

Call for evidence: Human Trafficking



Home Affairs Committee

Submission by the Latin American Women's Rights Service (LAWRS)

March 2023

1. About Latin American Women's Rights Service (LAWRS)

- 1.1. LAWRS is a human rights, feminist organisation 'by and for' Latin American migrant women living in the UK. We support 2,000 women every year who are exposed to violations of their fundamental human rights, facing violence against women and girls, exploitation in low-paid sectors, trafficking, or enduring severe poverty and deprivation.
- 1.2. Our direct support includes casework for women experiencing gender-based abuse, counselling and emotional support, advice and casework on employment rights and exploitation, family law and immigration, among others.
- 1.3. We also actively advocate for women's rights, migrant's rights and the rights of ethnic minorities, working with sister organisations in the ending violence against women and girls (VAWG), migrant and anti-slavery and anti-trafficking sectors.

2. Introduction

- 2.1. LAWRS welcomes the opportunity to submit evidence to the Home Affairs Committee on Human Trafficking. LAWRS directly supports Latin American migrant women living in the UK and employed mainly in three sectors: cleaning, hospitality and domestic work. These are key feminised sectors characterised by low wages and high levels of exploitation and abuse, on which we will focus our evidence.
- 2.2. Over the last 3 years, LAWRS has supported an increasing number of victims of exploitation, modern slavery and trafficking. The COVID-19 pandemic exposed a heightened level of abuse that led to an increase in the need for advice on employment rights. However, with few exceptions, the issues presented were not new, but a general worsening of the situation that women in the community were already experiencing long before, in some cases leading to cases of severe exploitation.
- 2.3. The current cost of living crisis, leaving increasing numbers at risk of destitution, puts vulnerable migrant workers at further the risk of labour abuse and exploitation, while at the same time the government seeks to reduce support to victims of modern slavery. The new changes suggested in the 'Illegal Migration' Bill is also expected to increase the risk of exploitation of migrants seeking asylum.

3. Question 1: What is the scale and nature of human trafficking in the UK? Considering in particular:

- a) Different types of exploitation (including sexual, labour, or criminal exploitation),
- b) The profile of victims and perpetrators,
- c) The gendered aspects of human trafficking,
- d) The role of technology in facilitating human trafficking.

a. Domestic servitude

- 3.1. Although foreign domestic workers can be employed through the Overseas Domestic Workers' visa, this does not tend to be the case for Latin American women. Many in the community have been living in Europe or the UK with dual nationality, and have the right to work. Alternatively, others have been brought to the UK from Latin America with the false promise that their visas would be taken care of by the employer, or that work was allowed with a visitor's visa. Many victims supported by LAWRS found that they became undocumented as their visitor's visa ran out. In every case LAWRS has supported, domestic workers reported that when interviewed, they were promised conditions that were very different to the reality of the job.
- 3.2. In LAWRS' experience, domestic workers often work between 10 and 16 hours a day, most regularly 6 days a week. Residing in the family home means that they are permanently available in the eyes of employers, even during their time and days off, and being treated 'as a member of the family'¹ often means that the employer can ask the worker to perform particular tasks as a favour, extending her working day without the corresponding increase in pay. However, unlike a member of the family, domestic workers are unable to refuse to perform a task requested by their employer, regardless of the time of day or whether that task was agreed upon before the employment started or not. This extends to periods when they are ill, when, very often, they are not allowed to take time off. As wages for domestic workers are generally fixed per week or per month, but based on normal hours of work, their long working hours mean that even when the wage is calculated to cover the NMW for a normal working week, their wages tend to fall far below it. This practice particularly affects live-in domestic workers, whose working hours tend to be considerably longer than other workers.
- 3.3. Due to the nature of domestic work, women in this sector tend to live very isolated lives, often having limited contact with anyone outside of the family they are employed by². This isolation grew worse during the COVID-19 pandemic, as places where domestic workers could sometimes socialise (parks, children's activities, markets, etc.) were no

¹ Although the government agreed one year ago to overturn the 'family worker' exemption which allows employers to pay domestic workers less than the national minimum wage, no action has yet been taken:
<https://www.theguardian.com/global-development/2023/mar/14/close-loophole-uk-domestic-workers-risk-slavery-family-worker-exemption-domestic-staff-national-minimum-wage>

² A more detailed description of the conditions that Latin American domestic workers are subject to can be found here:
[Evidence submission by LAWRS: Low Pay Commission's Consultation on April 2022 National Minimum Wage rates](#)

longer available to them. In LAWRS' experience, it is common practice for employers to keep domestic workers from learning English, and even from registering with a GP.

