

Manual



With the financial support of the Prevention of and Fight against Crime Programme, European Commission - DG Home Affairs

Identification of Victims of Human Trafficking for Forced Labour

Strategies for Professionals

promoted by



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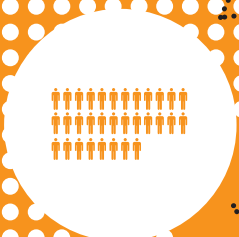
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# Manual



 With the financial support of the Prevention of and Fight against Crime Programme  
European Commission - DG Home Affairs

## Identification of Victims of Human Trafficking for Forced Labour

### Strategies for Professionals



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## Introduction

All over Europe thousands of victims of human trafficking have been identified in recent years, of whom many have been subjected to labour exploitation.

Combating situations of human trafficking requires engaging multiple parties, both governmental and non-governmental. Increasingly, the private sector has been called to act on this issue and to adopt good practice and procedures intended to prevent the use of victims of human trafficking as manual labourers in their respective supply chains, thus reducing the operational scope for those criminal individuals and networks who perpetrate this crime.

To increase and strengthen the engagement of the private sector in combating human trafficking, APAV – the Portuguese Association for Victim Support is developing the Project Briseis – Combating Human Trafficking for Labour Exploitation by working together with various national and European partners, namely:

- Soros Foundation (Romania)
- The Tavistock Institute (UK)
- Crime Victim Compensation and Support Authority (Sweden)
- Authority for Working Conditions (Portugal)
- Immigration and Borders Service (Portugal)
- General Confederation of Portuguese Workers (Portugal)
- Observatory on Trafficking in Human Beings (Portugal)
- The International La Strada Association

This manual is a product of the collaboration between various partners on the Briseis Project, which aims to promote the understanding of human trafficking and to establish active strategies for professionals in different areas who come into contact with possible victims of human trafficking for labour exploitation.



**Labour Exploitation**





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# Labour Exploitation

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## a. Definition

According to the International Labour Organisation (ILO) forced labor is defined 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” (Article 2 of Convention 29 of the ILO).

Key elements in this definition are:

- All work or service: Includes all types of work, service and employment, regardless of industry, sector or occupation, and including both legal and formal employment as well as illegal and informal employment.
- Any person: This refers to adults as well as children, regardless of their nationality. It is not relevant whether or not the person is a national of the country where forced labour has taken place.
- Menace of any penalty: This can be criminal sanctions as well as various forms of coercion, such as threats, violence, the retention of identity documents, confinement, non-payment of wages, or the loss of rights or privileges.
- Voluntary: This refers to free and informed consent by workers to enter into employment and their freedom to leave their job at any time, with reasonable notice as in law or collective agreements.

Forced labor is one of the forms of labor exploitation, but it can also encompass other practices that violate the fundamental rights of the worker that involve some form of coercion, threat or physical, emotional and/or sexual abuse. Forced labour is therefore a more serious situation than the violation of labor rights of workers.

To help identify situations of forced labour, the ILO provides six indicators, which are generally present in these situations:

- Restricted freedom of movement and isolation: workers are not allowed to leave the workplace, can only move in a limited area, or are constantly supervised when moving around.
- Debt bondage: this is when a worker is forced to work to pay back a debt or a loan, and/or is held under control by the employer to pay off a debt (e.g. the employer provides food and accommodation and does not pay the worker as they have to pay off their ‘debts’ but the employer charges such high prices that the worker can never repay the debt).
- Withholding wages, not paying wages or taking excessive deductions: which violates previous agreements between the employer and the worker;
- Withholding identity documents: so that the worker cannot leave, prove their identity or immigration status;
- Threats: such as handing undocumented migrants over to the police, threats of violence or sexual assault to the worker or their families.

## Labour Exploitation

The occurrence of one or more of these indicators strongly suggests the occurrence of forced labour.

In addition to forced labour itself, labour exploitation can also consist of other practices that imply serious violence against workers' rights, including coercion, physical, psychological and sexual violence and the deprivation of freedom.

Bearing this definition in mind, we can outline the following forms of labour exploitation:

**1) Work deriving from a debt:** this practice generally involves some form of loan or advance provided by the employer to the worker, whose terms are designed to force the worker to work for long periods without paying off their debt, making them unable to break the tie to the employer and obliged to work without receiving any wages or benefits.

**2) Forced labour in prisons:** work carried out by prisoners who have not yet received a formal sentence and which is not supervised by a public authority can be considered forced labour. Involuntary work by prisoners for the benefit of private companies is also considered forced labour.

**3) Work carried out under coercion:** work carried out under any form of coercion or deception can also constitute forced labour. Examples of coercion are behaviours such as the retention or non-payment of salaries, the removal of identity documents or the transporting of workers and creation of forced debts.

**4) Abusive contracting systems:** this kind of exploitation can be characterised, for example, by the case of workers who feel tied to a recruiter or employer due to abusive contractual clauses which prevent the worker from freely dissolving the contract.

**5) Labour exploitation resulting from human trafficking:** labour exploitation can also occur as part of the crime of human trafficking which is characterised, among other actions, by the recruitment of persons through violence, deception or other forms of coercion and subjecting them to forced labour.

In order to better understand what labour exploitation means, we must analyse the violation of workers' rights on three different levels:

The **first level** shows situations where the employer is complying with labour law but violates the rights of workers in relation to decent working conditions. Examples include not providing written contracts for foreign workers, not allocating maternity or sick leave and not provide the safety equipment required.

The **second level** covers more serious situations, which in addition to the violation of worker rights, involve other behaviors such as abuse of power and control, threats, coercion, injury, lack of health care and hygiene, among others, and which can include threats and/ or actual bodily harm.

In the **last level** we have the most severe situations of violations of workers' rights, which are defined as the crime of human trafficking. These are situations where the employees were recruited to perform a job and then forced to do another different job, against their will, without receiving any financial payment. They are prevent-

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## Labour Exploitation

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ed from contacting others or moving freely, and often experience degrading treatment and conditions, such as poor housing, lack of food and health care. In some cases they experience psychological, physical and/or sexual abuse, or are bought and sold as an object.

To prevent trafficking in human beings, it is critical that workers know their rights, learn to recognise potential situations of exploitation and how to seek help if they find that their rights are not being respected.

Many workers do not know their rights and are not aware of human trafficking. Even in exploitative situations they may not see themselves as victims of labour exploitation or human trafficking and may not seek help.

## b. Forms of coercion or deception

Situations of labour exploitation, whether they constitute crimes or not, generally involve some form of coercion or deception, such as false promises, threats or acts of physical, psychological or sexual violence against workers.

The objective of forms of coercion is to stop workers from leaving the workplace, reporting the situation or seeking help, keeping them in an exploitative situation and under the control of their employers.

The degree of coercion varies in each situation, from threats to restricting workers' freedom of movement. Here are some examples of forms of coercion:

### DECEPTION

Sometimes employers can deceive workers by telling them, for example, that they will soon receive a contract or that their social contributions are being collected, and workers continue to perform their roles in the belief and expectation that their rights will be respected.

### THREATS

To keep workers in exploitative situations, employers or other persons in their service may threaten workers that they will suffer negative consequences should they leave the workplace, seek help or denounce the situation. In the case of migrant workers, common threats are also that they will be deported from the country or will be arrested should they seek to contact the authorities or other supporting institutions.

### KEEPING DOCUMENTS

Workers' documents can be kept by force or through deception (for example, employers claim that they need the documents to register the worker and, thus, the worker freely hands them over). Without identity or travel documents workers are more vulnerable and more anxious about leaving the workplace, thereby remaining subjected to exploitation and the violation of their rights.

### CONTROL

Workers may have their movements constantly controlled and be under surveillance, even during rest periods, to stop them from contacting third parties, seeking help or fleeing the place they are kept.

### STOPPING FREEDOM OF MOVEMENT

Workers may also be totally deprived of their freedom, being shut into a given place without any contact with the outside or the freedom to come and go. The deprivation of freedom is more common when workers carry out their activities in remote areas or without access to other people, such as rural or domestic work, but it can also be observed in any other kind of work.



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## Labour Exploitation

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### **DEBT BONDAGE**

The practice of forcing workers into growing debt is a further form of coercion used by employers. In certain situations, this debt can pertain to amounts paid out by the employer to cover the cost of transport to the workplace and their accommodation, food, uniforms and equipment. The amount of this debt constantly increases such that the workers are never able to pay it off with their wages. In this way, they are coerced into staying in the job until the debt is paid off, something that is difficult to achieve.

