



14 September 2012

**Kalayaan and Anti-Slavery International submission to the Committee on the Elimination of Discrimination against Women (CEDAW).
Pre-session for the 55th session (22 to 25 October 2012) – United Kingdom**

1. Executive Summary

Kalayaan, established in 1987, provides advice, support and advocacy services to migrant domestic workers in the United Kingdom (UK). Anti-Slavery International, established in 1839, works to eradicate all contemporary forms of slavery. This submission focuses on migrant domestic workers, and trafficking.

Under Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the UK is obliged to take “all appropriate measures, including legislation, to suppress all forms of traffic in women...” The UK Government is failing to meet this obligation. Women continue to be trafficked to the UK for sexual exploitation and forced labour. Migrant domestic workers continue to be subjected to abuse, exploitation and forced labour, and many have been trafficked. While legislation prohibits all forms of trafficking, the UK’s anti-trafficking practice is deficient in the areas of identification, protection, rehabilitation and prosecution. Recent changes by the Government to the immigration framework for migrant domestic workers, which include the removal of the right to change employer, actually increase the vulnerability of this group of workers to abuse, exploitation and trafficking.

The UK has therefore not implemented the recommendations of the Committee on the Elimination of Discrimination against Women (the Committee), in its 2008 Concluding Observations with respect to trafficking. In this the Committee, while acknowledging the measures taken to combat trafficking, was “concerned by the continuing prevalence and extent of this problem”.¹ It urged the UK to “continue to take all appropriate measures to combat all forms of trafficking in women and children in line with article 6 of the Convention” and “not only to address criminal justice measures and the prosecution of traffickers but also the protection and rehabilitation of victims of trafficking victims.” It further urged the UK to ensure the provision of adequate support services to victims, including those who do not cooperate with the authorities, and to give consideration to granting victims of trafficking indefinite leave to remain. The Committee called upon the State party to bring perpetrators to justice and to improve reintegration programmes to prevent victimization.²

¹ Concluding Observations of the Committee on the Elimination of Discrimination against Women, United Kingdom of Great Britain and Northern Ireland, CEDAW/C/UK/CO/6, Forty-first session, Geneva, 10 July 2008, Paragraph 282

² *Ibid*, Paragraph 283

With respect to vulnerable groups of women, the Committee called on the UK to “keep under review and carefully monitor the impact of its laws and policies of women migrants, refugees and asylum-seekers with a view to taking remedial measures that effectively respond to the needs of those women.”³ Far from responding to the needs of women migrants, the removal of fundamental safeguards previously enjoyed by migrant domestic workers under the Overseas Domestic Work visa, have left them at an increased vulnerability to abuse, exploitation, forced labour and trafficking.

2. Migrant domestic workers

2.1 Context and statistics on migrant domestic workers in the UK

In 2010, approximately 15,000 visas were granted to domestic workers from non-EU countries to accompany their employers (predominantly private individuals but some diplomats) to the UK.⁴ Migrant domestic workers, the vast majority of whom are women, are particularly vulnerable members of the UK workforce. Each year, hundreds face situation of abuse, exploitation and forced labour. In 2010, 56% of the migrant domestic workers registering with Kalayaan received a salary of £50 or less per week, 48% worked 16 hours or more a day, 67% worked seven days a week with no time off and 58% had to be available ‘on call’ 24 hours a day. Furthermore, 54% were subjected to psychological abuse, 18% experienced physical abuse and 3% experienced sexual abuse. The passports of 65% were withheld by the employer and 60% were not allowed out of the house unaccompanied.⁵

Many domestic workers are trafficked to the UK. Between 1 April 2009 and 31 March 2011, 13% of adults and 21% of children formally identified as trafficked⁶ by the National Referral Mechanism (NRM), the Government’s official identification process⁷, had been trafficked into domestic servitude. It is, however, important to note that the number of referrals to the NRM is not a true reflection of the extent of trafficking in the UK. Many trafficked people are not referred into the system, primarily because they did not see the benefit or were fearful of the consequences.⁸

Migrant domestic workers are subject to a variety of coercive mechanisms. Living as well as working in their employer’s home makes them extremely isolated. The common practice of employers unlawfully keeping their domestic workers’ passport deprives them of their only form of identification, precluding them from understanding their immigration status and preventing them from accessing services.