- 3.4. In most cases, domestic workers have no written contract and receive no payslips. As they generally do not speak English, they tend to be unaware of their rights and access to information or advice is difficult due to the language barrier, their isolation and their long working hours.
- 3.5. Leaving their position is seldom easy, as their low wages leave them with no savings to rely on until they find a new position and isolation and lack of resources leave them nowhere to go. In many cases they are perpetually owed money, and convinced to stay with the promise that they will be paid 'soon'. Upon leaving their position, they are invariably left with very little resources or none at all, and in the case of those that are undocumented, unable to receive support through Universal Credit.
- 3.6. In many cases domestic workers experience abuse such as shouting, humiliating comments and threats. Several forms of coercion are also common. Employers often use lies and exploit the emotional attachment domestic workers have formed with the children of the family to prevent them from leaving.
- 3.7. Immigration status plays a key role in this abuse, as those who are undocumented or unsure about their status are often told to be fearful of authorities and that their status would prevent them from getting any support.

Case study 1

Carola was hired by a Swedish-Mexican family who was looking for a nanny to live with them in London for 6 months. She was brought to the UK under a lie, having been told that she needed no visa to work here for that time. She worked 6 days a week, 16 hours a day, and received £1.92 an hour. She worked a further 3 months without pay, and was forced to pay back £500 before she was able to leave. She did not speak English and did not know what the National Minimum Wage was in the UK.*

She was also lied to about the nature of the job, as her responsibilities changed soon after arriving, having to also share the housework with the housekeeper.

Her workload did not leave her anytime to eat. She would have oats with milk in the morning and would not eat for the rest of the day until she fed the child in the evening and had something herself. Often there was no food for her and she would eat biscuits or fruit.

She was paid every twice: once after the first 3 months, and again after the second 3 months, and deductions were made for the flight that the employer had paid. Carola transferred all her money to her mother, who needed support back home.

She was isolated and told not to speak to anyone, and after the first 6 months were up and Carola was told that she could stay for longer, she was not allowed to leave the house as she had done before, even to do a shop or to take the child to his activities.

Her passport was taken from her without her knowledge, and she found it hidden in the employer's bedroom, from where she took it back. When she told the employer that she wanted to leave, the employer told her she was crazy if she thought she was leaving, and told the housekeeper to take Carola's passport. Wendy was very scared. She finally escaped when the employer left and forgot to lock the door, and ran to the train station leaving one of her suitcases behind.

Carola was put in contact with LAWRS in May 2022, through a friend she had made in the UK. LAWRS explained that she had been a victim of exploitation and that she could be referred to the NRM. Her case was referred to The Salvation Army (TSA) on the 20th June 2022. On the 4th of July TSA confirmed that they had received the referral and would be following up the case. They later confirmed that the referral had been submitted on 18th July 2022.

Neither Carola nor LAWRS received any more information from that point on until LAWRS contacted the Single Competent Authority (SCA) and on the 13th of September LAWRS received confirmation that "a negative Reasonable Grounds Decision was made on the 22/07/2022. The referral was then closed."

This was never communicated to Carola.

b. Forced labour

- 3.8. The majority of LAWRS' service users are employed in commercial and private cleaning and in housekeeping, most commonly working as outsourced staff. These sectors are ripe with abuse of employment rights such as lack of contract and payslips, unlawful deduction of wages, underpayment of the NMW, inability to take annual leave or sick leave, among others. Additionally, discrimination, sexual harassment and unreasonable treatment are daily occurrences. These violations, when left unchecked, can pave the way or amount to forced labour.
- 3.9. The more extreme cases of human trafficking and modern slavery in cleaning in the Latin American community generally involve workers who are brought to the UK through deception, either with the promise of a job or through a personal relationship, both romantic or friendly. In such cases, once the person reaches the UK they are coerced into working either in the host's household or in others, and very often both.
- 3.10. LAWRS has also supported victims with complex cases of domestic abuse which include the exploitation of women by their partner, being forced to work but having their wages retained.