### **VIOLENCE**

Workers subjected to labour exploitation may suffer actual violence, which can be psychological, physical and/or sexual. These forms of violence can be used as a way to subjugate the workers and put them in a situation of submission or vulnerability, as well as a form of reprimand when they do not carry out their job as ordered, do not reach established goals or try to flee the workplace or seek the help of third parties.

### c. Exploitative Behaviour

In addition to the forms of coercion or deception that are generally identified, situations of labour exploitation may involve the following exploitative practices:

- **Irregularity in paying salaries** – workers are paid a salary lower than what is established by law and the role's market value. and this may be due to discrimination (in the case of foreign workers who receive a lower salary than national workers for the same job, for example). It may also be the case that no salary is paid to the worker being exploited.
- **Irregularity in paying social contributions** – employers stop paying or pay only a fraction of Social Security contributions on the worker's behalf. In many cases, the worker believes that these contributions are being collected regularly, and only realises that this is not the case later, when he or she requires social support.
- **Absence of work contract** – workers who don't have a contract are often not aware of their labour rights and what to do to have their rights respected;
- **Failure to adhere to working hours** – workers are coerced into working excessive periods, longer than those permitted by law and do not receive the correct compensation for overtime worked.
- **Illegal dismissals** – workers are dismissed on the spot, without warning and without any legal justification, and deprived of all or part of the wages and compensation owed to them.
- **Failure to adhere to hygiene and safety regulations** – workers may be forced to work without the necessary safety equipment and without observing hygiene regulations, at risk of suffering an accident or contracting an illness that might put their physical wellbeing or even their lives at risk.

### d. Figures on labour exploitation worldwide

According to statistical information collected by the ILO it is estimated that 20.9 million people are currently subjected to forced labour around the world. This means they are made to carry out a wide range of jobs against their will, in conditions that are not in line with and violate their rights, and that they are unable to leave this employment.



The majority of people subjected to labour exploitation, according to the ILO, are women and girls, who represent 55% of all victims of this phenomenon.

Almost all situations of labour exploitation occur in the private economy with victims being exploited by individuals or companies, namely in the following activities:

- Sex work
- Agriculture
- Civil construction
- Domestic work
- Industry

High rates of poverty, the lack of legislation to better protect workers and high demand for products are factors which facilitate labour exploitation, both of adults and children.

Situations of labour exploitation are not restricted to less developed countries, as high numbers are found in the European Union, particularly amongst immigrants or foreign seasonal workers.

As such, according to the ILO, it is estimated that in developed countries, notably in North America and the European Union, there are approximately 1.5 million workers subjected to labour exploitation.

### e. Particularly vulnerable workers

The factors that cause the crime of trafficking in human beings are complex and multilayered. They are often linked to people's socio-economic circumstances such as poverty, poor employment opportunities, psychological and emotional vulnerabilities, family difficulties, and discrimination. These difficulties can be 'push factors' in leading people to look for opportunities elsewhere but people can also be vulnerable to exploitation. Traffickers exert control over their victims by exploiting these vulnerabilities, such as isolation and lack of language skills in a new country, illegal immigration status, poverty, age, gender or ill-health<sup>1</sup>. They exploit the victims, generally for money or financial gain. For example, the victim is forced to perform a job without pay (as in labour exploitation) or for any money or benefits to given to the exploiters (sexual exploitation or benefit fraud).

At the other end, increasing demands for a particular skill, service or product can be one of the 'pull factors' causing trafficking - for example, labour and skills shortages that increase the demand for migrant labour in unskilled or undesirable jobs such as demand for carers, fruit pickers, or domestic workers. There can be high financial gains for traffickers and exploiters e.g. hiring trafficked or undocumented workers as cheap labour, or from women trafficked into prostitution<sup>2</sup>.

For example, a town with several large fruit farms that compete to provide the lowest price can create demand by being willing to employ people without pay or with very low wages to increase profits. Similarly in another location, if there is high unemployment and low standard of living, people can become vulnerable to becoming a supply of trafficking victims.

Overall, labour exploitation is caused by a complex interaction of risk factors amongst potential victims. In the above example, the risk factors are unemployment and low living standards. Poverty has been identified as the most common risk factor for human trafficking. However, there are a range of other factors that can further trigger or increase vulnerability to labour exploitation and human trafficking. Examples of risks can include:

- Separation and isolation from one's family (e.g. children separated because war or natural disaster, looked after children)
- Domestic violence (both children and adults who have no money to leave the violent situation and who may be at risk of repeated victimisation due to early and/or severe abuse).
- Undocumented migrants (in the country illegally and without status)
- Homelessness
- Sex workers (prostitutes, escorts, workers in strip clubs and pornography)
- People or groups subject to racial or ethnic discrimination
- Gender discrimination (e.g. women struggling to get work in their countries of origin)
- Social exclusion
- Unaccompanied children in transit across countries
- Child labour
- Children whose birth was not recorded by any official body
- Alcohol or drug dependency, either is pre-existing or induced by the traffickers
- Mental Health problems
- Offenders or people involved in crime
- Unemployment
- Lack of inspection in workplaces
- Lack of awareness and information on labour rights and human trafficking

<sup>1</sup> Council of Europe. (2009) Explanatory Report to Council of Europe Convention on Action against Trafficking in Human Beings. Para. 80. Available at: <http://conventions.coe.int/Treaty/EN/Reports/Html/197.htm>

<sup>2</sup> ATMG. (2012). All Change: Preventing Human Trafficking in the UK. Anti-Trafficking Monitoring Group. Page 20. Available at: [http://www.ecpat.org.uk/sites/default/files/atmg\\_all\\_change\\_2012.pdf](http://www.ecpat.org.uk/sites/default/files/atmg_all_change_2012.pdf) Treaty/EN/Reports/Html/197.htm

### f. Risk Sectors

In the UK in the private sector, labour exploitation can occur most often in the following sectors<sup>3</sup>:

- **Domestic servitude and care work:** victims are forced to perform domestic work in inhuman and degrading conditions (e.g. they are not allowed rest periods, access to health care and live in poor conditions). Domestic workers are very vulnerable to exploitation as they are often very isolated, living in private homes, and dependent on their employer, especially if they do not speak English. In the UK, a new law in 2012 has meant domestic workers are tied to one employer in their visa, leaving them vulnerable to abuse and being unable to leave exploitative situations.<sup>4</sup>
- **Construction and agriculture:** a number of situations of trafficking for labour exploitation in the UK and other countries have been linked to these sectors. The high occurrence of trafficking may be because these industries often employ seasonal workers and immigrant labour. Periods of high activity in agriculture or construction (e.g. harvest season, or major building projects) can be attractive markets for traffickers to bring their victims into. If there is high demand by some companies to quickly get temporary labour this can further attract traffickers.
- **Food Processing, Packaging and Factory work:** the food production and processing industries have been highlighted as areas of concern, including meat and poultry processing. The fishing industry has also had several high profile cases, including cockle-picking in Morecambe Bay in 2004 where workers were exploited and drowned<sup>5</sup>. There were also a number of cases of forced labour in factories identified especially in 2011.
- **Hospitality, Hotels and Cleaning:** The piece-meal rates for cleaners can be set so low that it is impossible to reach the minimum wage, and they are at risk of working excessive hours, with no free time and being effectively trapped and unable to get other employment.
- **Catering, Restaurants and Takeaways:** there have been cases of undocumented workers being forced to work or exploited in the catering sector, for low pay and excessive hours and trapped because of debts to brokers that arranged for them to enter the UK.

There are also 'grey areas' in the UK where labour exploitation merges with other types of trafficking in semi-legal and illegal areas, such as:

- **Criminal Exploitation:** a rising concern in the UK is for victims to be coerced and forced to work in illegal drug production, in particular in factories cultivating cannabis. There are particularly high numbers of children trafficked into the UK in recent years to work in cannabis factories.
- **Sex work:** victims are also trafficked to work in the sex trade in semi-legal and illegal spaces, such as strip clubs, as escorts or prostitutes. The ILO considers sex work as part of labour exploitation in its definitions, merging it with human trafficking for sexual exploitation; however in the UK this tends to be seen as a separate type of trafficking.

<sup>3</sup> Geddes et al. (2013). Forced Labour in the UK. Joseph Rowntree Foundation.

Available at: <http://www.jrf.org.uk/sites/files/jrf/Forced%20Labour%20in%20the%20UK%20FINAL%20prog%20paper.pdf>

<sup>4</sup> Kalayaan. (2014). Still enslaved: the migrant domestic workers who are trapped by the immigration rules. Kalayaan Briefing.

