



Submission to
Home Affairs Select Committee
Human Trafficking
March 2023

Introduction:

1. Amnesty International UK welcomes the Committee's inquiry on Human Trafficking. Current Government policy – particularly relating to people seeking asylum and recently implemented and currently proposed legislation¹ – makes the inquiry especially timely. Our submission begins with analysis of how this and related policy enables human trafficking (and other exploitation). We then draw on that analysis to respond to the questions set out in the Call for Evidence. Given the publication on 7 March 2023 of the Government's most recent immigration bill, we are compelled to include an additional section concerning that bill.

General analysis:

2. Human trafficking is a severe form of exploitation of people. It specifically involves “*recruitment, transportation, transfer, harbouring or receipt of*” people in a manner that treats them as objects or goods to be used and controlled. It is, accordingly, profoundly dehumanising and degrading to the person trafficked. The threat or use of violence, deception and other abuse of power is integral to the control. Its purpose is to exploit the controlled person including for sexual use, forced labour, slavery, removal of organs and for other similar violations. At the heart of this extreme abuse is a profound imbalance of power, to which one or more persons are vulnerable and of which one or more persons take advantage.²
3. Any effort to prevent human trafficking and to support and protect its victims must recognise and address these related matters of imbalance of power and vulnerability. Removing or reducing this imbalance and vulnerability is key to preventing human trafficking or enabling a victim to successfully escape from it. Equally, creating or exacerbating the imbalance and vulnerability is a means to enable human trafficking and perpetuate control of its victim. The challenges to effective effort to support and protect victims is inevitably exacerbated by human trafficking's dehumanising impact. That impact will compound any existing psychological, social, economic, cultural or other barrier that would inhibit a person's capacity to seek support or have confidence in a potential source of protection.
4. The Call for Evidence implicitly recognises that victims of human trafficking in the UK include British citizens while acknowledging that migrants to the UK are often its victims. This reflects the preceding analysis. All forms of social marginalisation, minoritization and deprivation place a person in a weaker position relative to others. They, therefore, have potential to render the

¹ The Nationality and Borders Act 2022 and the Illegal Migration Bill, Government Bill 262

² This description of 'human trafficking' is drawn from the definition established by Article 4 of the 2005 Council of Europe Convention on Action against Trafficking in Human Beings (and also given by Article 3 of the Palermo Protocol), which is largely reflected by the offence of 'human trafficking' in section 2 of the Modern Slavery Act 2015.

person vulnerable to exploitation, including human trafficking. In many instances, the personal circumstances and characteristics that make someone vulnerable to traffickers are multifaceted. Many British citizens and migrants to the UK share various of these circumstances and characteristics.³ However, being subject to the immigration system is an additional factor that may exacerbate and/or create vulnerability all of itself.⁴ It is important to recognise that being perceived – albeit wrongly – as subject to the immigration system may have similar effect. There may also be an impact upon British citizens of being trafficked or exploited with people who are subject to the immigration system if the psychological vulnerabilities of victims reinforce each other’s vulnerability to being controlled.

5. Having regard to the foregoing analysis, there are specific features of the asylum and immigration systems that create, exacerbate or maintain vulnerability to trafficking (and other exploitation). We identify several features in the following subparagraphs. We first emphasise that these features’ impact is cumulative (in respect of any one person, several features may apply). They must, therefore, be understood in their entirety not merely considered in isolation.

General considerations regarding the immigration system

- 5.1. Much of the immigration system operates by intentionally making a person dependent on another (e.g. a partner or employer). Even where someone’s immigration is formally sanctioned (even encouraged), it is often under a system that creates this dependency.⁵
- 5.2. Exclusion from recourse to public funds is a widespread feature of the immigration system.⁶ This extends even to people whose migration is not merely formally sanctioned but anticipated to be long-term or permanent.⁷ Many people are thereby made especially vulnerable to the impact of unforeseen or unforeseeable changes of circumstances.
- 5.3. Immigration fees are generally high, even punitively so.⁸ Many fees are set far above administrative cost. People whose migration to the UK is formally sanctioned are

³ Modern slavery official data shows that a significant number of British nationals are identified for referral via the National Referral Mechanism. Of British nationals, children form a disproportionately large number. See <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-october-to-december-2022/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-quarter-4-2022-october-to-december#further-information>

⁴ The modern slavery official data (*ibid*) highlights that, with the exception of children, the great majority of referrals via the National Referral Mechanism are of people who are subject to immigration control by reason of not possessing British citizenship.