Case study 2

Laura came to the UK during her annual leave to visit a friend. She meant to return home to her work after 14 days. Immediately after arriving she was received and treated very well. However, a week went by and she began to be treated differently by her friend.*

One day Laura went to look for some money and realised that her money, credit card, passport and phone had been taken from her suitcase. She asked her friend about it, who explained that Laura was going to stay here to work as a cleaner.

She started to work under threat, cleaning houses the entire day, only to continue working in the perpetrator's house on her return. Often she would also work Saturdays and Sundays.

Each time she expressed wanting to leave, she was threatened. The payments would be made directly to Laura, who was made to hand in the money to the perpetrator, keeping just enough for transport. Laura would buy milk and bread in the morning, and eat nothing else for the rest of the day. If there were leftovers in the house, she would eat some for dinner. She lost 25 kg in less than a month.

Laura does not speak English and did not know how to get help. If she saw a police car, she would run the other way out of fear, as she was told she was committing a crime for working without permission.

When she managed to leave, Laura slept on the streets for two nights. All her things had been left in the house. She contacted the police and told them her story, and they advised her to not officially report what happened, because if there was no official report it would be easier for her to retrieve her things and return to her home country.

Through one of the clients she had cleaned for, Laura ended up staying with a woman who lives outside of London. The woman helped her to talk to another detective, who asked the woman to continue helping Laura and keep her in her house. However, the woman also had a cleaning business and told Laura she would need to work in exchange for staying there. Laura was working all day, and not paid for any of her work. She stayed there for a month, while she waited for the police to help her.

Having received no news from the police, she decided to leave and slept at the train station. She went to the police again, but they told her that they could not help her because her case had taken place in London.

Finally, she contacted LAWRS and a referral to the National Referral Mechanism was completed. By this point, her health and mental health had deteriorated so severely that she had a paralysis on half her face, was malnourished and in a deeply anxious state.

A series of failings by the police contributed to this deterioration: the misinformation given during her first contact with the police; the consistent failure to explain the NRM process and complete a referral through which she could have received support, or, alternatively, to assist her in finding emergency accommodation; the failure to contact her throughout the process, when she was anxiously awaiting news; the failure to refer her to any other supporting organisations; and finally, the failure to provide an interpreter, which resulted in Laura being assisted by her re-trafficker.

4. Question 2: How effective is the UK's approach to discouraging the demand that leads to trafficking?

a. Lack of criminal investigations and convictions

- 4.1. Several of the victims supported by LAWRS over the years have been referred to the National Referral Mechanism (NRM) and received positive decisions. In most cases, victims have also collaborated with the police in the hope that this would put an end to the exploitation of others. However, in no case did the police nor any other agency decide to carry on an investigation beyond a first interview with the victim, and cases are consistently dropped due to lack of sufficient evidence. Thus, exploitative employers continue to face no consequences. This is especially true in the domestic sphere, and LAWRS often support women who followed a long line of domestic workers that also left the same household due to the poor working conditions. Without enforcement and prosecutions there is no reason to expect that these conditions will change.
- 4.2. Dropping cases due to lack of evidence without a thorough investigation being conducted seems contradictory, as it is the job of the police to investigate to gather such evidence and make the case more robust to be able to follow its course in the Criminal Justice System.
- 4.3. Finally, when an investigation is closed it is common practice not to contact the victim to inform them of this decision. In order to increase conviction rates, the police need to make sure that the handling of investigations improves, the experience is centred on the victim, and the communication with the victim and supporting organisations is vastly improved.

Case study 3

Elsa came to the UK in 2018 because a friend told her of a job as a domestic worker. At the interview she was told she would be working as a housekeeper, earning £1350 a month, living with the employer and her two teenage daughters.

Her tasks in the house included cleaning, cooking, looking after the children, washing and ironing, shopping, driving the children to school and the employer wherever she needed to go, mowing the lawn, and looking after their pet, among others. On the weekends, the employer often organised parties for which Elsa would have to cook and clean.