Available at: <http://www.kalayaan.org.uk/documents/tied%20visa%202014.pdf>

<sup>5</sup> SOCA. (2013). UKHTC: A Strategic Assessment on the Nature and Scale of Human Trafficking in 2012. Serious Organised Crime Agency. HM Government: London.

Available at: [http://www.ecpat.org.uk/sites/default/files/ext-6538\\_ukhtc\\_strategic\\_assessment\\_on\\_human\\_trafficking\\_2012\\_v1.01.pdf](http://www.ecpat.org.uk/sites/default/files/ext-6538_ukhtc_strategic_assessment_on_human_trafficking_2012_v1.01.pdf)

## Labour Exploitation

In all these situations, victims are deceived and tricked, often by attractive offers of work, which leads people to agree and in some cases cooperate with the trafficking process (e.g. getting false identity documents or travelling alone to the place of destination). Often, it is only when the work starts that the victim realises that something is wrong and they are being exploited, but they are forced to remain in the situation and often feel guilt for having initially consented. It is also very common for victims not to see themselves as being exploited, as someone doing forced labour or as victims of trafficking – this can be because they are not aware of their rights, don't know what trafficking is, are frightened to come forward or see themselves as workers in a bad situation rather than 'victims'.

II

Human Trafficking





### a. Reality in the UK

In the UK, information about identified human trafficking cases are collected every quarter by the UK Human Trafficking Centre (UKHTC - [www.nationalcrimeagency.gov.uk](http://www.nationalcrimeagency.gov.uk)), which is part of the Organised Crime Command in the National Crime Agency. The UKHTC aim is to combat human trafficking in a coordinated way with organisations across the UK and abroad to:

- Prevent human trafficking: including raising awareness, setting up innovative ways to disrupt traffickers, improving understanding of trafficking and partnership working.
- Protect victims: Identification, recovery, support and, when appropriate, repatriation of human trafficking victims, by working with NGOs and other partners. They are also the central collection point for statistics on human trafficking for the UK National Referral Mechanism.
- Prosecute those responsible for human trafficking: working with the UK and internally law enforcement.

According to information gathered by the UKHTC, the UK is primarily a country of destination for victims of human trafficking and is rated a 'high' destination country by the UN (United Nations Office on Drugs and Crime). In some cases the UK can also be a transit country for human trafficking, where victims pass through to other countries. There are also some indications that the UK may be a country of origin for certain types of human trafficking such as forced marriage, but the evidence is limited.

However, overall statistics and evidence on the scale and nature of human trafficking is very weak, given the hidden and changing nature of this crime. Given this, it is likely that there are significantly more victims and crimes of human trafficking taking place than recorded in the official statistics.

According to statistics from the Human Trafficking Centre<sup>6</sup>, the UK is primarily a major country of **destination** for victims of human trafficking. In 2013 the UK National Referral Mechanism received 1,746 referrals of potential victims of trafficking. This was a 47% increase on the previous year in 2012, potentially because the crime is growing and/or there is better identification of victims. In 2013, three quarters (74%, 1,295 people) of potential trafficking victims were adults and over a quarter were children (26%, 450 children). Nearly two thirds of the victims were female (64%, 1,122), but a significant proportion, over one third, were male (36%, 624).

For **adults**, in 2013 the largest number of potential victims was for trafficking for sexual exploitation (45 % of adult victims, 581 people), which mainly involved women and a small number of men (18 cases). However, there was also a very large number of adults trafficked for labour exploitation (39%, 511 people), an 89% increase from 2012. Cases of labour exploitation involved more men than women (387 men and 124 women). There were also a large number of cases of domestic servitude reported (11%, 141 people), which mainly affected women (125 of these were women).

Out of the 450 potential **child** victims in 2013, the largest number were mainly girls trafficked for sexual exploitation (32% of child victims, 144 children): 88 of these children were trafficked from abroad, but a growing number (56 children) were UK nationals trafficked within the country, which was an increase of 155% compared to the previous year in 2012. However there was also a significant number of children trafficked for unknown reasons (31%, 138 children) and for labour exploitation (27%, 123 children).<sup>7</sup>

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<sup>6</sup> NCA. (2014). National Referral Mechanism Statistics 2013. UK Human Trafficking Centre. National Crime Agency: London.  
Available at: <http://www.nationalcrimeagency.gov.uk/news/news-listings/324-2013-national-referral-mechanism-data-published>

<sup>7</sup> Ibid



## Human Trafficking

Trafficking of children for criminal activities is also a significant and growing concern in the UK, including cannabis cultivation, benefit fraud, shoplifting and pick-pocketing, drug smuggling and selling pirate DVDs on the street<sup>8</sup>. For example, the NSPCC supported 785 child victims of trafficking between November 2007 and October 2012, and the second highest number of victims using this service (160 children) were trafficked for cannabis cultivation<sup>9</sup>. Similarly a review by the UKHTC of all available statistics found that the most prevalent types of trafficking of children in the UK were sexual exploitation and criminal exploitation<sup>10</sup>.

There is some evidence that trafficked victims pass through the UK in transit to other countries. The UK is rated as a 'medium' transit country by the UN Office on Drugs and Crime<sup>11</sup>. Key countries that victims may move into are those in close proximity to the UK mainland, such as France, Belgium and the Netherlands.<sup>12</sup>

There are also indications that the UK may be a country of origin for certain types of trafficking such as forced marriage, in particular British girls, predominately from a South Asian or Middle Eastern background being taken abroad and forced in marriage, their documents removed and unable to leave. However more evidence is needed in this area<sup>13</sup>.

<sup>8</sup> Home Office, 2010, An evidence assessment of the routes of human trafficking into the UK, London, HM Government, p11,

available at: <https://www.gov.uk/government/publications/an-evidence-assessment-of-the-routes-of-human-trafficking-into-the-uk>

<sup>9</sup> NSPCC Statistics, 2012, Child trafficking statistics: a compilation of the key statistics on child trafficking from research and official publications, London, NSPCC,

available at: [http://www.nspcc.org.uk/Inform/resourcesforprofessionals/childtrafficking/child-trafficking-statistics\\_wda96895.html](http://www.nspcc.org.uk/Inform/resourcesforprofessionals/childtrafficking/child-trafficking-statistics_wda96895.html)

<sup>10</sup> SOCA & UKHTC, 2013, UKHTC: A Strategic Assessment on the Nature and Scale of Human Trafficking in 2012, London, HM Government,

available at: [http://www.ecpat.org.uk/sites/default/files/ext-6538\\_ukhtc\\_strategic\\_assessment\\_on\\_human\\_trafficking\\_2012\\_v1.01.pdf](http://www.ecpat.org.uk/sites/default/files/ext-6538_ukhtc_strategic_assessment_on_human_trafficking_2012_v1.01.pdf)

<sup>11</sup> UNODC, 2006, Global Report on Trafficking in Persons, Vienna, UNODC, p19,

available at: [http://www.unodc.org/pdf/traffickinginpersons\\_report\\_2006ver2.pdf](http://www.unodc.org/pdf/traffickinginpersons_report_2006ver2.pdf)

<sup>12</sup> Home Office, 2010, An evidence assessment of the routes of human trafficking into the UK, London, HM Government, p19,

available at: <https://www.gov.uk/government/publications/an-evidence-assessment-of-the-routes-of-human-trafficking-into-the-uk>