⁵ The impact upon women with an immigration status dependent on their partners and upon domestic workers whose status is dependent on a particular employer are well-recognised examples of where dependency can enable abuse. However, most family-related and work-related visas establish a dependency of the person to whom the visa is granted upon another person or corporate body.

⁶ Section 115, Immigration and Asylum Act 1999 establishes a general exclusion from public funds of anyone subject to immigration control. The immigration rules separately establish wide-ranging requirements that visa applicants be able to accommodate and maintain themselves without recourse to public funds; and leave to enter or remain is widely granted on condition that the person does not have recourse to public funds. A failure to observe such a condition is a criminal offence under section 24(1)(b)(ii) of the Immigration Act 1971 and, separately, provides grounds for curtailment of that leave (with liability for detention, removal and further exclusion under the immigration rules).

⁷ See e.g. paragraphs GEN.1.1, D-ECP.1.1, D-ECP.1.2, D-LTRP.1.1 and D-LTRP.1.2 of Appendix FM to the immigration rules.

⁸ It is a political decision to try to make the immigration system mostly ‘self-financed’ by the people who, for fees purposes, are treated as its ‘customers’ - people who are generally without influence over the quality of the ‘service’ for which they are made to pay, thus giving licence to costly inefficiency. This has led to various fees-related campaigns, such as by Migrant Voice: <https://www.migrantvoice.org/visa-costs-campaign>

generally liable to both these fees and a mandatory health service charge.⁹ These charges are in addition to paying taxes that resident citizens pay, paying for legal advice and assistance with highly complex immigration rules and processes and, in some instances, liability for other costs that may be imposed by third parties for arranging a visa or employment sponsorship. For many people, migration is, even apart from all this, relatively expensive. Many people are therefore made especially vulnerable to debt (whether directly or indirectly where a family member is financing their migration).¹⁰

- 5.4. Immigration rules are liable to change and fees to increase, often with little notice.¹¹ Accordingly, many people whose migration is formally sanctioned, and who are required to renew permission to enter or remain, are constantly at risk that their capacity to complete the migration they have planned and invested in may be impossibly interrupted for reasons outside their control and with no real or reasonable opportunity to adjust.
- 5.5. Immigration control is generally prioritised above other public policy aims and the purposes of various public services, or indeed wider social priorities. For example, reporting of people identified or suspected as being subject to immigration control is generally given priority over the delivery of healthcare, policing or social assistance, let alone positive social relations.¹² A wide range of public service providers and private bodies are expected to share data with the immigration authorities. Many people are thereby made vulnerable to marginalisation, exclusion and alienation for fear of engaging with services, organisations and people.¹³
- 5.6. Immigration powers are generally severe. They include powers to arrest, prosecute, detain, expel and exclude people. Accordingly, fear of immigration authorities can be acute because of what those authorities can do and do.
- 5.7. Political rhetoric and much wider presentation of people who migrate to the UK is generally dehumanising.¹⁴ This ranges from treating migration (and the people who undertake it) as of merely economic value or use to presenting people as criminals or dangerous.¹⁵ Much positive discourse on migration, therefore, does little to encourage respect for people who migrate while negative discourse tends to seriously discourage

⁹ Imposed by order made under section 38, Immigration Act 2014

¹⁰ Among the consequences of this, can be that people are made vulnerable to the influence of a family member or made vulnerable to the control of another person as a means to avoid shame or harm to a family member.

¹¹ It is frequently overlooked in discussion of the immigration system that the experience of that system (and its demands for compliance via immigration requirements, visa conditions and fees) is not a one-off experience at the point of entry but a continuing experience; and for many people an experience that continues for several years. Changes of circumstances, including to requirements and fees, therefore, profoundly affect people's capacity to maintain a regularised status.