Her working day started at 7 AM, finishing sometimes at 7 PM, often later. She had 2 hours off a day, which in practice she could never take as she would be requested to perform different tasks. On her 2 days off a week, the employer would still make Elsa work if she was in the house, or call her to come back when she was out.

Elsa had no contacts here and did not speak English. The employer refused to help her enrol in an English class, claiming she did not need to learn.

When her own underaged daughter had to come and live with her, Elsa wanted to rent a room, but found it was impossible because she did not have a contract, despite

repeatedly asking her employer for one. The employer offered Elsa to bring her daughter to live with them, and she would deduct £350 from her pay. As a result, she earned £1000 during the last year of employment. Without a contract and few savings, Elsa found it impossible to leave her employment as she could not rent a room for herself and her daughter.

Finally, she decided to seek help and contacted LAWRS, and was able to leave. She was referred to the National Referral Mechanism and received a positive reasonable grounds decision. She collaborated with the police, but following her interview they decided not to investigate further. This was not communicated to Elsa.

In 2022, with the support of LAWRS, Elsa was able to take her former employer to court over her unpaid wages, and was awarded over £20,000.

b. Lack of inspections

- 4.4. In LAWRS' experience, migrant women workers are unaware of the existence or role of each labour enforcement body. They do not generally know who or how to contact them for support or to report abuse and exploitation. When advice is sought, it is generally with unions or specialist voluntary organisations which will provide holistic support and respect confidentiality, and which can provide linguistic and cultural competent assistance to workers. The lack of inspections by these bodies - in part due to lack of funding - puts the burden on employees to report violations to their employment rights or exploitation, while providing little, unclear and often inaccessible information on the type of support that workers could expect from each agency. Although victims of trafficking and exploitation can be referred to the NRM to receive support, there is in general very little or lack of understanding of what other support workers can get from each agency for violations that do not meet the threshold of exploitation.

Case study 4

Patricia, Isabella and Mariana (Colombians, 51, 45 and 56 years old, respectively) came to LAWRS as they were contracted to carry out spring cleaning of several student accommodation buildings along with another 50 Latin American cleaners. The offered salary was between £90 and £120 per day.

Once in the job, they found very different working conditions: they were required to work between 13 and 16 hours per day, 7 days a week; the hourly pay was £4.50, which was reduced if their work was found to be 'below standard'; they slept in student rooms without blankets; and, working in remote locations and dependent on their employers for transportation, they had limited opportunities to purchase food. In addition, they were not given a copy of their contract and were not able to provide details about the company and/or supervisors. Patricia, Isabella and Mariana suffered discrimination, verbal abuse and threats. They were not allowed to visit the GP, even though they were experiencing acute pain in their hands and wrists due to the nature of the work.

When they tried to ask why the salary was so low, the managers dismissed their complaints and told them not to ask again. When the workers approached LAWRS, they described high levels of stress among the workers, with many of them feeling depressed and hopeless. While those who had families resorted to asking them for support to go back home, the rest were forced to stay, as the accommodation provided was the only place they had.

c. Lack of firewall between labour enforcement bodies/police and Immigration Enforcement

- 4.5. Undocumented workers are among those more vulnerable to exploitation. Immigration status is a tool often used by perpetrators to threaten workers into submission and silence, as they are regularly told that if they are found by the police or other authorities they will be imprisoned or detained and deported, thus discouraging them from seeking help. Currently, there are no safeguards in place to ensure that an undocumented worker that reports abuse to the police or a labour inspectorate will not be reported to Immigration Enforcement. It is worth noting that losing status is in many cases a result of exploitation and trafficking, as workers often arrive in the UK with a visitor's visa, having been told that nothing else is required to work.
- 4.6. When inspections do take place in the workplace, it is not uncommon for them to be done in collaboration with Immigration Enforcement³. As information flows swiftly through migrant communities, it only takes one migrant worker to be reported to Immigration Enforcement by the police or to see an inspection carried out in collaboration with Immigration Enforcement for the whole community to find out.
- 4.7. Sadly, without safe reporting mechanisms in place, for undocumented workers fear of immigration consequences will continue to act as a major barrier to reporting exploitation and seeking help even when they have the opportunity. Collaboration with Immigration Enforcement thus affects the agencies' ability to support workers and identify non-compliant employers. Conversely, a firewall between labour inspectorates/police and Immigration Enforcement would encourage those more vulnerable to trust and seek agencies for support⁴.

d. Reducing support and failing victims

- 4.8. Recent changes introduced by the Nationality and Borders Act which are already affecting victims' access to the NRM, coupled with the inflammatory language continually used by the government when referring to such victims, not only reduces support for victims in practice but also send the message to victims that they will receive no protection, and to traffickers and exploiters that they will be able to act with impunity.