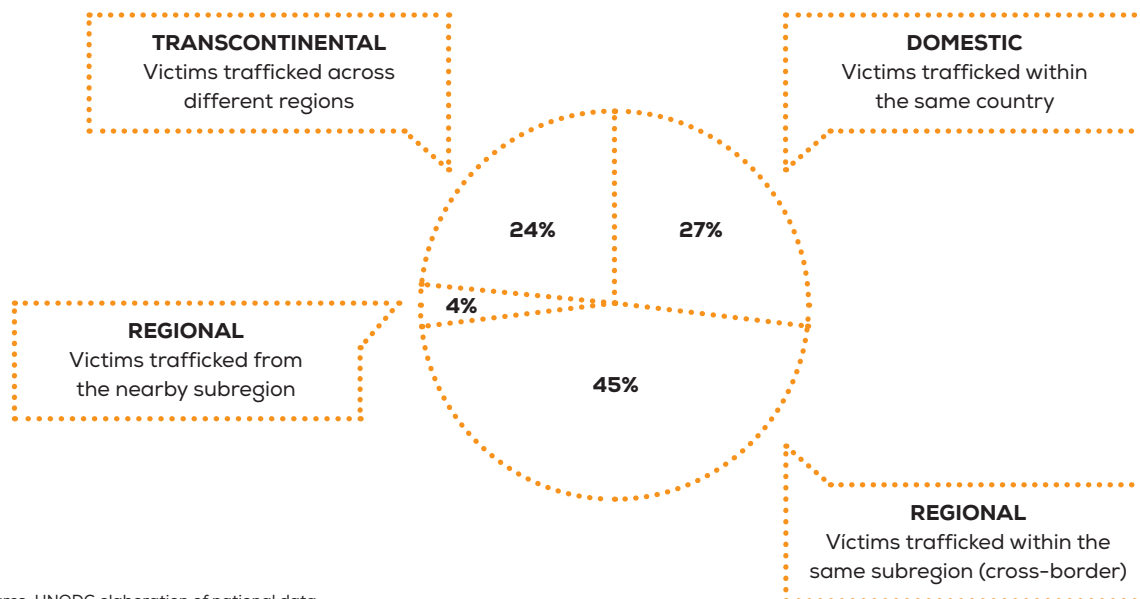
<sup>13</sup> ECPAT UK, 2009, Stolen Futures: trafficking for forced child marriage in the UK, London, ECPAT,

available at: [http://www.ecpat.org.uk/sites/default/files/stolenfutures\\_ecpatuk\\_2009.pdf](http://www.ecpat.org.uk/sites/default/files/stolenfutures_ecpatuk_2009.pdf)

## b. Definition

Although human trafficking can take various forms, it necessarily implies recruiting (or otherwise attracting) the victim in a certain country or region and transporting him or her to another area within the same country or in to a different country. This is the case in the majority of situations identified in recent years, as shown by the diagram below:

Distribution of domestic, regional and transregional flows, as share of the total number of trafficking flows, 2007-2010



Source: UNODC elaboration of national data

One of the principal milestones in the international fight against human trafficking was the United Nations (UN)'s *“Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children”* which supplements the *“United Nations Convention Against Transnational Organized Crime”*. This protocol gave a first international definition of human trafficking:

*“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’ (article 3, a).*

Complementing the definition cited above, the UN protocol states that any consent given by the victim of human trafficking at any stage - recruitment process, transport or exploitation - should be considered **irrelevant** when one of the forms of coercion mentioned above was used (threats, use of force, abduction, fraud, deceit, abuse of power, among others). This is justified because, in general, any consent given by the victim is not free, but is motivated by a deceitful or fraudulent situation, since the victim surely does not know that the true aim of the process is to subject him or her to exploitation.



# Human Trafficking

According to the text in the UN protocol, the definition of human trafficking must also include the recruitment, transportation, transfer, harbouring or receipt of a child for exploitative means, even if no form of coercion is used, a child being considered any person under the age of 18.

This UN protocol is only in force in signatory countries.

In the European Union, a Directive relating to the prevention and fight against human trafficking and the protection of its victims has been implemented recently (Directive 2011/36/EU, of the European Parliament and Commission, 5 April 2011).

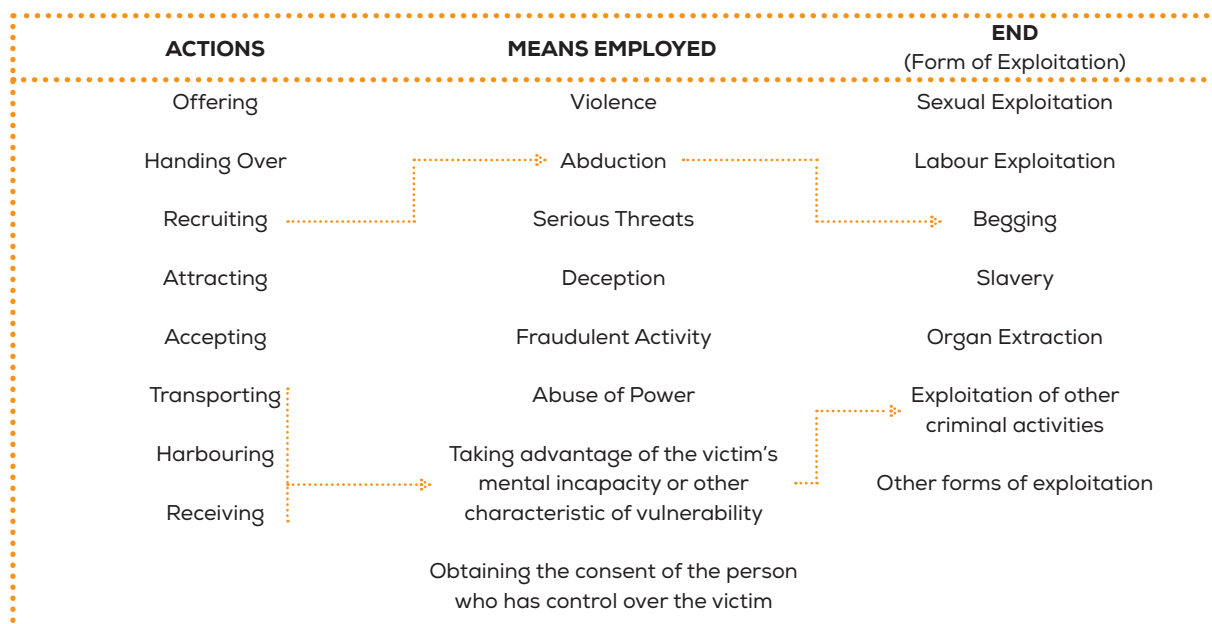
This Directive contains a definition of human trafficking that is very similar to the UN protocol's, and also identifies other forms of exploitation: exploitation through the prostitution of others or other forms of sexual exploitation, forced labour, including begging, slavery, or practices comparable to slavery, servitude, the exploitation of criminal activities, as well as the removal of organs.

In the UK there is no single piece of legislation on human trafficking; however it is bound by the EU Convention which legally came into force in the UK in 2009. The definition of trafficking in the UK is the same as the one above set up in international law.

The crime of human trafficking has a complex definition. We can think of it as involving three parts:

- **Actions** such as recruitment, transporting and receiving victims.
- Using **means** such as threats, coercion, deception, fraud, abusing vulnerability
- For the **purpose** of exploitation, such as forced labour or slavery, sexual exploitation, domestic servitude, criminal activities, forced marriage, among others.

The table below illustrates this:



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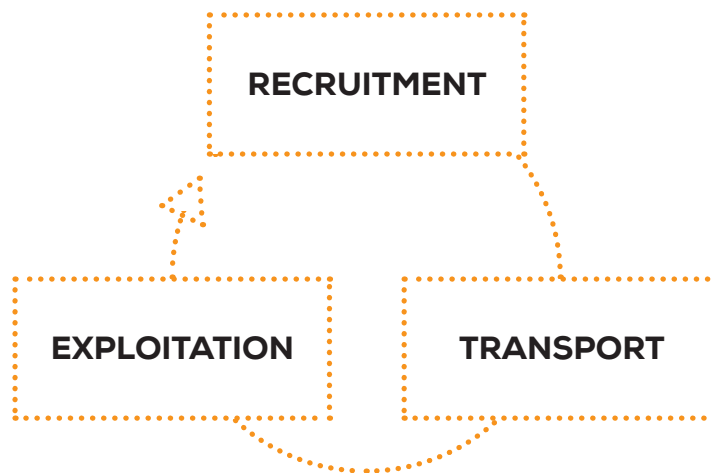
## Human Trafficking

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The crime of human trafficking requires a combination of one or more factors from each column, as shown by the arrows.

According to its legal definition, we can say that human trafficking follows the cycle in the diagram below:



### RECRUITMENT

The recruitment and deception of victims of trafficking occurs in different ways, depending on the type of victim targeted (adults or children, male or female, transgender) and the type of exploitation planned (labour, sexual or other forms of exploitation). Recruitment can be done through fake job ads, promising opportunities for study or training, promises of love, relationships and support. Traffickers target individuals who want to migrate to another place (to a different country or place within the same country) or they abduct the victim. They deceive people by promising them a new future (work, study, relationships or other) that never materialises, that is, luring people and leading them into an exploitative situation.

