reviews against councils are underway.

# What is Modern Slavery?

**Modern Slavery:** encompasses slavery, human trafficking, servitude, forced or compulsory labour. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment

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# Problem 1 – Identification:

There is considerable evidence that London is a hub for human trafficking and slavery in the UK and yet many staff in statutory authorities, from social workers to housing officers, struggle to identify many cases, even though there is now a **statutory duty to notify** the Home Office about potential victims.

Hence large numbers of cases in London, from slavery in brothels, homes and hotels, to cases similar to the Rochdale case of trafficked children, or the Connors case of trafficked homeless men, carry on under the authorities' jurisdiction, in places such as children's homes and licensed businesses.

# The Crime of Human Trafficking

| <u>Activity</u>  | <u>Means</u>   | <u>Purpose</u>   |
|--|--|--|
| <ul style="list-style-type: none"><li>● Recruitment / grooming</li><li>● Transportation</li><li>● Transfer</li><li>● Harboring/Receipt</li></ul> | <ul style="list-style-type: none"><li>● Threat/use of force</li><li>● Coercion</li><li>● Abduction</li><li>● Fraud</li><li>● Deception</li><li>● Abuse of power</li><li>● Position of vulnerability</li><li>● Receipt of payments/benefits</li></ul> | <ul style="list-style-type: none"><li>● Sexual exploitation</li><li>● Forced labour or services</li><li>● Slavery/practices similar to slavery</li><li>● Servitude</li><li>● Begging</li><li>● Forced marriage</li><li>● Organized crime</li><li>● Surrogate mother</li><li>● Organs</li></ul> |

**= CSE, ASB, multiple occupancy, missing persons, county lines, youth offending, benefit fraud, domestic violence, sham marriages...**

# Indicators of Modern Day Slavery

## Labour exploitation:

- \* **No or limited access to earnings** or labour contract
- \* Excessive wage reductions or financial penalties
- \* **Dependence on employer** for a number of services for example work, transport and accommodation
- \* Workers are required to pay for tools, food or accommodation via deductions from their pay
- \* Unhygienic and **unsafe working** conditions
- \* Home delivery meal packaging
- \* **Crammed/rough sleeping conditions** inc. 'beds in sheds'
- \* Evidence of excessive working days or hours
- \* Employer **unable to produce documents** required when employing migrant labour
- \* **Poor health and safety equipment** or no health and safety notices "
- \* Cars or minibuses picking up at unusual times

## Domestic servitude:

- \* Not eating with the rest of family and **no private sleeping place** or sleeping in shared space
- \* Employer reports them as a missing person
- \* Employer **accuses person of theft** or other crime related to the escape
- \* **Never leaving house without permission** from employer

## Sexual exploitation:

- \* **Movement of individuals** between brothels or working in alternate locations
- \* Having **tattoos** or other marks indicating 'ownership' by their exploiters
- \* **Inability to speak language**
- \* Drug dependent
- \* Are they **bonded by debt** or is money deducted from their salary
- \* Is the person in **possession of their legal documents?**

## Child sexual exploitation and Grooming:

- \* Teenage girls living with older unrelated males
- \* Has gifts and access to money
- \* **Distant from family** and absent from school
- \* **Frequent visitors** to residential premises
- \* Poorly integrated into community
- \* Brought into county to claim benefits

## Physical:

- Bruises, cigarette burns
- Broken bones that haven't healed properly
- Malnourished
- STIs
- Learning difficulties

## Statistics and case examples on the lack of identification

“The CSJ Report on Human Trafficking found that in 2012 **only 37 out of a total of 433 local authorities across the UK made any referrals** of trafficked children to the NRM.

“Of the 43 per cent of London Safeguarding Children Boards that responded to the CSJ survey, **only 57 per cent had implemented the London Safeguarding Trafficked Children Toolkit** and Guidance and 36 per cent had developed a child trafficking subgroup.”

