HUMAN TRAFFICKING IN THE UK

The definition of human trafficking is central in guiding actions by counter-trafficking stakeholders. It provides direction on which cases to prosecute as human trafficking crimes and determines which individuals receive services.

DEFINITION OF HUMAN TRAFFICKING: THE UN PALERMO PROTOCOL[1]

(a) "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."

The UN Palermo Protocol provides the general global definition of human trafficking which is used as the basis of each country's localised definition. Since the definition is complex, it is open to differing perspectives on whether a particular case is human trafficking. A way to simplify the definition is to look at its three component parts: the act, the means and the purpose[2].

ACT	the recruitment, transport, transfer, harbouring or receipt of persons
MEANS	the threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability or the giving payments or benefits to achieve the consent of a person having control over another person
PURPOSE	for the purpose of exploitation, including; sexual exploitation, forced labour, slavery or similar practices, removal of organs or other types of exploitation

At a minimum, one element from each column must be present to establish a situation of human trafficking. However, in the case of minors, force, fraud or coercion (the means) does not need to be established.

[1]UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000, available at: https://www.refworld.org/docid/4720706c0.html [accessed 29 September 2021]

[2]Polaris, https://humantraffickinghotline.org/sites/default/files/AMP%20Model.pdf [accessed 30 September 2021].

UK LAW

The Modern Slavery Act 2015 is a defining piece of legislation bringing specific focus on the prevention and prosecution of the crime of human trafficking. The Act sets out new offences such as arranging or facilitating the travel of another person for the purpose of exploitation. The Act also establishes offences for any activity linked to the crime, such as supplying false documents to facilitate trafficking.

Under UK law, it is not relevant whether the victim consented to the travel. Under Section 3 of the Act, various situations may amount to 'exploitation', including forced labour, sexual exploitation, removal of organs or securing services by force, threats or deception. Exploitation does not always have to be achieved for an offence of trafficking to occur; a mere intention to exploit may be sufficient. Importantly, loss of freedom is a defining feature of the crime of human trafficking. For the offence of forced labour, it must be proven that the victim was held (either physically or through threat, coercion, abduction or fraud) in service which may include, for example, begging, sexual services, domestic services or manual labour. It is important to note that not every case of labour exploitation or abuse may amount to trafficking. For example, if there is no force or deceit as part of the service, then this would not amount to trafficking.

CONSENT

Often victims of human trafficking may appear to have consented to be in their situation or have agreed to the intended exploitation. For example, a person may have willingly accepted a job offer and travelled to another country that turned out to be exploitative but seemingly 'choose' to remain there. In these situations, it is important to note that the perceived 'consent' of the victim is irrelevant if obtained by improper means (threat, use of force, coercion, deception or abuse of vulnerability). To further that example, a trafficker may pressure his 'girlfriend' who agrees to help him pay off his debts by selling sex for money. While from one perspective it could be perceived that she consents to engage in sex work, any consent obtained under pressure or duress is void. There may also be other factors that explain why victims are unable to leave an exploitative situation. For example, victims may be unable to leave because their passports were taken away or were subject to threats if they tried to escape or report their concerns. Ultimately, the existence of any force, fraud or coercion would then negate any 'consent' given.

MOVEMENT & ISOLATION

While new forms of human trafficking are developing especially with the increase use of the internet, traditionally trafficking of human beings involves some form of movement. If the movement doesn't occur during the active 'sale' it likely has occurred at some point such as during the recruitment phase. Victims are often recruited outside the UK as the exploitation of foreign nationals allows traffickers more control over their victims. This control often occurs through the confiscation of identity documents or through the use of unfamiliar surroundings of a different country, including language barriers and lack of support. Similarly, traffickers use this same methodology in the domestic trafficking of UK victims by transporting the victim to a different part of the UK where the victim is neither familiar with the surroundings nor has a support system. Through such tactics, the trafficker increases control over the victim and decreases the likelihood of escape.

TYPES OF TRAFFICKING

SEXUAL EXPLOITATION
Forcing, deceiving or coercing a person to perform a commercial sex act; where a minor is being exploited, force, deception or coercion need not be present.

FORCED LABOUR
Forcing a person to work for little or no pay.

DOMESTIC SERVITUDE
Forcing a person to work and live in a private residence as a cook, cleaner, nanny or domestic worker for little or no pay.