Recruitment can be done either by people unrelated to the victim or by known contacts and even family members. These people may act alone or as part of a criminal organisation. The contact with the victim can be set personally (especially in the case of acquaintances and family) or through the media, such as newspapers and the internet, which is increasingly being used. There are also 'grey' areas, where legal or semi-legal brokers, companies and/or its agents in the supply chain play a mediating role in the recruitment of potential victims, but are not necessarily acting with criminal intent<sup>15</sup>. For example, employment agencies that broker work for people, which then leads to exploitation, or companies unwittingly using exploitative brokers. However, much more research is needed on traffickers and their methods: who they are, how they operate, and the techniques and strategies they employ<sup>16</sup>.

<sup>15</sup> TIHR. (2014) Review of Exploitative Brokering Practices: Implications for Social Auditing in Southern Europe. Tavistock Institute for ResUARse project, funded by European Commission.

<sup>16</sup> Goodey, J. (2008) Human Trafficking: sketchy data and policy responses, *Criminology and Criminal Justice* 2008 8: 421 Available online at: <http://crj.sagepub.com/content/8/4/421.full.pdf+html> (l.a. August 2013)

### TRANSPORT

The transport and movement of the victims is the second part of the trafficking process. This movement can be either to a place in the same country where the victim was recruited (within country borders) or to a different country (involving crossing the borders). The transport tends not to follow a direct path from the source to the destination - it is common for traffickers to use complex routes and pass through many different countries or regions.

Victims can be transported by the recruiters or future exploiters, or even move alone, following the directions given by traffickers.

The ways victims are transported varies. Common forms of public transport (e.g. bus, train, plane) are used, private vehicles (e.g. cars) or other types of transportation for moving several victims at once (e.g. vans, lorries, boats).

Transport conditions are often poor: without sufficient oxygen, with excess passengers in inappropriate places (such as within truck cargo) and other ways that damage the health and the lives of people being transported.

There is often confusion between what is human trafficking and what is smuggling. While in some cases the transport of victims of trafficking and the illegal migrants smuggled into the UK are similar, this is not always the case, and there crucial differences between human trafficking and people smuggling (see myths and facts below).

### EXPLOITATION

Exploitation completes the cycle of trafficking. As mentioned earlier, forms of exploitation in the trafficking of human beings are varied. This can include trafficking for forced labour and slavery-like practices, sexual abuse and exploitation, domestic servitude, criminal exploitation (forced begging, pickpocketing, work in cannabis plantations, benefit fraud), illicit child adoption, forced marriage, organ removal, among others (see section on other forms of trafficking). The common feature is that the victims are forced to perform an activity under threats or other forms of coercion and abuse of power and control, and they have no or restricted freedom of movement. The intention to exploit someone after they arrive at a location is central to understanding what human trafficking is, and differentiates it from people smuggling.

There are many different forms of exploitation in human trafficking and new forms of exploitation are continually emerging. The common feature is that the victim is forced to perform an activity against their will through threats or other forms of coercion, and are denied freedom of movement.

Many forms of exploitation aim to make a profit at the expense of the victims, either by forcing the victim to do a job without pay (e.g. in labour exploitation) or forcing the victim to give money and other goods to those exploiting them (e.g. in prostitution and begging). However, this is not always the case such as in trafficking for forced marriage.

There are blurred boundaries between the different forms of exploitation in human trafficking, and often one type can lead to another e.g. labour exploitation leads to criminal exploitation in cannabis factories, which then leads to sexual exploitation.

## FORMS OF EXPLOITATION

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Forms of exploitation in human trafficking can include:

- **Labour exploitation:** This involves victims being forced or compelled to work very long hours, often in poor conditions, with little or no pay, and being unable to leave. In many cases victims experience verbal threats, psychological control or abuse or, in some cases, violence. The United Nations defines *forced or compulsory 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” (Article 2 of the Convention No. 29 of the International Labour Organisation).
- **Begging:** The International Labour Organisation (ILO) defines begging as “a set of activities through which an individual begs money from a stranger because of being poor or require charitable donations to their health or religious reasons”<sup>17</sup>. Forced begging happens when someone is compelled by coercion or violence to practice begging, which is understood by the ILO as a form of forced labour. Beggars can also sell small items such as flowers in exchange for values that do not have any relation with the value of the items for sale.
- **Slavery:** This takes place when someone reduces a victim to the state or condition of a slave, including leasing, buying or taking possession of the person with the intention of maintaining them in the condition of a slave. Slavery is also a crime under anti-slavery laws, such as the Modern Slavery Act 2015, an Act of the Parliament of the United Kingdom. These laws criminalise situations of human trafficking which include the transporting and grooming people for the purpose of slavery.

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<sup>17</sup> This definition was adopted also by the Directive 36/2011/EC, on preventing and combating trafficking in human beings and protecting its victims.

- **Sexual Exploitation:** this involves exploiting the vulnerability of another person through abuse of power, trust and deception and forcing them to do any kind of non-consensual or abusive sexual acts without the victim's permission. This includes, but is not limited to, sexual acts for prostitution, escort work, strip clubs and pornography. It can also involve trafficking for sex tourism, where victims are trafficked to areas that tourists visit for the purpose of prostitution and sexual exploitation (including that of children). Victims of sexual exploitation are controlled through physical and emotional abuse and violence, and women, men, transgender people and children can all be victims.
- **Domestic servitude:** this involves the victim being forced to work in private households, to perform household tasks such as cleaning, childcare, cooking and housekeeping. They are often very isolated, trapped, with little or no unsupervised freedom of movement outside the home, and work long hours for no pay. In rare cases where they are paid, this is very low, as they are charged for food and accommodation.
- **Extraction of Organs:** trafficking in human beings can also include the removal of organs from the bodies of victims for illegal sale for organ transplants. Most cases involve extracting kidneys, which are in high demand.
- **Criminal Activities:** the victims are forced, through threats or other forms of coercion, to be involved in petty crimes (such as theft or pickpocketing) or more serious crimes (such as drug production and trafficking). For example, in the UK there are currently high numbers of victims, particularly children, trafficked into the country to work in cannabis factories. Exploiters profit from the crimes undertaken by victims such as the sale of stolen goods or profits from drug production and trafficking.
- **Adoption:** illegal adoption can be one of the reasons children and young people are trafficked and involves enticing and transporting victims for the purpose of subjecting them to illegal adoption processes, either in their own country or abroad.
- **Other forms of exploitation:** the current wording of United Nations international law, as presented earlier, contains a more open definition of trafficking in human beings, allowing for other forms of exploitation other than those mentioned above. For example, this can include human sacrifice, the recruitment of child soldiers, suicide bombers, and drug mules, which can also have elements of human trafficking.

One of the main characteristics of trafficking in human beings is that it always involves exploiting the vulnerability of the victim. The concept of 'vulnerability' may vary in the law of different countries, but this can include the background of the victims, the location and environment where they live and also personal factors that may increase their vulnerability to become victims of trafficking.

<sup>17</sup> Also according to the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.



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## Human Trafficking

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For example, traffickers who offer an intended victim a fake job in the UK take advantage of the vulnerability of people who live in countries with high rates of poverty and who struggle to access the labour market. Because of their situation the potential victim accepts the offer believing they will get a legitimate job, but they can easily be led into exploitation.

Victims are often recruited by being offered a fake job, education, better life or other opportunity in the UK, particularly if they come from situations of poverty or high unemployment. Common forms of coercion in the UK used to control victims and prevent them leaving exploitative situations are threats to turn them in to the immigration authorities because they are in the country illegally, debt bondage, and threats to both the victim and their family.

Overall, human trafficking is caused by a complex interaction of risk factors affecting the potential victims. Poverty has been identified as the most common risk factor for human trafficking. However, there is a range of other factors which can further trigger or increase vulnerability of human trafficking. Examples of risks can include:

- Separation and isolation from family (e.g. children separated because of war or natural disasters, looked-after children)
- Domestic violence (both children and adults who have no money to leave the violent situation and who may be at risk of repeated victimisation due to early and or severe abuse).
- Undocumented migrants (in the country illegally and without legal status)
- Homelessness
- Sex workers (prostitutes, escorts, workers in strip clubs and pornography)
- People or groups subject to racial or ethnic discrimination
- Gender discrimination (e.g. women struggling to get work in their countries of origin)
- Social exclusion
- Unaccompanied children in transit between different countries
- Child labour
- Children whose birth was not recorded by any official body
- Alcohol or drug dependency that is pre-existing or induced by the traffickers
- Mental health problems
- Offenders or people involved in crime
- Unemployment
- Lack of inspection in workplaces
- Lack of awareness and information on labour rights and human trafficking

### c. Indicators and Means used to Control Victims of Trafficking

Human trafficking is commonly associated with forms of coercion that imply restriction of movements or confinement, such as detaining victims in an isolated and constantly monitored location, or even chaining victims up so they have no way to escape. Such situations do occur, but there are other forms of control, characterised by threats or other forms of moral coercion, which are sufficient to keep the victim in the exploitative situation and thus constituting a crime of human trafficking.