³ Concluding Observations of the Committee on the Elimination of Discrimination against Women, United Kingdom of Great Britain and Northern Ireland, CEDAW/C/UK/CO/6, Forty-first session, Geneva, 10 July 2008, paragraph 296

⁴ UK Border Agency statistics

⁵ Mumtaz Lalani, *Ending the Abuse. Policies that work to protect migrant domestic workers*, Kalayaan, London, May 2011, pp12-13

⁶ Individuals who received a Conclusive Positive Grounds Decision – the formal term for identification as a trafficked person by the National Referral Mechanism

⁷ Under the National Referral Mechanism, two designated Competent Authorities can determine a victim’s trafficking identification; the UK Border Agency in non-EEA cases and the UK Human Trafficking Centre in EEA cases. There is no formal appeals process against the decision of these bodies. Between 1 April 2009 and 31 March 2011, 1481 potential trafficking victims were referred to the National Referral Mechanism. Of these, a total of 497, just 33%, received a Conclusive Positive Grounds Decision; the formal term for identification as a trafficked person.

⁸ The Anti-Trafficking Monitoring Group, *Wrong kind of victim? One year on: an analysis of UK measures to protect trafficked persons*. London, June 2010

In some cases employers deliberately mislead domestic workers about their rights to increase the level of control. Employers also maintain control over workers through the use of threats and intimidation, such as threatening to have the worker deported, or to make spurious allegations to the police about a domestic worker stealing. Migrant domestic workers' families in their own countries are highly dependent on their remittances and as such many feel they have no choice but to stay with exploitative or abusive employers.

Despite the scale and seriousness of the abuses that migrant domestic workers face, in April 2012 the UK Government removed fundamental safeguards previously enjoyed by migrant domestic workers under the Overseas Domestic Work visa, including the right to change employer.

2.2 Immigration status tied to one employer

The UK has removed the 1998 visa system of granting independent residence permits to migrant domestic workers and moved to a system where permission to work is tied to one employer. This runs counter to General Recommendation No. 26; recommendation at paragraph 26 (f).

Domestic workers' bargaining power will be reduced, and with no other option many will continue to suffer rather than lose their livelihood, accommodation and permission to work in the UK. Employers will know the domestic worker cannot pursue sanctions against them without losing the right to work, becoming destitute and being removed from the UK. They will be able to use the threat of illegality to control workers.

Abuse, exploitation and trafficking are likely to increase. Abuse and exploitation were far higher before the 1998 visa system granting employment mobility was introduced. We can compare the figures of reported abuse on tied visa system (pre-1998) and a mobile visa system (1998-April 2012).

<i>Abuse statistics from 1996 survey and from 2010 newly registered clients⁹</i>		
Type of abuse/exploitation	1996	2010
<i>Denied time off</i>	89%	67%
<i>Psychological abuse</i>	87%	54%
<i>Physical abuse</i>	39%	18%
<i>Sexual abuse</i>	12%	3%
<i>Passport withheld by employer</i>	62%	65%
<i>Were given insufficient food</i>	38%	26%
<i>Worked an average of 17 hours a day</i>	100%	48% worked 16 hours a day or more

The practice of tying visas to a particular employer has been identified by anti-trafficking experts as one of the factors contributing to trafficking.¹⁰ In a report on domestic servitude, the UN Special Rapporteur on Slavery identified the tying of visas to a particular employer as an element of “neo-bondage”, and a factor creating an

⁹ Mumtaz Lalani *Ending the Abuse*, op.cit

¹⁰ For example, the OSCE Special Representative on Trafficking: OSCE Occasional Paper series no.4, *Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude*

extreme dependency on an employer, making the migrant domestic worker easy to exploit.¹¹ The Special Rapporteur specifically recommended that States “Abolish immigration regimes that tie a visa to the sponsorship of a single employer, including for domestic workers employed by diplomats”.¹²

The previous arrangement for migrant domestic workers – whereby they had the right to change employer to another domestic work position and renew their visa – had been shown to work well. It had been recognised internationally as an example of good practice; for example by the International Labour Organization¹³, and the UN Special Rapporteur on Contemporary Forms of Slavery.¹⁴ The UN Special Rapporteur on the Human rights of Migrants, following a country mission to the UK in 2010, specifically recommended retaining the visa safeguards and extending them to cover diplomatic domestic workers.¹⁵ The UK Parliament’s Home Affairs Select Committee stated that retaining the visa “is the single most important issue in preventing the forced labour and trafficking of such workers”.¹⁶

In making the changes to the visa system the Government has gained very little in terms of their aims to bring down net migration. Under the rules applying between 1998 and April 2012, **approximately 1000 domestic workers** each year changed employer and thus did not leave the UK with their initial employer. This accounts for approximately 0.5% of net migration.