³ LEAG: [Opportunity Knocks: improving responses to labour exploitation with secure reporting](#)

⁴ For more information on how safe reporting mechanisms can work in practice, please see our guide: [Preventing and Addressing Abuse and Exploitation: A Guide for Police and Labour Inspectors Working with Migrants](#).

- 4.9. In order to discourage the demand that leads to trafficking and those who facilitate it, it is imperative that the UK returns to its once proud position as a leader in the fight against modern slavery and puts an end to its current damaging practices.

5. Question 3: To what extent do support services meet the needs of victims who have been trafficked in or to the UK?

a. Tackling institutional discrimination and racism

- 5.1. While the National Referral Mechanism (NRM) is a system specifically designed to support victims of modern slavery, and many have found a path to recovery through it, unfortunately the cracks in the system are ever-growing, both as a result of a failing to address current issues, and of recent legal and institutional changes.
- 5.2. As has been recently highlighted by Kalayaan⁵, the situation that First Responders are in has led the entire system to be near breaking point. While non-statutory First Responders are overwhelmed and underfunded, statutory First Responders are largely unable to identify modern slavery and/or unaware of their legal duties to refer victims into the NRM. LAWRS has supported victims who contacted us only after having had contact with the police, who failed to make a referral despite high levels of vulnerability, leading, in at least one case, to re-trafficking (see *case study 1*). Without a well-oiled system for identification, victims are already being denied access to the support they desperately need.
- 5.3. While those with a positive decision in the NRM are entitled to support such as accommodation, legal advice, access to healthcare, counselling, material assistance and a support worker, among others, LAWRS has experienced a high degree of variation in support from one case to another, depending on the support worker assigned to each one. This forces community organisations with limited resources like LAWRS to dedicate time to continue providing support for victims whose needs should be fully covered by the NRM.
- 5.4. Those victims who are in the NRM but do not have the right documentation are also unable to work. With material support being so low, victims are left with very little resources during their recovery period, and at risk of further exploitation. LAWRS has supported victims whose dietary restrictions, for example, could not be followed due to the cost that this would imply, leading to several health issues including mental health issues such as anxiety and depression.
- 5.5. With the implementation of the changes introduced by the Nationality and Borders Act, the threshold for accepting a claim of modern slavery has now been raised, and objective evidence of exploitation is needed at the very first stage of the process before a victim can receive any support. Victims of trafficking and exploitation often have little

⁵ Kalayaan: [BREAKING POINT: Why the UK Government needs to act NOW to protect slavery survivors; The National Referral Mechanism: Near Breaking Point](#)

or no evidence of their exploitation, and even when they do, the stage at which they require support is often when the trauma of their experience is still such that having to produce this evidence could be even more damaging. On the other hand, as First Responder organisations are continually working at capacity, the burden of recovering any possible evidence will inevitably also affect supporting organisations such as LAWRS, who, as mentioned above, have limited resources and are also working at capacity.

- 5.6. With the last changes coming into force only 2 and a half months ago, at least one First Responder organisation is already seeing an increase in negative decisions by the Home Office⁶. This means that both First Responders and non-First Responder organisations will have their work increased with the need to prepare reconsideration requests.
- 5.7. Finally, when adult victims do not wish to go into the NRM, support available is incredibly limited, in particular for those who are undocumented - who, in LAWRS' experience, are those who remain more fearful and less likely to consent to a referral into the NRM.

6. Question 4: What evidence is there, if any, that the National Referral Mechanism process is being exploited by individuals seeking asylum in the UK?

