

# Protecting Potential Victims of Human Trafficking and Modern Day Slavery: Prevention of Re-Trafficking



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# Aims and Objectives

**Human trafficking is an international organised crime, with the exploitation of human beings for profit at its heart.**

It is an abuse of basic rights, with organised criminals preying on vulnerable people to make money. In most cases, victims are brought to the UK from abroad, but we know that trafficking also occurs within the UK and that children in particular are increasingly vulnerable to falling victim to exploitation.

The purpose of this presentation is to increase awareness and knowledge within your organisations and communities:

- **What is human trafficking/modern day slavery?**
  - **Causes – push and pull factors**
- **Migrant Help Support in the prevention of re-trafficking**
  - **Real life case study**



# Definition: The Palermo Protocol

*Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*

Article 3 of the **Palermo Protocol** defines human trafficking:

- a) 'Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

'Exploitation' shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.



# What is the difference between People Smuggling and Human Trafficking?

Simply put, the main technical differences between human trafficking and people smuggling are:

- **Consent** - people smuggling, while often undertaken in dangerous or degrading conditions, involves consent. Trafficking victims, on the other hand, have either never consented or if they initially consented, that consent has been rendered meaningless by the coercive, deceptive or abusive action of the traffickers.
- **Exploitation** - people smuggling ends with the migrants' arrival at their destination, whereas trafficking involves the ongoing exploitation of the victim.
- **Internal Trafficking** - smuggling is always transnational, whereas trafficking may not be. Trafficking can occur regardless of whether victims are taken to another country or moved internally



# Modern Slavery Act 2015

## **1 Slavery, servitude and forced or compulsory labour**

1. A person commits an offence if –
  - (a) The person holds another person in slavery or servitude and the circumstances are such that the person knows or ought to know that the person is held in slavery or servitude, or
  - (b) The person requires another person to perform forced or compulsory labour and the circumstances are such that the person knows or ought to know that the other person is being required to perform forced or compulsory labour.



# Indicators of Trafficking in Human Beings

ACT	Means	Purpose
Recruitment	Threat of force	For the purpose of exploitation
Transportation	Use of force	Prostitution of others
Transfer	Other forms of coercion	Other forms of sexual exploitation
Harbouring	Abduction	Domestic Servitude
Receipt of persons	Fraud	Forced labour or services
	Deception	Slavery or practices similar to slavery
	Abuse of ones power	Removal of organs
	Abuse of another's position of vulnerability	<i>'Criminality'</i>
	Giving or receiving of payments or benefits to achieve 'consent'	

# Side Note: Consent

b) The **consent** of a victim of trafficking ... to the intended exploitation ... shall be **irrelevant where any of the means have been used**.

c) The recruitment, transportation, transfer, harbouring or receipt of a **child** for the purpose of exploitation shall be considered **'trafficking in persons'** even if this does not involve **any of the means**.



# Signs and Indicators of Trafficking

## General Indicators

- **Distrustful of authorities**
- Expression of fear or anxiety
- Signs of psychological trauma (inc. PTSD)
- **The person acts as if instructed by another**
- Injuries apparently a result of assault or controlling measures
- **Evidence of control over movement**
- Found in or connected to a type of location likely to be used for exploitation
- Restriction of movement and confinement to the workplace or to a limited area
- **Passport or documents held by someone else**
- Lack of access to medical care
- Limited social contact
- Limited contact with family
- Doesn't know home or work address
- **Perception of being bonded by debt**
- **Money is deducted from salary for food or accommodation**
- **Threat of being handed over to authorities**
- Threats against the individual or their family members
- **Being placed in a dependency situation**
- No or limited access to bathroom or hygiene facilities
- Any other, please provide details in section F

## Indicators of sexual exploitation

- Advertises for services mentioning ethnic/national groups
- Sleeping on premises
- Tattoos or 'ownership' marks
- **Movement between brothels/saunas**
- **Limited and sexualised clothing**
- **Limited language only able to speak sexual words**
- Forced, intimidated or coerced into providing services of a sexual nature
- Subjected to crimes such as abduction, assault or rape

## Indicators of labour exploitation

- **Withholding of wages/excessive deductions**
- **Retention of ID**
- Threats of, or actual physical harm
- Restriction of movement
- **Imposed place of accommodation**
- Employer unable to produce documents required when employing migrant workers
- Employer unable to provide record of wages paid to workers
- Poor/non-existent H&S
- Forced Marriage

## Indicators of domestic servitude

- **Living and working with a family in a private home**
- Not dining with family
- No private space
- **Sleeping in shared space (e.g. kitchen)**
- **Forced to work in excess of normal hours or on call 24 hrs**
- Employer accuses person of theft
- Not allowed to leave house without the employer





# The National Referral Mechanism

The National Referral Mechanism (NRM) is a framework for identifying victims of Human Trafficking and ensuring they receive the appropriate protection and support. The NRM is also the mechanism through which the Modern Slavery Human Trafficking Unit (MSHTU) collects data about victims. This information contributes to building a clearer picture about the scope of human trafficking in the UK.

The NRM was introduced in 2009 to meet the UK's obligations under the Council of European Convention on Action against Trafficking in Human Beings.

## Why refer into the NRM?

Referring a PVoT into the NRM encourages the sharing of information between agencies and can help to ensure an appropriate safeguarding response.

It also helps the UK to collect evidence and build an understanding of the patterns of trafficking. This helps to shape policy and can aid police investigations into trafficking. E.g. trends – Vietnamese nationals in cannabis cultivation and Albanian female nationals in sexual exploitation.