2.3 An underclass of women workers without the protection of the national minimum wage

The UK Borders Agency has publically stated that they allow employers to bring migrant domestic workers to the UK without paying them the national minimum wage (NMW).¹⁷ They state that it is the domestic worker who must challenge non-payment of the NMW. However they have created a system whereby, in doing so, the domestic worker will lose her accommodation, livelihood and permission to work in the UK.

This appears to be a knowing facilitation of breaches of employment law by the UK Borders Agency and has the effect of creating an underclass of vulnerable female workers without the protection of the most basic UK employment legislation.

Payments well below the National Minimum Wage:

¹¹ *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences*, Gulnara Shahinian, A/HRC/15/20, Geneva, 18 June 2010, paragraphs 33, 47, 48, 54

¹² *Ibid*, paragraph 96

¹³ Draft ILO Multilateral Framework on Labour Migration Non binding principles and guidelines for a rights-based approach to labour migration, Geneva, 31 Oct- 2 Nov 2005. Annex II ‘Examples of best practise, VI Prevention of and protection against abusive migration practises’, pt 82

¹⁴ *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences*, Gulnara Shahinian, A/HRC/15/20, op.cit

¹⁵ *Report of the Special Rapporteur on the human rights of migrants*, Jorge Bustamante, *Mission to the United Kingdom of Great Britain and Northern Ireland*, A/HRC/14/30/Add.3, 16 March 2010

¹⁶ House of Commons Home Affairs Select Committee, *The Trade in Human Beings: Human Trafficking in the UK*, Sixth Report of Session 2008-2009, Volume 1, House of Commons, London, May 2009

¹⁷ Meeting between UKBA and Kalayaan, 30 March 2012; Public meeting hosted by the Office of the Special Representative on Trafficking, OSCE, 28 May 2012; Evidence on individual cases from Kalayaan’s client database.

The proportion of domestic workers registering with Kalayaan who reported that they were being paid £50 or less per week was between 56-59% in the years 2008-2010.¹⁸ The NMW is £6.08 per hour. This is approximately £200 for a 40 hour week.¹⁹

UKBA files show they accept contracts stating very low salaries will be paid, for instance in one case the worker would be paid \$200 per month for a 48 hour week (effectively 60 pence per hour).²⁰ In a Kalayaan case from July 2012 a domestic worker reported that UKBA officials interviewed her at the airport in front of her employers, she disclosed to officials she would be paid a salary that is the equivalent of approximately 35 pence per hour. The officials took no action, saying only that they hoped the employers treat the domestic worker better in the UK.

2.4 Access to justice denied

There has, as far as Kalayaan is aware, been only one successful prosecution for trafficking and adult into domestic servitude in the UK. This low prosecution rate means that there is virtually no deterrent for trafficking adults into domestic servitude.

The low criminal prosecution rate will only get worse; domestic workers entering under the new rules have so far not been willing to come forward to the authorities as they fear being removed from the UK. Residence permits for victims of trafficking who are assisting the police are only available where the police require that person's presence in the UK. Since so many cases go unprosecuted domestic workers are not reassured by such a measure.

Before the visa changes were introduced in April 2012 domestic workers were able to secure compensation through the employment courts. This financial penalty for traffickers and bad employers served to provide at least some form of deterrent. Under the new visa rules domestic workers do not have permission to remain in the UK to take cases through the employment court and will not be able to work to support themselves whilst they await court dates.

Employers and traffickers know there are no realistic sanctions. They are free to exploit with impunity.

Compensation from employers/traffickers

In the first two and a half years (until May 2011) of a project to help secure compensation for victims of trafficking and exploited domestic workers a total sum of £786,548 was awarded by the employment tribunal to domestic workers (an average award of £87,394 per case). A total £368,865 was paid in settlements (average settlement being approximately £13,000). Since May 2011 there has been a further judgment for £269,772: the largest single judgment achieved so far in the project.