In order to correctly identify the methods of control used in human trafficking there are a range of factors to bear in mind. Examples of the forms of control used in human trafficking include:

- **Threats:** threats made to victims in the sense that, if they try to flee, they will be physically attacked or killed or they will be detained by the authorities for not having identity documents. Threats may also consist of promises of retribution against the victims' families should they escape or seek help from third parties to escape the exploitation;
- **Deception or fraud:** victims are tricked by the traffickers, who may, for example, stop them leaving the place of exploitation or contacting third parties with the argument that they may be arrested by the authorities because they are foreign citizens;
- **Abuse of power:** the perpetrators of the crime abuse their position of power in relation to the victim, maybe as result of the victim's hierarchical, economic, work or family dependence on them, and whose orders are immediately obeyed by the victim;
- **Retention of identification and travel documents:** in human trafficking it is very common to see the retention of victims' documents, with victims being told that if they try to escape they may be arrested by the authorities or traffickers will hand over their documents to the authorities so they will be arrested;
- **Debt:** also known as debt-bondage; in this form of control the perpetrators of the crime hold their victims to a debt that grows daily, supposedly covering travel, transport, food and housing costs, obliging victims to carry out a given job or sexual practices and not allowing them to leave the place of exploitation until they have paid off the debt;
- **Administration of alcohol, drugs and medication:** toxic substances are administered to victims to induce a distorted perception of reality in them and thus stopping them from escaping, as well as to make them dependent so they will not leave the place of exploitation, where they know they will easily get drugs;
- **Imprisonment:** victims are effectively held in a given place which might be a house, factory, farm or other, with their movements being constantly monitored to prevent any possibility of escape;
- **Physical or sexual abuse:** victims may be raped and attacked as soon as they reach the place of exploitation, and told that should they try to escape, they will suffer the same violence to a greater degree.

### d. Human Trafficking for Labour Exploitation

As explained before, forced labour does not necessarily imply that the crime of human trafficking has taken place, as forced labour can happen without human trafficking. For the crime of human trafficking to take place, there needs to be (see section below):

- **Actions** such as the recruitment, transporting and receiving of victims.
- The use of **means** such as threats, coercion, deception, fraud, or abusing vulnerability
- For the **purpose** of exploitation e.g. forced labour

Labour exploitation is the second most common form of exploitation of the victims of human trafficking worldwide (after sexual exploitation).<sup>18</sup>

To facilitate the identification of situations of human trafficking for labour exploitation, key indicators/signs generally found in these exploitative situations are outlined below:<sup>19</sup>

#### INDICATORS RELATED TO 'PURPOSE' OF EXPLOITATION: CAN YOU IDENTIFY ANY OF THE FOLLOWING INDICATORS OF LABOUR EXPLOITATION IN THE SITUATION OF THE VICTIM?

- Work conditions violate labour laws and collective labour conventions.
- The worker is denied breaks, days off and free time or must work whenever asked.
- The employer is unable to present work contracts, insurance or records relating to the individual.
- The worker does not know how much he or she earns.

#### INDICATORS RELATED TO 'ACTIONS': DID YOU DETECT ANY OF THE FOLLOWING INDICATORS?

##### Recruitment

- The person did not know where he or she was going to work.
- The person paid very high recruitment fees.
- The person does not have a work contract, the terms and conditions are poorly defined or the work contract is written in a language that the person does not understand.

##### Transport, Transfer

- The person did not organise his or her own transport, or does not know the route taken from the starting point to the destination.
- The person shows signs of fear of the man or woman accompanying him or her.
- A third party gives the person his or her passport before crossing the border.
- Different members of the group do not know each another.

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<sup>18</sup> UNODC – Global Report on Trafficking in Persons, 2012

<sup>19</sup> These indicators are based in the document *Practical tool to identify victims of Human Trafficking for Labour Exploitation*, that awaits its publication



## Human Trafficking

### Shelter, Accommodation

- The person lives and sleeps in the place where he or she works.
- The place where he or she sleeps is overcrowded, insalubrious and lacking basic hygiene facilities, and the existing ones have little or no privacy.
- The person has limited freedom to move inside the space.

### INDICATORS RELATED TO 'MEANS': DID YOU DETECT ANY OF THE FOLLOWING INDICATORS?

#### Threats

- The person shows signs of fear and anxiety, especially in the presence of the supervisor, manager or men or women accompanying him or her during the transport, transfer or border crossing.
- The person makes statements that are incoherent or seem to have been learned from someone else.
- Supervisors, managers or the men or women who accompany the person during the transport, transfer or border crossing are aggressive towards him or her.

#### Use of force

- The person has visible injuries (for example, bruises, scars, cuts, wounds to the mouth or teeth, cigarette burns etc.).
- The person shows signs of anxiety or fear (for example, sweating, trembling, difficulty in responding directly to questions, avoiding eye contact for reasons not related to culture, etc.).

#### Restriction of movement

- The person lives and works in same location.
- There are control mechanisms in the workplace such as video surveillance systems, signs warning people not to leave the premises, windows that are inaccessible or have bars, locked doors, etc.

#### Isolation

- The person does not know the location or address of the place where he or she lives.
- The workplace is situated in a remote location which is not easy to access using public or private transport.
- The person has little or no access to means of communication (for example, telephone, post, Internet).
- The employee controls all contact with third parties or insists on answering all questions on the person's behalf and/or translating the whole conversation.

#### Retention of documents

- The person does not have or has no access to his or her identity documents (passport, identity card, visa, work or residency permit) or other valuable personal items (return ticket) and does not have access to these even after asking for them to be returned.
- Other workers are in the same situation, without access to their identity documents.
- Identity documents appear to be fake.

#### Wage retention

- The employer is unable to show a work contract or prove that wages were paid to the person, or work documents and records of wage payment have been altered.
- Payments are irregular and/or frequently late.

## Human Trafficking



- The person does not understand how wages and deductions are calculated or does not know how much he or she earns.

### Deception

- The real terms and conditions of work are different to those that were verbally agreed.
- The person signed a new contract upon arrival at the workplace.

### Abuse of vulnerability

- The person's situation is irregular and he or she has no residency or work permit.
- The person belongs to a group that has suffered discrimination or does not have equal rights in society (for example, based on gender, refugee or asylum status, ethnicity, disabilities, being an orphan, or for belonging to a religious or cultural minority).
- The person has limited education and/or is illiterate or does not know the local language.
- The person's situation includes various forms of dependence (for example, he or she is dependent on the employer for accommodation, food and employment for family members or other benefits).
- The person refers to religious or cultural beliefs with fear.

### Debt slavery

- The person has to pay very high fees for recruitment, transport, housing, food, tools or personal safety equipment for work, which are deducted directly from his or her salary.
- The terms of repayment and salary advances are unclear or manipulated.
- Interest rates for salary advances are unreasonable and may exceed legal limits.

The presence of one or more of the above indicators in a given situation strongly suggests labour exploitation. However, as with sexual exploitation, the simple occurrence of labour exploitation does not mean that we are dealing with a case of human trafficking.

For the case to constitute human trafficking for labour exploitation, there must be other elements besides the exploitation itself: the action which precedes exploitation and the means of coercion - as shown by the comparison in the table below:

	ACTION	MEANS	EXPLOITATION
Human Trafficking	Recruitment, transport, housing or other	Threat, coercion, abuse of power or other	The person is forced to carry out work against his or her will and deprived of freedom
Labour Exploitation	-	-	The person carries out work freely but is deprived of wages or other labour rights

Therefore, in order for a situation to be a crime of labour exploitation in the trafficking of human beings, the victim is forced to undertake work against their will or under conditions they disagree with, including excessive hours of work, degrading conditions, not being paid wages and other benefits, as well as their freedom of movement being controlled or prevented. These are essential features of this type of crime.