- Almost three fifths (56.7%) of social workers surveyed thought you had to cross an international border to be a human trafficking victim.
- 46.7% of social workers and 33% of teachers could not recognise a child, brought over to the UK to live with a family and carrying out chores in their house while not going to school, as a human trafficking victim
- Over a quarter (26.7%) of social workers could not recognise a child being brought over to tend cannabis as a potential victim of human trafficking.
- 60% of those surveyed could not recognise a homeless man working for free for long hours as a potential victim of trafficking

Shadow City London Survey

“They saw vans arrive three times a week from Lithuania in one area in Westminster alone to sell men to different gangmasters. ..I was told that Lincoln’s Inn Fields is one of the traffickers’ target bases and that Passage, a homeless drop-in support centre near Victoria, is also targeted. **One soup run in central Westminster was “regularly targeted two to three times a night!”**”

**“The key underlying difficulty in assessing the scale of ‘localised grooming’ is the inconsistent recognition of child sexual exploitation by frontline practitioners and the failure to record relevant information at a local level. (CEOP Out of Sight Out of Mind)**

During the court case, where an Oxford-based gang were charged with the grooming and sex trafficking of girls, a school support worker stated that “nine out of ten social workers” in Oxford knew that young girls were being groomed with drugs and were being sexually exploited... A report following the Rochdale case also found that social workers were too willing to see the abuse as consensual and had not passed on intelligence to police which could have led to earlier arrests.”

“One trafficker.. had several domestic slaves .. who she beat and tortured. Yet she was a respected member of the community, working with [a London] council... We heard of cases of traffickers being social workers.. and lawyers; and the facilitation of trafficking often took place in open environments such as churches and at community events.”

# NCA Data

## Not always what you expect

*“All victims are migrants...”*

- \* The 3,266 victims rescued by our authorities arrived from **102 countries**.

But ...

- \* In London in 2014 the **fourth largest victim group came from the UK**

*“All victims are hidden...”*

- \* “One leading anti-trafficking NGO told me you could find girls who had run away from home being exploited in areas of London, and gave an example of a specific park ... where this took place.” Shadow City

*“All victims are women...”*

- \* Of the 3,266 victims found last year, 53% female and 46% male.
- \* 15% of victims were referred for domestic servitude; and the rest of the victims **were split evenly** between those who had been trafficked for labour; and those who had been trafficked for sex.