- 6.1. Despite several requests from civil society organisations and MPs⁷, no evidence has been produced to support these unsubstantiated claims made by government officials. In fact, the evidence available only contradicts this position. Of all referrals made in 2022, 88% of reasonable grounds and 89% of conclusive grounds decisions were positive⁸, meaning the Home Office has accepted those claims as genuine.
- 6.2. While it is true that the number of people referred to the NRM has been increasing over the years, reaching the highest number in 2022, this does not directly indicate abuse of the system by migrants, but could indicate a better understanding of modern slavery both among victims and first responder organisations - in particular statutory organisations such as the police and the NHS. This interpretation is supported by the fact that UK nationals referred to the NRM in 2022 made up 25% of the total (4,185), the highest number since the NRM began, with 80% of them being children⁹.
- 6.3. Additionally, it has been our experience that many victims still fear the system and choose not to be referred to the NRM, in particular if they are undocumented. This suggests that the number of referrals still does not reflect the true scale of modern slavery in the UK.

⁶ This has been confirmed by Major Kathy Betteridge, Director for Anti-trafficking and Modern Slavery at The Salvation Army: <https://www.parliamentlive.tv/Event/Index/6023657b-7556-40d8-8489-cb31b42977e2>

⁷ [Office for Statistics Regulation: Maya Esslemont and Anna Powell-Smith to Ed Humpherson: Modern slavery data](#)

⁸ [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2022](#)

⁹ *ibidem*

- 6.4. The government's baseless claims have been contested not only by civil society organisations, but also by a number of stakeholders, including UN Special Rapporteurs and the Gangmasters and Labour Abuse Authority (GLAA)¹⁰.
- 6.5. Associating modern slavery with abuse of the immigration and asylum systems goes against the experience of the anti-trafficking sector, which consistently finds that victims are either let down by the system, or too afraid to seek support through it. For victims whose immigration status is insecure, entering the National Referral Mechanism can seem daunting, and many refuse to do it for fear of being detained and deported. The changes introduced with the Nationality and Borders Act will most likely further push victims underground, for fear of having their data shared with immigration enforcement. This, in turn, can act as a weapon for exploiters who can exert their power over victims with impunity. Further changes to legislation that the government seeks to introduce will only deter more victims from coming forward. It is imperative that the government fulfil our international obligations and move away from easy assumptions and stereotypes that could prevent victims from accessing the support they need.

7. Question 5: How can legislation, including the Modern Slavery Act 2015, policy and criminal justice system practice be improved to prevent and address human trafficking?

Recommendations:

- Prioritise safety over immigration status and establish safe reporting mechanisms that allow migrant victims to report trafficking and exploitation without fear. A firewall between labour inspectorates/police and Immigration Enforcement would encourage those more vulnerable to trust and seek agencies for support.
- Tackle labour abuse in all sectors of employment, with special focus on those where low pay and labour rights violations are endemic, as continuous violations can pave the way to severe exploitation.
- Increase resources for labour inspectorates so that more proactive enforcement can be implemented.
- Stop simultaneous operations with Immigration Enforcement.
- Increase collaboration with community organisations to design and run campaigns that reach vulnerable and isolated communities.
- Repeal the changes introduced by the Nationality and Borders Act that hinder access to the NRM, including the threshold change that requires a victim to present objective evidence before getting a reasonable grounds decision.

¹⁰ [UK: UN experts condemn attacks on credibility of slavery and trafficking victims; Watchdog disputes Braverman's claim modern slavery laws being 'gamed'](#)

- Urgently enforce recommendations made by Kalayaan to avoid the collapse of the NRM, namely: (1) Consider and decide on existing applications from specialist front line organisations to become a First Responder Organisation; (2) Establish a recruitment process without further delay for prospective organisations to apply; (3) Develop and maintain a nationwide training programme for both statutory and nonstatutory First Responder Organisations; (4) Provide funding for First Responder Organisations to carry out their roles.
- Provide ongoing training to statutory organisations on victim identification, anti-racism, modern slavery, VAWG, and a trauma-informed approach to support.
- Provide permission to work for victims in the NRM. Otherwise, the insufficient support currently available can lead them to be re-trafficked and fall into exploiters' hands once again.
- Scrap the 'family worker' exemption which allows for domestic workers to be paid less than the national minimum wage.

* All names have been changed to protect the victims' identities.

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