In the UK's private sector, labour exploitation can occur most often in the following sectors<sup>20</sup>:

- Domestic servitude and care work: victims are forced to perform domestic work in inhuman and degrading conditions (e.g. they are not allowed rest periods, access to health care and live in poor conditions). Domestic workers are very vulnerable to exploitation as they are often very isolated, living in private homes, and dependent on their employer, especially if they do not speak English. In the UK, a new law in 2012 has meant domestic workers are tied to one employer in their visa, leaving them vulnerable to abuse and being unable to leave exploitative situations<sup>21</sup>. Recently, on March, 1 2015 in a commitment to prevent the abuse of foreign domestic workers, the House of Lords has voted in favour of an amendment to the Modern Slavery Bill - conferring on overseas domestic workers the right to change their employers.
- Construction and agriculture: a number of situations of trafficking for labour exploitation in the UK and other countries have been linked to these sectors. The high occurrence of trafficking may be because these industries often employ seasonal workers and immigrant labour. Periods of high activity in agriculture or construction (e.g. harvest season, or major building projects) can be attractive markets for traffickers to bring their victims. If there is high demand by some companies to get temporary labour quickly this can further attract traffickers.
- Food Processing, Packaging and Factory work: the food production and processing industries have been highlighted as areas of concern, including meat and poultry processing. The fishing industry has also had several high profile cases, including cockle-picking in Morecambe Bay in 2004 where workers were exploited and drowned<sup>22</sup>. There were also a number of cases of forced labour in factories, many identified in 2011.
- Hospitality, Hotels and Cleaning: the piece-meal rates for cleaners can be set so low that it is impossible to reach the minimum wage, and they are at risk of working excessive hours, with no free time and being effectively trapped and unable to get other employment.
- Catering, Restaurants and Takeaways: there have been cases of undocumented workers being forced to work or exploited in the catering sector, for low pay and excessive hours and trapped because of debts to brokers that arranged for them to enter the UK.

There are also 'grey areas' in the UK where labour exploitation merges with other types of trafficking in semi-legal and illegal areas, such as:

- Criminal Exploitation: a rising concern in the UK regards victims being coerced and forced to work in illegal drug production, in particular in factories to cultivate cannabis. There are particularly high numbers in recent years of children trafficked into the UK to work in cannabis factories.
- Sex work: victims are also trafficked to work in the sex trade in semi-legal and illegal spaces, such as strip clubs, as escorts or prostitutes. The ILO considers sex work as part of labour exploitation in its definitions, merging it with human trafficking for sexual exploitation; however in the UK this tends to be seen as a separate type of trafficking.

<sup>20</sup> Geddes et al. (2013). Forced Labour in the UK. Joseph Rowntree Foundation.

Available at: <http://www.jrf.org.uk/sites/files/jrf/Forced%20Labour%20in%20the%20UK%20FINAL%20prog%20paper.pdf>

<sup>21</sup> Kalayaan. (2014). Still enslaved: the migrant domestic workers who are trapped by the immigration rules. Kalayaan Briefing.

Available at: <http://www.kalayaan.org.uk/documents/tied%20visa%202014.pdf>

<sup>22</sup> SOCA. (2013). UKHTC: A Strategic Assessment on the Nature and Scale of Human Trafficking in 2012. Serious Organised Crime Agency, HM Government: London.

Available at: [http://www.ecpat.org.uk/sites/default/files/ext-6538\\_ukhtc\\_strategic\\_assessment\\_on\\_human\\_trafficking\\_2012\\_v1.01.pdf](http://www.ecpat.org.uk/sites/default/files/ext-6538_ukhtc_strategic_assessment_on_human_trafficking_2012_v1.01.pdf)

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## Human Trafficking

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In all these situations, victims are deceived and tricked, often by attractive offers of work, which leads people to agree and in some cases cooperate with the trafficking process (e.g. getting false identity documents or travelling alone to the place of destination). Often, it is only when the work starts that the victim realises something is wrong and they are being exploited, but they are forced to remain in the situation and often feel guilt for having initially consented. It is also very common for victims not to see themselves as being exploited, as someone doing forced labour or as victims of trafficking – this can be because they are not aware of their rights, don't know what trafficking is, are frightened to come forward or see themselves as workers in a bad situation rather than 'victims'.

In general, the most common form of recruitment of victims in this context consists of attractive offers of work, to which victims usually consent and, as such, collaborate in the process of trafficking, not knowing that they are being deceived until exploitation itself begins.

Understanding the characteristics of trafficking for labour exploitation and the forms it takes is essential if we are to prevent it and avoid the victimisation of others, as well as to identify occurrences of trafficking around us in daily life.





### III

## Myths and Facts on Human Trafficking



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## Myths and Facts on Human Trafficking

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Trafficking in human beings is a complex and dynamic phenomenon, which changes according to different social, economic and cultural contexts. How human trafficking is criminalised and practiced in each country, labour sector and industry, or by traffickers and traffickers' organisations, differs substantially. This influences how we understand what human trafficking is.

For all these reasons, myths or misconceptions about human trafficking are common. This can lead to confusion and to difficulties in accurately understanding this crime and in identifying possible trafficking situations and who the victims are. Demystifying and clarifying any misunderstandings about the concept of human trafficking is essential to promote awareness of trafficking and its prevention.

### 1) Only women are victims of human trafficking and it only involves sexual exploitation.

**MYTH.** One of the main myths linked to trafficking in human beings is the belief that this only affects women who are forced against their will into sexual acts. Actually victims can be both female and male and of various ages - children account for a large percentage of victims of trafficking. Men, women, transgender people, and children of both sexes are subjected to different forms of exploitation, and in many cases the same victim is subjected to more than one type simultaneously or one form of exploitation leads to another. Different forms of exploitation can include labour exploitation, domestic servitude, criminal exploitation (such as forced labour in cannabis factories), forced marriage, organ harvesting, illicit adoptions, among other (see section on different types of trafficking).

### 2) Human trafficking only happens to immigrants from poor countries with low levels of education.

**MYTH.** Many victims of human trafficking also come from developed countries and with higher education, for example, victims trafficked from European countries or within country borders such as within the UK.

### 3) Human trafficking is the same as people smuggling of illegal migrants:

**MYTH.** There is often confusion between human trafficking and people smuggling. This is because in some cases the transport used is similar (e.g. people hidden in vehicles, in poor conditions, with limited food or oxygen). But this is not always the case, and there are crucial differences between people smuggling and human trafficking:

- Not all victims of trafficking cross borders illegally, whereas smuggling always involves illegal entry.
- Trafficking can take place within national borders unlike smuggling.
- Trafficking uses coercion, deception, force or abuse of power whereas smuggling is frequently a voluntary act on the part of migrants.
- Trafficking also involves exploitation of people when they reach their destination.



## Myths and Facts on Human Trafficking

### 4) The traffickers may operate through travel and employment agencies, promising work abroad and documentation.

**FACT.** Many recruiters use tools like fake adverts, employment and travel agencies, to attract and deceive people with false promises, who then may become victims of exploitation. This includes brokers which are intermediary agencies involved in negotiating contracts for a fee, such as employment brokers. These brokers are not always criminal organisations: there are also 'grey areas' where brokers are legal or semi-legal companies or individuals not acting with criminal intent but who lack awareness of employment rights or human trafficking. It may also happen that they are unknowingly linked to exploitative and criminal groups in their supply chains.

### 5) Recruitment of victims in human trafficking always involves physical violence or abduction.

**MYTH.** There is clear evidence that trafficking in human beings does not necessarily involve the victim being abducted, forcibly taken and subjected to violence. Situations are also common where the person is deceived by believing in a false proposition or promise and then the victim moves using their own means to the place where they end up being exploited. Victims are often forced into exploitation through emotional abuse, manipulation, threats, power and control. Traffickers play on the person's vulnerabilities and fears such as keeping them in debt, their illegal immigration status, or social isolation and dependence. Some victims can also be threatened with complying with the crime of trafficking as a form of control.

### 6) During exploitation victims of trafficking do not have the freedom to leave.

**FACT.** To be a crime of trafficking in human beings, the victim has been held without a viable alternative to leave the exploitative situation. They are forced, through physical or moral coercion, to do something against their will (for example they are forced to work or to go into prostitution). Victims may also be involved in crime (such as drug production) as a way to control and keep them dependent on those exploiting them. However, not having the freedom to leave does not mean that all victims are physically locked up. Many victims are held in their exploitative situation through emotional abuse and control which prevents them from leaving.

### 7) Victims of trafficking in human beings are just illegal immigrants trying to scrounge work or benefits.

**MYTH.** It is a common misconception to see victims of trafficking as immigrants who deliberately cross the border illegally in order to get work or benefits. This does not take into account that victims of trafficking are deceived, tricked, coerced or forced into travelling and when they reach their destination they experience exploitation. This situation is manifestly different from people who choose to migrate freely, either legally or illegally.

