**PARLIAMENTARY BRIEFING**

**Human Trafficking and Modern-Day Slavery**

**Wednesday 22 January 2014, House of Lords**

**Suggested Supplementary Questions**

* We would like to know why the Government **does not have any proposals in the Bill to encourage UK Companies to eradicate modern slavery from production in their UK and Overseas Supply Chains.** The missed potential here is huge, as businesses are key players in both the proliferation and prevention of trafficking. Mandatory measures to tackle trafficking in supply chains would ensure a level playing field – otherwise, businesses that do choose to address this issue will be penalised whilst competitors will be able to drive down costs.
* Greater priority should be given within the legislation to the prevention of trafficking. **We would like to know what the Government proposes to do to raise awareness about human trafficking with vulnerable people groups in the UK, and to monitor whether or not such awareness raising is taking place effectively.**
* The Draft Bill will introduce an Anti-Slavery Commissioner to “*galvanise law enforcement’s efforts to tackle modern slavery*”. As it is currently framed, the Commissioner will be reporting to the Secretary of State. Mandating this Commissioner to report directly to Parliament would help to ensure independent monitoring of the UK’s progress in tackling slavery. **We ask for reassurance from the Government that the Commissioner will be able to provide independent and objective reports.**

**Victim Identification and Support**

* Significant concerns exist about the ability of the current system to correctly identify victims of human trafficking. The National Referral Mechanism (NRM) is the official process through which decisions are made about whether a person has been trafficked. Decisions are made by the UKBA and the UKHTC based on a referral form submitted by a first responder.
* A report from the Centre for Social Justice highlighted the potential **conflict of interests and significant capacity issues** with trafficking identification decisions being made by UKBA asylum case owners. They also observed a **widespread lack of faith in NRM decisions made by the UKBA** (March 2013, p. 79). The Anti-Trafficking Monitoring Group has noted cases of Home Office first responders failing to identify victims of trafficking and instead detaining them. Furthermore, they analysed 40 rejection letters issued by the Home Office, and found reason to **doubt the findings of the Competent Authority in 90% of those letters** (October 2013, p. 8).
* There is currently **no right of appeal** against these decisions, and those who request a reconsideration of their decision cannot access support services whilst a decision is being made (Salvation Army, Written Evidence to the Home Affairs Committee, 2013, p. 5).
* Individuals whom the NRM considers to have ‘*reasonable grounds’* to be considered as victims of trafficking are granted a **45 day recovery and reflection period**, during which time they have access to medical and psychological care, legal advice, safe accommodation and other support. The lack of **longer-term support beyond this 45-day reflection period** has been described by the Anti-Trafficking Monitoring Group in their October 2013 report as a *“serious gap in assistance provision”* (p. 9). They have also noted that *“there is no effective assistance that is government funded that allows for the* ***full recovery and reintegration******of trafficking victims”***(p. 9).
* It takes an average of **104 days** for a decision to be made on whether the individual has ‘*conclusive grounds’* to be considered a victim of trafficking– although the target for a decision to be made is 45 days and the victim reflection period lasts just 45 days. The Salvation Army note that *“delays in decisions have direct consequences for victims whose* ***access to support and other entitlements can be delayed****”* (Salvation Army 2013, p. 5).
* A longer period of aftercare would not only **help with victims’ recovery**, but could also increase prosecutions by ensuring victims are **present and able to give evidence** against their traffickers.
* The draft Bill proposes a review of the NRM. This should include serious consideration of removing the UKBA as the Competent Authority for decision making and, instead, bringing together a **single multi-agency decision-making body, bridging a range of agencies**. This could help ensure victims are **properly identified and their rights safeguarded**.

**Domestic Workers**

* Migrant Domestic Workers are a particularly vulnerable group, due to the isolated nature of their work and their dependence on their employer. This vulnerability is exacerbated by the restrictions of the UK’s Overseas Domestic Worker visa, which, since 2012, has prohibited migrant domestic workers from **changing their employer,** meaning that **escaping puts them in breach of immigration rules** (Kalayaan 2013).
* UKBA guidance dictates that any British diplomatic post issuing Overseas Domestic Worker (ODW) visas should interview the domestic worker individually, to ensure that they understand the terms and conditions of their employment and that they are willing to travel to the UK, as well as enabling them to disclose incidences of trafficking. However, according to migrant Domestic Workers’ charity Kalayaan, this is not happening correctly. **Employers are often present at the point of interview** and sometimes are **asked to act as interpreters,** meaning domestic workers do not have the chance to disclose abuse.
* One way to avoid the abuse of migrant domestic workers is to provide training to consular officials overseas, so they understand the risks and can actively inform domestic workers of their rights at the point of issuing the visa.
* **Possible Supplementary Question: To ask HMG what provisions are made to enable applicants for Overseas Domestic Worker visas to disclose indicators of trafficking or abuse when applying to the issuing Embassy, or at Passport Control on entry to the UK; and what actions would be taken were the Overseas Domestic Worker to disclose such indicators of trafficking or abuse.**