¹⁸ Mumtaz Lalani, *Ending the Abuse*, op.cit

¹⁹ This is after that 'accommodation offset' is deducted, which is the maximum an employer can deduct for accommodation

²⁰ Nick Clark & Leena Kumarappan *Turning a Blind Eye: The British State and migrant domestic workers employment rights* (Working Lives Institute, London Metropolitan University, 2011) <http://www.workinglives.org/research-themes/migrant-workers/turning-a-blind-eye-the-british-state-and-migrant-domestic-workers-employment-rights.cfm>

2.5 National Referral Mechanism for trafficked migrant domestic workers is not fit for purpose

Most of the migrant domestic workers identified as trafficked persons by Kalayaan do not wish to be referred into the national referral mechanism (NRM) because it simply does not offer them the support or rehabilitation that they need. Of the 157 individuals Kalayaan identified as trafficked persons during the period of a pilot project from May to September 2008 and under the NRM between April 2009 and December 2010, only 55 consented to a referral to the NRM. Of the 102 migrant domestic workers who did not want a referral, the reason was as follows: for 12, the trafficking was historical and the individual had found new employment; 56 individuals possessed a valid visa and wanted to find new employment; 9 were afraid that the authorities would focus excessively on their immigration status; 6 needed to send remittances home and preferred to work undocumented; and in the case of the remaining 19, other reasons were given.

The reason domestic workers are vulnerable to trafficking is their overriding need to provide for their children and families. Any system that does not allow them to recover through non-exploitative work simply will not offer them the support they need.

2.6 No emergency accommodation

There are no emergency shelters for women who are abused and/or exploited by employers but are not trafficked persons. It is difficult for Kalayaan to encourage people to flee abuse if there is no guaranteed safe accommodation.

2.7 No provision of safe return

There is no provision for voluntary return of domestic workers to their home countries unless they are undocumented: domestic workers will be forced wait until they have overstayed their visas in order to obtain support to return home. In any case the process of organising returns takes up to 3 months during which time the domestic worker will be homeless and destitute.

2.8 No legal aid

There will, from April 2013, be no legal aid available for accessing redress for work based exploitation/abuse (except for trafficked persons).

Case study

'Satya' came to the UK with a family from the Gulf who came for private medical treatment. Kalayaan were contacted by the concierge from the block of flats Satya and her employers were staying in. The concierge said Satya was very distressed and had told her the employers had taken her passport, had not paid her £100 monthly salary for the last 5 months and locked her in the flat when they were not there. She was only allowed to leave the flat when she had the children with her. We advised Satya via the concierge that if she had a valid domestic worker visa she would be able to work for another employer. She was too scared to leave without confirming this so we obtained proof of her visa for her. She then decided to flee the employers. Kalayaan found Satya another domestic worker to stay with and she found another job in time to renew her visa. She is now a member of a self-help unionised group of domestic workers

2.9 Recommendations

Kalayaan and Anti-Slavery International recommend that the Committee:

Ask the UK Government:

- The UK report does not mention trafficking of migrant domestic workers. Please clarify whether the UK considers trafficking of domestic workers to be an issue in the UK and why this group of vulnerable women workers have been excluded from the Government report?
- How does the UK reconcile its recent immigration changes – namely the tying of domestic worker visas to one employer - with the CEDAW recommendation in general recommendation No. 26 and the 2008 concluding observations about migrant women?
- How will the new immigration restrictions be monitored in order to understand whether they have increased the abuse, exploitation and trafficking of domestic workers?

Recommend the UK Government:

- Reinstate the rights of migrant domestic workers including the right to change employer, eligibility to renew the visa if in full time domestic work, eligibility for settlement after 5 years and eligibility to bring dependents to the UK.
- Extend the right to change employer to domestic workers in the employ of diplomats.

3. Trafficking of women for forced labour and sexual exploitation

3.1 Context and statistics of trafficking in the UK

The Government estimates that there are 5,000 people trafficked to the UK at any one time.²¹ Between 1 April 2009 and 31 March 2011, 1481 potential trafficking victims were referred to the National Referral Mechanism (NRM), the Government's official identification process. Of these, 74% were exploited as adults and 24% as children, 72% were female and 28% were male. Those referred came from 88 different countries. Victims originated from Nigeria, China, Vietnam, Romania, the Czech Republic, Slovakia and the UK in the greatest numbers. Nearly half of adults were trafficked into sexual exploitation (46%), with 30% trafficked for labour exploitation and 18% for domestic servitude²². Children were trafficked for labour exploitation (34%), sexual exploitation (29%) and domestic servitude (13%).²³ The number of referrals to the NRM is not a true reflection of the extent of trafficking in the UK. Many trafficked people are not referred into the system, primarily because they did not see the benefit or were fearful of the consequences.²⁴