It is important to note that any initial consent of a trafficked person to travel – legally or illegally- becomes irrelevant if any of the 'means' of trafficking are used e.g. if they are deceived, tricked or coerced the fact that they initially consented is irrelevant in international law (see section on definitions of human trafficking). Similarly, not all victims of trafficking travel illegally: in some cases traffickers get all the legal documentation for

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## Myths and Facts on Human Trafficking

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victims so they enter a country without suspicion and to ensure that the victim arrives. In this way victims are tricked into believing they are being helped legally in their migration and only after arriving at their destination they realise they have been deceived and will be exploited.

### 8) People will easily know and say that they are victims of trafficking

**MYTH.** It is common for people who have been trafficked to not know what trafficking is or to recognise that they are 'victims' of trafficking. Instead they will see themselves as being in a bad situation (e.g. seeing themselves as a worker that has been exploited) or they may not be aware that they are being exploited (e.g. not knowing about UK labour rights or, due to complex emotional abuse and control, they may not condemn their abuser).

### 9) All victims of Human Trafficking are foreigners coming from other countries.

**MYTH.** Victims of human trafficking do not have to cross country borders. There are many cases of UK citizens being trafficked internally within the UK to another location and exploited. Groups at risk can include those unemployed, homeless, with alcohol and drug dependency, mental health problems or looked-after children.

### 10) Human Trafficking is the one of the most profitable crimes in Europe.

**FACT.** It is estimated that the trade in human beings is one of the most lucrative crimes, second only to drug trafficking and weapons.

### 11) Trafficking in human beings generates profit through the exploitation of the victims.

**FACT.** Victims of human trafficking can experience different forms of exploitation, which makes profits for exploiters either because those exploiting keep all the money that the victim receives (such as prostitution or begging) or because the victim does not receive any wages for the work they do (or the victim is being forced to work in agriculture or construction without receiving any salary).



# IV

## — Interventions for Human Trafficking Victims in the UK —





## Interventions for Human Trafficking Victims in the UK

## IV

Identifying and assisting potential victims of human trafficking is a challenging task. Service providers from different areas must be prepared to identify and assess victims' needs, and also to refer potential victims to specialized services.

On a first contact with a potential victim, professionals should establish a relationship of trust, creating conditions for the victim to feel safe and open to reveal his or her situation. Professionals should follow two important steps:

1. Establish efficient communication, using translation services if you are unable to understand the victim's language or if the victim does not understand you;
2. If you feel that you do not have the necessary training to manage the situation, seek assistance and/or pass the management of the situation on to an organisation specialised in supporting victims of human trafficking.

Whether or not the service user is a victim of trafficking or an undocumented migrant engaged in illegal work, he/she must always be treated with respect for his/her rights as a citizen and human being. When assisting a potential victim, it is important to consider the following aspects:

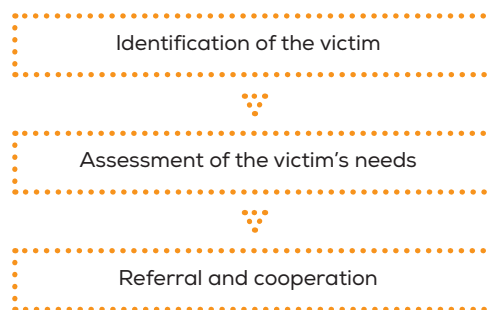
### UNDERSTAND THAT A VICTIM OF HUMAN TRAFFICKING FREQUENTLY:

- Does not speak English and is not familiar with the culture;
- Is afraid and has low self-confidence;
- Is not aware that he or she is the victim of a crime;
- Is deprived of freedom, confined to work spaces that may be the same in which he or she eats and sleeps;
- Blames him or herself for his or her current situation;
- Does not know the area (city/country/neighbourhood) where he or she is located due to restrictions on his or her freedom;
- Is not aware of his or her rights;
- Is afraid of what might happen to his or her family in his or her home country/region;
- Is afraid of police services and authorities (victims may fear detention or deportation as a result of being undocumented or involved in illegal work);
- Shows a loss of memory or confusion (the stories he or she tells may be confused or seem incoherent);
- Have developed feelings of loyalty to the perpetrator of the crime and try to protect him or her;
- Not sees himself or herself as a victim;
- Not knows that he or she can get help.

Due to multiple experiences of deception, abuse and exploitation, the victim may be extremely mistrustful and show patterns of behaviour that make assistance and even the development of empathy and cooperation with the service provider difficult. It is important that assistance initially be based on the formulation of specific, more open questions, in order to allow the victim to tell his or her story.

# IV Interventions for Human Trafficking Victims in the UK

Assistance given to a victim of trafficking by a social support service or NGO can follow these steps:



## 1. Identifying that the service user is a victim of Human Trafficking

It may be difficult to identify the victim on first contact and, even when this does happen, the victim may not be willing to cooperate immediately. The way this assistance develops may be crucial in obtaining essential information from the victim, information that must be recorded for future reporting.

Whether or not the victim has sought help voluntarily, if he or she is willing to share information and receive help then more information can be collected, namely:

- **Personal information:** full name, date of birth, nationality, first language, other languages spoken, home address, name and address of direct family members or trusted persons, ID number, etc.
- **Condition of health and brief medical history:** chronic illnesses, need for medication, pregnancy, need for medical treatment.
- **Information about the trafficking situation:** name(s) of the perpetrator(s) of the crime, location and contact with those people involved in the crime, means used, route to the destination, use of violence, potential 'debts' to the perpetrator of the crime, knowledge of the existence of other victims.

## 2. Evaluating the victim's needs

The service provider must strive to understand the victim's needs so as to adapt their intervention, providing an appropriate response. This evaluation must be made from a perspective centered on the victim's interests and bearing in mind that needs vary from person to person, according to the context in which a person is found, cultural characteristics and/or personality and the specific issues associated with his or her case.

### Fundamental procedures:

- Allowing the victim to express what he or she wants and needs
- Clarifying and reformulating the needs expressed, so as to ensure that they have been fully understood
- Continually providing information about rights, resources and available support services, which allows the victim to identify his or her own needs;

# Interventions for Human Trafficking Victims in the UK

# IV

Victims' needs may be different, requiring shorter or longer-term interventions:

URGENT AND SHORT-TERM NEEDS	MEDIUM-TERM NEEDS	LONG-TERM NEEDS
<ul style="list-style-type: none"> <li>• Security</li> <li>• Basic needs (food, drink, clothing)</li> <li>• Medical care and/or psychological support</li> <li>• Shelter</li> </ul>	<ul style="list-style-type: none"> <li>• Healthcare, including psychological support</li> <li>• Support in obtaining documents</li> <li>• Legal support</li> <li>• Support in (re)integration</li> </ul>	<ul style="list-style-type: none"> <li>• Ongoing medical care</li> <li>• Financial support</li> <li>• Educational support</li> <li>• Training and professional guidance</li> <li>• Family support</li> </ul>

### 3. Referrals to and cooperation with other services

Either because the service cannot evaluate and meet the needs of the victim or due to a natural, desirable need for cooperation, the service provider dealing with a victim of human trafficking may have to refer the person to another service/agency or, at least, discuss the victim's situation with another organisation to seek for specific responses.

To learn more about human trafficking in the UK (number of victims, trends or other information), to report a human trafficking case or to know how to assist a potential victim of trafficking, professionals may contact the following institutions:

**The Gangmasters Licensing Authority**  
 The GLA can provide information to individuals or professionals regarding potential victims of human trafficking.  
**Telephone: 0845 602 5020**  
**Email: intelligence@gla.gsi.gov.uk**

**The Modern Slavery Helpline**  
 Available 24/7 to provide information on the identification and support of victims of human trafficking.  
**Telephone: 0800 0121 700**  
**Online form:**

**The Salvation Army**  
 24/7 referral line for information and referral of potential victims.  
**Telephone: 0300 303 8151 or**  
**Migrant Help on 07766 668 781**

## **IV** **Interventions for Human Trafficking Victims in the UK**

England has a National Referral Mechanism (NRM) which collects data on human trafficking victims and assures that every victim receives the necessary support, according to national law. Professionals who identify a potential victim of human trafficking must refer the victim(s) to a NRM competent authority to assure they receive adequate assistance.

To learn more about the NRM and to find the contacts of the NRM competent authority, please visit the National Crime Agency website at <http://www.nationalcrimeagency.gov.uk/>