¹² This can have a deterrent effect as was, e.g., observed by the Health and Social Care Committee in its inquiry concerning *Memorandum of understanding on data-sharing between NHS Digital and the Home Office*, Session 2017-19 See Fifth Report of Session 2017-19, HC 677).

¹³ This is also an experience faced by many survivors of domestic abuse.

¹⁴ A fairly widespread aspect of this dehumanising is the frequent association of immigration with crime and the characterisation of many people and their migration as 'illegal'. The impropriety of this is briefly discussed here: <https://www.amnesty.org.uk/blogs/yes-minister-it-human-rights-issue/stop-saying-illegal-immigrants>

¹⁵ Accordingly, there is significant recognition of benefits to society from immigration (and therefore from the people who migrate to the UK). There is, by contrast, very little recognition of the human worth of people who migrate; and hence policy is constructed around securing societal benefit (usually identified as economic), avoiding societal cost (often identified as economic) but not respecting humanity (even though promoting such respect would do highly significant societal as well as individual good).

this. Accordingly, fear of immigration authorities and of public service providers or wider social engagement is confirmed by this political and social discourse.

Specific considerations concerning the asylum system

- 5.8. Immigration rules generally exclude people from any permitted journey to the UK to exercise the right to seek asylum.¹⁶ This is exacerbated by law and policy to require asylum claims to be made from within the UK.¹⁷ Smuggling gangs and others are therefore left to control the means by which people may attempt to exercise, in the UK, their right to seek asylum. This includes people with strong family or other connection to the UK.
- 5.9. Asylum policy is designed to punish people who seek asylum in the UK with the aim of deterring other people from doing so.¹⁸ This is done through the threat or reality of criminal prosecution, exclusion from the decision-making process, expulsion from the UK and delay or denial of security, finality or family reunion even after someone has successfully established their entitlement to asylum.¹⁹ Fear of the asylum system and immigration authorities is thereby confirmed.
- 5.10. The asylum system is increasingly designed to isolate people. People seeking asylum have long been excluded from work and from wider societal systems. People seeking asylum are excluded from social housing and welfare benefits systems.²⁰ Some people seeking asylum are detained; and if not detained there is a growing tendency to isolate people (whether intentionally or otherwise).²¹ The marginalisation, exclusion and alienation to which many people are subjected by the wider immigration system is directly imposed within the asylum system. In many instances, this is exacerbated by family separation, extended delays in the asylum system (including formal admission to the decision-making process) and being shunted from one location to another (often without warning). All of this tends to be profoundly debilitating and demoralising.
- 5.11. The presentation by ministers of asylum policy and people seeking asylum is currently so acutely dehumanising and hostile that it demands separate acknowledgement beyond what is said above concerning political rhetoric and wider presentation of people who migrate.²²

¹⁶ There is no visa available for the purpose of seeking asylum; and visas are to be refused or cancelled if sought or obtained for purposes other than purposes permitted under the immigration rules. See paragraphs 30C and 9.13.1 of the immigration rules.

¹⁷ Now made law by section 14 of the Nationality and Borders Act 2022.

¹⁸ This underpinned the previous Home Secretary's New Plan for Immigration, from which came much of the Nationality and Borders Act 2022; and it has long been a significant aspect of immigration and asylum policy. The most recent Government immigration bill (the Illegal Migration Bill) significantly extends this with an express statutory purpose, for the entirety of its provisions, of deterrence: see clause 1(1).

¹⁹ See e.g. the legislation (Act and bill), *op cit*

²⁰ The Social Security (Persons from Abroad) Miscellaneous Amendment Regulations 1996, SI 1996/30 were an especially stark example of this. The regime first established under Part VI of the Immigration and Asylum Act 1999 is now the primary basis for this exclusion, on which Schedule 3 of the Nationality, Immigration and Asylum Act 2002 and Schedule 11 of the Immigration Act 2016, for example, have built.

²¹ The use of abandoned or re-purposed military barracks has become a feature of recent asylum accommodation policy and practice; and the use of hotels has also had significantly isolating impacts.