CHILD EXPLOITATION
Child exploitation may involve using a minor for profit, labour, sexual exploitation or for some other personal or financial gain. Sub-categories under child exploitation may include for example, child labour, child sexual exploitation (both online and offline), forced child criminality or child begging.

FORCED ORGAN HARVESTING
Forcibly removing an organ without consent; this type of trafficking usually involves the sale of organs for use in transplants.

Sexual Exploitation

Sexual exploitation or sex trafficking is a form of modern slavery in which someone coerces or deceives another person into sexual exploitation for profit. While the majority of victims of sexual exploitation are female, men and boys can also be victims. Traffickers commonly recruit victims in two main ways. Firstly, a victim may be deceived by the promise of receiving an education or being offered a job opportunity which turns out to be false. Secondly, traffickers may recruit victims via the 'loverboy' scheme where a romantic relationship is formed with victims with the intention to sexually exploit them. Through this falsified relationship, the victim feels an emotional attachment to the exploiter and can be seen to be a 'willing victim' by 'agreeing' to do anything that is asked in an attempt to please the 'romantic partner'. This illustrates the coercive control element that is common in sexual exploitation cases, where the traffickers use power and control to dominate their victims whether through physical or emotional violence, manipulation, isolation or threats.

Forced Labour

Labour trafficking, also referred to as forced labour, refers to situations where a person is forced, manipulated or coerced through violence or threats of violence, to work against their will for little or no pay. Forced labour can occur in many different industries and sectors. The most common industries for forced labour in the UK are agriculture, food processing and packaging, construction, hospitality, car washes and beauty/spas, including nail bars. Victims are typically recruited through seemingly legitimate job opportunities. Victims of forced labour often, despite being aware of the exploitative situation, are restricted from leaving due to threats, violence or simply because their income and livelihoods are at stake. Other methods of control might be present such as isolation or the withholding of payment or confiscation of identification documents. Exploiters retain a power imbalance through imposing accumulating debts, known as 'debt bondage', as a means of control to force the victim to stay in the situation.

Domestic Servitude

Domestic servitude is a form of forced labour that occurs when a domestic worker is exploited while working in a private residential home. Workers might be coerced or forced to work as a nanny, cook, cleaner, carer or other roles. This situation is notoriously difficult to detect as residential homes are private, isolating victims and reducing opportunities to seek help. Often victims of domestic servitude are foreign nationals who have sought job opportunities abroad. The job offer might at first appear legitimate but after traveling to the destination, turns out to be exploitative. Victims may be controlled and forced to stay in the situation through physical or emotional violence, manipulation, isolation or threats. Exploiters often confiscate the victim's passport or other identification documents to prevent escape. This sector is susceptible to exploitation as it is poorly regulated, and those working in private residences often do not enjoy the same labour protections as other workers.

Child Exploitation

The general definition of child trafficking under the Palermo Protocol is the 'recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation.'[3] Child trafficking differs from adult trafficking in that due to the power dynamics involved with children, trafficking can technically occur without the presence of force, fraud or coercion. However, traffickers still typically utilise these same means with children. Children often have higher levels of vulnerability simply due to their age which lends itself to being more impressionable, trusting and easily manipulated or deceived by traffickers. There are many different forms of child exploitation, most typically involve the abuse of a minor for profit either through forced labour or sexual activities. Numerous exploitative situations fall under the umbrella of child exploitation, including but not limited to, child labour, child sexual exploitation, child begging or forced criminal exploitation. Children are trafficked to the UK from other countries or children may also be trafficked around the UK. Children may be forced into working in agriculture, factories, construction, hospitality or in private homes. Children may be sold by their families, or groomed into exploitation by acquaintances or individuals they meet online. Children are also forced into criminal exploits including begging, county lines[4] drug dealing and petty crime. Child sexual exploitation is a form of child abuse in which an adult or older adolescent uses a child for sexual stimulation. Forms of child sexual abuse include engaging in sexual activities, sex trafficking, sale of a child, indecent exposure, child grooming and creation of child sexual abuse material (CSAM). While some forms may involve a commercial element to the exploitation, there is almost always some form of abuse of power or vulnerability. Perpetrators may use physical, emotional or sexual abuse as a form of control.