# When to complete NRM referral form?

All cases where trafficking is suspected should be referred unless the victim refuses to consent to the referral.

## Stage One – 'Reasonable Grounds'

The Government states that the NRM team has a target date of five working days from receipt of referral in which to decide whether there are reasonable grounds to believe the individual is a potential victim of human trafficking. The threshold at the Reasonable Grounds is **“From the information available so far I believe but cannot prove”** that the individual is a potential victim of trafficking. If the decision is positive then the potential victim will be granted a recovery and reflection period of 45 days.

## Stage Two – 'Conclusive Decision'

During the 45-day recovery and reflection period the competent authority (CA) gathers further information relating to the referral. This is then used to make a conclusive decision on whether the referred person is a victim of human trafficking. The CA's target for a conclusive decision is within the 45-day recovery and reflection period. The threshold for a Conclusive Decision is that on the balance of probability **“it is more likely than not”** that the individual is a victim of human trafficking.



# What happens next?

If the victim is from outside the European Economic Area they may be granted discretionary leave to remain in the UK for one year to allow them to co-operate fully in any police investigation and subsequent prosecution. The period of discretionary leave can be extended if required.

If a victim of trafficking is not involved in the criminal justice process, Home Office may consider a grant of discretionary leave to remain in the UK, dependent on the victim's personal circumstances.

If the victim is from outside the European Economic Area, the victim can receive help and financial assistance to voluntarily return home. If they are an EEA national the support provider will assist with a safe repatriation to the country of origin via the local Immigration Compliance and Enforcement Team.

## **What if the referred person is not found to be a victim ?**

If it is decided by the UKVI that the person was not trafficked, and there are no other circumstances that would give them a right to live in the UK, they will be offered support to voluntarily return to their country of origin. For victims from the EEA with rights to reside, they will be supported move on to live independently.



# Process Recap

Someone (anyone) believes someone is trafficked



A FIRST RESPONDER makes a referral to a COMPETENT  
AUTHORITY



Reasonable Ground Decision – Positive = 45 day reflection period



Aftercare provider services



Conclusive Grounds Decision



Exit Care



# Causes of human trafficking/slavery

A continuous **supply** of victims within source countries



A constant and increasing **demand** for the services of the victims in destination countries



The criminal exploitation of these two factors by organised criminals – **profit!**



# Push and Pull Factors

Human trafficking is high-profit low risk crime based on the principles of supply and demand. Criminal networks take advantage of push and pull factors:

## **PUSH**

- Poverty
- Lack of opportunity / education
- Low wages / unemployment
- Discrimination / marginalisation
- Political instability – corruption, war



# PULL

- Expectation of employment and higher financial reward.
- Improved social position and treatment.
- Access to material benefits.
- Demand for cheap labour, provision of sexual services and organs.



# The Specialist Services Migrant Help Provides to Victims

Paramount to our support is to empower our clients to make better informed decisions about their lives. Ultimately, one of our key aims is to prevent re-trafficking and thus we provide:

- Safe and secure accommodation
- Access to health care, dentistry, opticians, counselling & mental health services
- Referral to specialists such as sexual health, substance misuse services
- Financial support





## What We Offer to Victims

- Assistance to access free legal representation to regularise immigration status
- Advocacy & navigation through the NRM
- OISC Level 1 advice
- Interpretation and translation
- Education / Art
- Assistance to access benefits, training and employment (where eligible)
- **An environment conducive to encouraging cooperation with law enforcement agencies**



## What We Offer to Victims cont.

- Help with relevant ID documentation/replacement Papers – Embassy appointments
- Assistance to return home
- Sign Posting / Networking and Partnership Building with other organisations
- Integration
- Accessing compensation



# Case Study

Tomas\* was only 22 when he decided to leave Romania\*. The job opportunities were scarce at home and he was longing for a brighter future, so he willingly travelled to the UK to look for work. As everything sounded legal and therefore safe, and because Tomas did not know anyone else, he decided to trust the man and gave him his ID and followed him to his place. He was forced into labour and coerced to steal, and obviously was never given any wages.

*“I was living in permanent fear and stress, I was regularly suffering from panic attacks. The situation was so bad that I couldn’t take it anymore, I seriously thought about taking my own life to stop this never-ending nightmare.”*



One day Tomas showed great courage and found an opportunity to go to a police station and told them his story. He was immediately taken care of and referred to Migrant Help. As he was destitute, Tomas was transferred to a safe accommodation and provided with clothes and money. His traumatic experience had impacted greatly on his mental condition so Migrant Help referred him to free counselling sessions to help his recovery. But Tomas was terrified his trafficker would find him and one day he attempted suicide, leaving him in a critical state. Luckily after a few weeks Tomas fully recovered and expressed the wish to return home. Migrant Help had been supporting him all the way through - his caseworker visited him at the hospital and sorted everything out with the different authorities and charities who could support him so that he could safely go back home. Tomas is now back in Romania receiving ongoing support, free from his traffickers who have since been arrested.



# To report a potential victim of human trafficking/Slavery:

- Police Emergency 999
- Police Non-emergency 101
- Crime Stoppers 0800 555 111
- G.L.A Help Line 0845 602 5020
- National Trafficking Helpline 0800 0121 700
- Migrant Help – Advice on Trafficking 24/7 07766 668 781



# Thank you for your attention!



# 24/7 Referral line



**07766 668781**