²² This includes the Home Secretary's use of the word 'invasion', the constant association of people seeking asylum with serious crime, and the immigration minister's demonisation of an entire nationality (Albanians). The former attracted criticism of many people, including a Holocaust survivor directly confronting the Home Secretary about this; and the latter attracted a formal response from the Albanian government.

6. The overall impact of the above features of the asylum and immigration systems is that no matter the strength of a person's claim to be permitted to enter or stay in the UK – whether by way of eligibility under the rules, entitlement under international law or other grounds – these systems are designed to threaten the person. Inevitably, this undermines any confidence the person can have in these systems and those responsible for them. It also significantly impairs any person from being able to establish their claim – however strong it may be; and tends to direct the system to presumptions against the legitimacy of someone's claim even before it is or could be properly considered. These immediate consequences are exacerbated by those of the above features that effectively extend these systems, and their threatening attitude, into other public services, private bodies and social structures. Ultimately, these systems operate in ways that exacerbate and sustain vulnerability to abuses of power and, in some instances, create that vulnerability.

Government's latest immigration bill (Government Bill 262):

7. This Bill received its Second Reading on Monday, 13 March 2023. The Bill applies to any person arriving to the UK on or after 7 March 2023 who, at the time of their arrival was required to have permission to come and did not have that (including someone who had acquired permission by their or someone else's deception).²³ It also applies to that person's partner or child, whether or not that family member has ever arrived without permission or indeed was born in the UK (provided the family member is not in possession of British citizenship or in possession of leave to enter or remain).²⁴ The Bill requires that the Home Secretary must expel the person who arrived without permission.²⁵ To that end it gives her extraordinary powers to refuse to consider any claim the person may have to stay in the UK, including on the basis that the person is a victim of human trafficking or other exploitation.²⁶ Human rights protections and judicial oversight are widely excluded from the exercise of these powers.²⁷ The person (and the family member) are generally to be permanently excluded from any claim to come to or stay in the UK.²⁸
8. Our profound objections to this Bill go far further that matters relevant to the Committee's current inquiry. However, there are two vital concerns relating to this Bill that also relate to this inquiry. Firstly, survivors of human trafficking and other exploitation are very clearly caught by this Bill; and the protections that would and should otherwise be available to them are specifically denied them by this Bill.²⁹ Secondly, the Bill seeks to create a lawless environment in which the people it catches are effectively denied any status, respect or protection that they would and should otherwise expect. This latter is the reason that we have identified the Bill as a Charter for Modern Slavery. It is so concerned with attempting to deter people that it will

²³ Clause 2. Obtaining permission by deception might include securing a visa for a purpose other than that for which it is made available – e.g. securing a student or visit visa when intending to seek asylum.

²⁴ Clause 8. A person who has leave to enter or remain may be in danger of it being taken from them. A person who does not have British citizenship may however be entitled to it under the British Nationality Act 1981.

²⁵ Clause 2(1) is supplemented by a panoply of provisions to exclude any legal, judicial, moral or rational impediment to the implementation of this requirement.

²⁶ Clause 4

²⁷ Clause 1(5) begins this endeavour with a general exclusion of any reading of the Bill for the purpose of giving effect to the UK's human rights obligations under the 1950 European Convention on Human Rights. Clause 13, for example, seeks the exclusion of all judicial oversight of the exercise of detention powers for a period of 28 days. Even where the bill permits minimal judicial oversight by the Upper Tribunal, its capacity to do so is to be constrained by the Home Secretary who may bar it from considering certain 'new' matters (clause 46) and redefine the highly restricted basis on which any judicial function is left to it should she find its decisions intolerable to her (clause 38).

²⁸ Clause 29ff even exclude the statutory entitlement to citizenship under the British Nationality Act 1981 of children born in the UK or born to British citizens.

²⁹ Clause 21ff

create an environment in which people who have been trafficked and people who have not have every reason to be terrified of the Home Office or any part of society that may report the person to that department. For reasons explained elsewhere in this submission, that is an environment in which human trafficking and other exploitation can be expected to thrive.