3.2 The legal framework and policy response

Trafficking for all forms of exploitation is a criminal offence in the UK and carries a maximum penalty of 14 years imprisonment. Section 71 of the Coroners and Justice Act 2009 introduced a new offence ("the section 71 offence") of holding someone in slavery or servitude, or requiring them to perform forced or compulsory labour,

²¹ House of Commons Home Affairs Select Committee, *The Trade in Human beings: Human Trafficking in the UK*, Home Affairs Committee, Sixth Report of Session 2008-9, Volume 1, House of Commons, London, May 2009

²² The remaining victims were encountered prior to the exploitation beginning

²³ The remaining victims were encountered prior to the exploitation beginning

²⁴ The Anti-Trafficking Monitoring Group, *Wrong kind of victim?*, op.cit

punishable by a maximum of 14 years imprisonment. The Gangmasters (Licensing) Act 2004 established a system for registering labour providers in the agricultural, shellfish gathering and associated packing and processing sectors. The UK ratified the Council of Europe Convention on Action against Trafficking in Human Beings in 2008. In May 2011 it opted in to the EU Directive on Preventing and Combating Trafficking in Human Beings and Protecting Victims. In July 2011, the Government launched its new anti-trafficking strategy with four key aims; international action to stop trafficking happening; a stronger border at home to stop victims being brought into the UK; tougher law enforcement action to tackle trafficking gangs; and improved identification and care for trafficked people.²⁵

3.3 Failure to identify, protect and prosecute

Flawed identification system

The Government itself estimates that there are 5000 people trafficked to the UK at any one time. Yet, the numbers of trafficked people identified by the authorities is surprisingly low. Between 1 April 2009 and 31 March 2011, 1481 potential trafficking victims were referred to the NRM. Of these, a total of 497, just 33%, received a Conclusive Positive Grounds Decision; the formal term for identification as a trafficked person.

Under the National Referral Mechanism, two designated Competent Authorities can determine a victim's trafficking identification; the UK Border Agency in non-EEA cases and the UK Human Trafficking Centre in EEA cases. There is no formal appeals process against the decision of these bodies. There are concerns regarding differential treatment of victims depending on their immigration status.²⁶ A breakdown of positive decisions by country of origin reveals a startling disparity between the chances of UK and EU nationals, and non-EU nationals, to be recognised as trafficked. Eighty six percent of UK nationals referred were positively identified and 77% of Romanian nationals. Despite non-EU nationals representing the largest proportion of victims, positive identification was extremely low, just 15% of Chinese and 19% of Nigerian nationals.

The Anti-Trafficking Monitoring Group (ATMG)²⁷ found that the NRM is flawed; operated by staff who have received minimal training, put more emphasis on the immigration status of the presumed trafficked person than the alleged crime against them, and using flawed legal guidance relating to who should be identified as a trafficked person. For example, in numerous cases, the authorities concluded that as the person had agreed to come to the UK, they could not have been trafficked despite the fact that under international law, deception and abuse render any consent irrelevant. The failure to identify victims has serious consequences; a trafficked person can only exercise their rights once officially identified.

²⁵ *Human Trafficking: The Government's Strategy*, July 2011, <http://www.homeoffice.gov.uk/publications/crime/human-trafficking-strategy?view=Binary>

²⁶ The Anti-Trafficking Monitoring Group, *Wrong kind of victim?*, op.cit

²⁷ The Anti-Trafficking Monitoring Group, established in May 2009, monitors the UK Government's implementation of the Council of Europe Convention on Action against Trafficking in Human Beings in the UK. It comprises nine leading UK-based anti-trafficking organisations: Amnesty International Northern Ireland, Anti-Slavery International, BAWSO, Bristol Counter-Trafficking Coalition, ECPAT UK, Helen Bamber Foundation, Kalayaan, POPPY project and TARA.