Forced Organ Harvesting

While not a prominent form of trafficking seen globally or in the UK, forced organ harvesting is often overlooked as a type of trafficking. Organ harvesting occurs when someone is forced or deceived into giving up an organ or the organ may be forcibly removed without consent. These organs are then sold for use in transplants. Traffickers often prey on people in vulnerable situations and offer vast sums of money in exchange for an organ. However, once harvested, the trafficker doesn't pay the victim the promised amount, if at all. Moreover, once the organs are obtained, victims are sometimes abandoned with no aftercare and at risk of developing medical complications.

Forced Criminality

One of the most prominent forms of exploitation in the UK is forced criminality, which happens when individuals are compelled to commit crimes against their will for the benefit of someone else. Forced criminality could include begging, pick-pocketing, shoplifting, cannabis cultivation, or most commonly the use of young people to move class 'A' drugs known as 'County Lines.' Traffickers prey on young people by offering gifts or status which could be attractive to those who have unstable home environments. Once they establish trust, traffickers will entrap young people to move drugs making them feel powerless to leave.

FOR MORE INFORMATION

For more information about the specific forms of exploitation see *Can You See Me?* videos which depict everyday situations where modern slavery exists either as forced labour, sexual exploitation, domestic servitude or online child sexual exploitation.

The accompanying Resource *Can You See Me?* Campaign Scenario Guide provides further insight into the specific scenario from the video as well as general information about the featured type of trafficking including key indicators.

[3]UN General Assembly, Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000), 'The Palermo Protocol', Art. 3 subsection(c)
[4]This is when young people are coerced into transporting drugs across the country by criminal gangs and are often groomed and coerced into this activity by young people who befriend them with the intention to exploit them.

RECRUITMENT METHODS

FALSE JOB ADVERTISING

Many victims are recruited into their situation of exploitation through a job advertisement that turns out to be false or exploitative.

> **EXAMPLE** *A person is contacted on social media offering a job opportunity abroad. This job offers high wages and the travel is stated to be 'covered' in the agency fees. However, once accepted the job is not what was advertised.*

PROMISE OF A BETTER LIFE

Some victims are coerced or deceived into a situation of exploitation simply through the promise of a better standard of living or higher pay. The trafficker, who may be a stranger, acquaintance, or family member, usually promotes the fantasy of a lavish lifestyle, dream job or opportunity that appears too good to be true. The victim, persuaded by this alluring picture will agree to the opportunity on the basis of this false promise.

> **EXAMPLE** *A friend shares about an opportunity to earn triple the income in another country. This promise of a better life often lures individuals to seek new opportunities where they are at risk of exploitation.*

SOLD BY FAMILY

In some situations, friends or family members themselves recruit and sell the victims. This might be due to chronic poverty or financial hardship such as debt, or simply greed for monetary profit, which leads individuals to facilitate the selling of their children or friends to traffickers. Often the trafficker will misrepresent the nature of the work to entice other families to recruit victims.

> **EXAMPLE** *A mother agrees to sell her daughter to a man who will take her abroad and find her a job. However, once in the destination country the daughter must do whatever the trafficker says and work wherever she is told to work.*

FALSE RELATIONSHIPS

Victims may be recruited through perceived 'friends' who befriend them to exploit. It might be the case that someone the victim has known for some time offers an opportunity that the victim is willingly to take without a thorough check due to the trust in the 'friend'.

> **EXAMPLE** *A trafficker may use young people to forge relationships with other young people in order to lure them into exploitation. This false relationship method of recruitment is prevalent in trafficking situations where minors are recruited for criminal exploitation, for example in county lines drug exploitation in the UK.*

FALSE RELATIONSHIPS/LOVERBOY

The loverboy recruitment method involves traffickers who seduce or manipulate someone to exploit at a later date. Victims form emotional attachments to their traffickers through these falsified 'relationships'. While the traffickers may shower the victims with love and affection at the start of the relationship, as trust is built, they often become volatile and violent to coerce their victims into exploitation. Often victims are ultimately forced into sexual exploitation or other criminal activities.

> **EXAMPLE** *A victim meets a man online and they soon enter a romantic relationship. Once they meet in real life her 'boyfriend' starts to turn violent and puts pressure on her by saying if she loves him she will agree to have sex with men for money. Because she loves him and doesn't want to disappoint him, she 'agrees'.*

ABDUCTION

This is an often misconceived stereotype that those who are sold into exploitation are abducted or kidnapped. While abduction into exploitation by a complete stranger can happen, it is much more likely that victims will be recruited through deception or coercion.

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