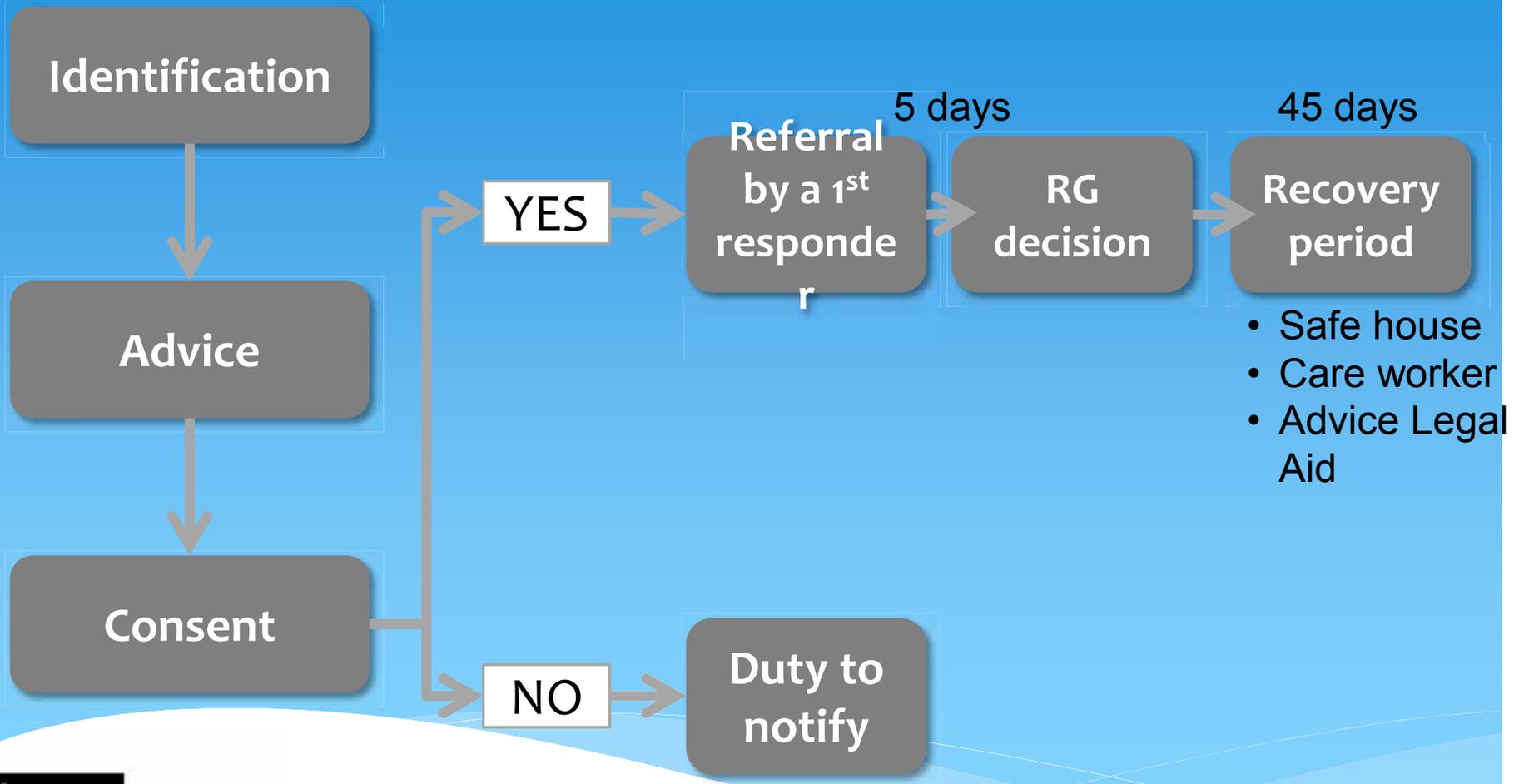
# Issues with disclosure

- \* Language
- \* Concept of slavery
- \* Taboo
- \* Mental health issues
- \* Fear- of traffickers and of authorities
- \* Focus on immediate needs- food shelter
- \* Threats
- \* No long term options
- \* Chose exploitation and sending a little money home above earning nothing
- \* Don't understand what NRM is for
- \* Fear of authorities

# Case example

- Rose' was from West Africa. She described how she was tricked and trafficked to the UK for forced prostitution. She was frequently drugged and beaten by her trafficker to make her easier to control.
- When as a result of her abuse Rose became too ill to work her trafficker called the police to report Rose as an 'illegal' immigrant. Rose ended up in a detention centre prior to removal from the UK.
- Rose was only identified as a victim of trafficking once in detention by the former Poppy Project. There is a risk that many others are not identified.

# National Referral Mechanism (NRM)



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## Problem 2 – Lack of support when exiting Government safe houses :

After adult victims of trafficking finish receiving the Government provided statutory “45 days” of care, there is very little or often nothing in place in local authorities to provide any specialist support for victims of trafficking, even when they have recourse to public funds, and so many get lost in a tragic and repetitive cycle of exploitation.

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# What happens to victims after the NRM?