Inadequate services for victims of trafficking

Trafficked people continue to report problems in accessing the services they are entitled to, including accommodation, medical services, counselling and legal assistance. The level and quality of assistance varies widely depending on the type of exploitation someone has been subjected to, their location, and the capacity of support providers. Some trafficked women have been housed in unsuitable places and accommodation for male victims of trafficking is severely limited. Services such as interpreters or legal representations are routinely not available.²⁸ Although there are four avenues available under UK law through which trafficked persons could seek compensation, they face numerous practical and legal barriers in accessing this right and are highly unlikely to receive compensation.

Criminalising victims of trafficking

Trafficked people continue to be treated as criminals rather than the victims of a serious crime. Despite existing guidance from the Crown Prosecution Service, victims of trafficking are often not identified as such and are routinely prosecuted for offences they committed when coerced. In the case of *R v O*, 2008,²⁹ the Court of Appeal overturned the conviction of a Nigerian girl who had been trafficked into prostitution yet was successfully prosecuted and sentenced to eight months imprisonment for using an identity card belonging to another, which she had been using whilst trying to escape her trafficker.

Low levels of prosecution and convictions

According to the UK Government's seventh periodic report³⁰, by the end of January 2011, there had been 153 convictions for trafficking under the Sexual Offences Act 2003 and 13 convictions for labour trafficking under the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

Several factors are leading to such low levels of prosecution and convictions: a failure to investigate after a presumed trafficked person provided a statement, particularly in cases of migrant workers subjected to domestic servitude; a lack of understanding of the various forms of coercion associated with trafficking, particularly debt bondage, among law enforcement officials; a lack of resources at local police level to conduct relatively expensive trafficking investigations; and a lack of information sharing among the different agencies involved. In the case of *OOO & Ors v The Commissioner of Police for the Metropolis*, 2011³¹, the High Court found that the Metropolitan Police had failed to investigate the claims of four individuals who had been trafficked to the UK from Nigeria when they were children and subjected to forced labour as domestic workers. They were subsequently awarded compensation.

Proving a human trafficking crime is difficult. Between April 2009 and January 2010, 36 individuals arrested for trafficking offences in England and Wales went to court. Although all 36 were arrested under the relevant trafficking legislation, nine were

²⁸ The Anti-Trafficking Monitoring Group, *Wrong kind of victim?*, op.cit

²⁹ EWCA Crim 2835, 2008, <http://www.bailii.org/ew/cases/EWCA/Crim/2008/2835.html>

³⁰ Consideration of reports submitted by State parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women. Seventh period report of States parties. United Kingdom of Great Britain and Northern Ireland. CEDAW/C/GBR/7. 15 June 2011. paragraph 66

³¹ EWHC 1246 (QB), 20 May 2011, <http://www.bailii.org/ew/cases/EWHC/QB/2011/1246.html>

convicted on charges related to the exploitation of prostitution.³² In effect, law enforcement officials found it easier to secure convictions on these charges rather than on more serious charges related to trafficking.

Lack of meaningful coordination of anti-trafficking efforts

The Government has had difficulty in establishing any meaningful form of coordination between the different agencies engaged in anti-trafficking efforts. The Inter-Departmental Ministerial Group on Human Trafficking, tasked with overseeing the implementation of the Government's strategy and coordinating actions, has only met twice since it was formed in May 2010, and even then, suffered from poor Ministerial attendance.

An immigration approach to trafficking

The government's new anti-trafficking strategy appears to be serving the agenda of curbing migration rather than protecting victims and prosecuting traffickers. It pays very little attention to internal trafficking, focuses predominantly on international trafficking and immigration control measures as tools to combat trafficking, and offers little for the protection of trafficked people. This over-focus on international trafficking and immigration control measures is at odds with the referral statistics where UK and EU nationals represented over half of conclusively identified victims, and fails to take account of the fact that people can be trafficked through regular migration channels or may have a legal right to be in the country.

3.4 Recommendations

Kalayaan and Anti-Slavery International recommend that the Committee recommend the UK government to:

- Establish an independent Anti-Trafficking Commissioner, with statutory powers to request information from the police, the immigration authorities, social services and NGOs across the UK and to report to parliament.
- Ensure that all trafficked people in the UK are able to access the support and services that they are entitled to, including being able to access in practice their right to compensation.
- Ensure that trafficked people have access to free legal aid which covers initial advice and representation, and representation at all stages of the lower and higher courts.

³² Freedom of Information request 20090647 answered by UKHTC on 18 January 2010, accessed on 6 April 2010 and available at www.southyorks.police.uk/foi/disclosurelog/20090647-0