- Living with friends/ family/ partner- 274
- Asylum Support Accommodation- 272
- Private Accommodation- 104
- Private Accommodation (EEA country- not UK)-79
- No information- 54
- Reported as missing person- 45
- Supported accommodation – 33
- Homeless Services - 30
- Supported accommodation – local authority – 12
- Supported accommodation – NGO in UK – 10
- Mainstream accommodation – local authority - 4

TSA record initial move on accommodation (see year 5 annual review)

# R (AK) v Bristol City Council<sup>3</sup>

## CO/1574/2015

- \* The claimant was a victim of trafficking. As a non-working EEA national awaiting a leave to remain decision, she was not eligible for housing or welfare support and could provide for her most basic needs only by engaging in prostitution.
- \* She claimed that her situation was inhuman, degrading and contrary to the UK's duties under Directive 2011/36/ EU (Anti-Trafficking Directive) art 11 and Council of Europe Convention on Action against Trafficking in Human Beings art 12, as well as ECHR art 3 or art 4.
- \* She applied to the council for accommodation. They refused to provide her with accommodation or with subsistence level financial support.
- \* In April 2015, on a claim for judicial review, she was granted an interim injunction requiring the council to pay her £50 a week and accommodate her pending trial. On the eve of that trial, the council accepted that, until the claimant could find her own accommodation, it was responsible for providing her with support and assistance.

# Problem 3 – Inadequate services for child victims of trafficking :

While adult victims of trafficking receive specialist trafficking support for a minimum 45 days, children who are accommodated and looked after under the Children's Act (2004) usually receive no specialist services.

As a result, many vulnerable children may go into inappropriate care placements or accommodation. This can result in them being at risk of exploitation, in for example criminal activities.

There is also increasing evidence that children are continuing to go missing, with inadequate monitoring structures in place.

But good practice exists. For example, a “Talk Don't Walk’ project in Cheshire which “interviewed children and young adults who had run away from home led to a reduction in the numbers going missing between 2004 and 2007 by 72% and saved approximately £3.2m.”

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# The story of Quan

When Quan was found he told officials he was 15, but they did not believe him, marking his age down as 19 instead. That meant Quan was sent directly to an adult immigration centre. There, charity workers noted the man seemed far too young to be in the centre. They called in lawyers who argued he should have a proper age assessment by social services, which should take place outside the repressive confines of the detention centre.

But Quan was afraid. He told his lawyers he was terrified that if he was released his traffickers would get to him. So they scrambled to find secure accommodation and begged immigration officials not to release him until they had.

But quietly, late on a Friday evening, Quan was released with just the address of a community centre in south London written a slip of paper. Workers there say he arrived but disappeared soon afterwards. He has not been heard of since. It took the police a month to collect CCTV footage, and only then did they see Quan boarding a train, possibly with someone else. It is feared that he, like so many other Vietnamese young people, has been picked up by traffickers.

# NRM and MSA – What's in it for children?

- \* The creation of a new statutory defence for slavery or trafficking victims compelled to commit criminal offences
- \* The provision of child trafficking advocates
- \* The introduction of two new civil orders to enable the courts to place restrictions on those convicted of [modern slavery](#) offences, or those involved in such offences but not yet convicted
- \* The provision of mechanisms for seizing traffickers' assets and channelling some of that money towards victims for compensation payments
- \* Legal aid access
- \* Life sentences for traffickers

# What next?

- \* **Setting up a task and finish group on slavery with representatives from children's and adults services and safeguarding teams, housing, licensing, custody, health etc.**
- \* **Map what is taking place in your borough**
- \* **Develop a local referral pathway and protocol for staff working with potentially trafficked young people**
- \* **Ensure all frontline staff are trained so they know all the indicators of human trafficking, know best practice and have a trauma-informed approach understanding survivors' rights and entitlements and how to fill in the NRM form**
- \* **Create Champions/Single points of contact**
- \* **Is there a way to record this crime in your systems?**
- \* **Is this crime flagged up in your MASH and MARAC systems?**
- \* **Can you add 'trafficking' as an agenda item to other sub-groups/meetings such as MASE and Missing teams?**
- \* **Need to map local specialist services available to potential victims**

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