Discrete responses to certain of the Committee’s questions:

1. What is the scale and nature of human trafficking in the UK?

9. Others will be better placed to answer this question. However, we wish to emphasise two points:

9.1. There is international recognition that women and girls are disproportionately victims of human trafficking.³⁰ We include further information by way of Appendix A. UK modern slavery data relating to the National Referral Mechanism identifies that most people referred as potential victims of modern slavery are male.³¹ We note the consistent finding that around 9 in 10 people referred are indeed victims.

9.2. Trafficking for sexual exploitation is often singled out among other forms of human trafficking, such as for forced labour in sectors such as agriculture, construction, domestic work or fisheries. Among the implications of this is a conflation of trafficking (or other exploitation) and sex work. Whereas forced sex work is a real and significant form of abuse and form of human trafficking, failing to understand the varying nature of sex work tends to support policy and practice that is harmful to all sex workers, whether trafficked or not. We include further information by way of Appendix B.

2. How effective is the UK’s approach to discouraging the demand that leads to human trafficking?

10. The UK is not effective at discouraging this. On the contrary, the Government’s approach enables human trafficking. Indeed, it does so remarkably comprehensively. The immigration and asylum systems create an environment in which human traffickers are significantly empowered to lure or capture people in their countries of origin, people on journeys to the UK and people who have arrived in the UK. The reasons for this are, in short:

10.1. Many people with strong reasons to want or need to move to the UK are not permitted to do so under the immigration rules. Other people with strong reasons may be permitted under the rules only by making themselves highly dependent on others (e.g. an employer or agent). The rules favour people who are relatively wealthy and well-educated – people who not only are more often provided options under the rules and options that allow them far greater autonomy but are, in any case, largely protected against the risk of exploitation and abuse by the significant financial, social and educational privileges they already enjoy. The less financially and socially secure a person is, the more likely the rules operate to make or exacerbate that person’s vulnerability to exploitation, including human trafficking.

10.2. Many people who are already on journeys to the UK are made vulnerable to exploitation for similar reasons. If the person has an option under the rules, the person is more likely to be able to travel safely (unless already under the control of a trafficker

³⁰ The UN Office on Drugs and Crime Global Report on Trafficking in Persons 2022 indicates that, while the proportion of men and boys victim of human trafficking has grown, women and girls remain the majority of victims. It also finds that women and children suffer significantly greater violence at the hands of traffickers. See https://www.unodc.org/documents/data-and-analysis/glotip/2022/GLOTiP_2022_web.pdf

³¹ See <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-october-to-december-2022>

at the time of securing any visa). If the person – such as a refugee with family or other connection in the UK – is compelled to journey without a visa, that person is made vulnerable to trafficking at various stages of a journey. This doesn't mean that all experiences of dangerous journeys controlled by smuggling gangs constitute trafficking.³² Clearly, they do not. However, not only are many smugglers dangerous and exploitative, people reliant on smugglers are generally not in a position to distinguish a smuggler and trafficker or otherwise protect themselves against becoming trafficked.³³

10.3. Many people in the UK – increasingly people who are seeking asylum, but not only such people – are made vulnerable to exploitation after their arrival. The deprivation, exclusion and hostility many people face all increase vulnerability to and dependency upon traffickers and other abusers.

10.4. The Government's response to people seeking asylum is significantly increasing these risks. Its focus on 'stopping the boats', by which it means preventing people who seek asylum without a visa (even though there is no visa available for this purpose) from doing so, is all about making the asylum system as unwelcoming, unpleasant or inaccessible as possible in the expectation this will deter people from entering or seeking to enter it. There are at least three profound flaws in the approach – leaving aside its fundamental violation of the UK's shared responsibilities under the Refugee Convention. First, deterring people from entering (or remaining) in the asylum system is not the same as deterring them from coming to the UK. If people come but are deterred from entering that system, feeling compelled to remain in the shadows or go to ground, that is a boon to human traffickers and other exploitation. Second, if people are either unaware of how unwelcoming and unpleasant the Government intends to be or their motivations for coming are too strong (or they are being trafficked and so have no control over their journey), they will come. Third, by seeking to relieve itself of its own asylum obligations, the Government is merely encouraging other countries to do likewise. If so, fewer people entitled to asylum will be secure elsewhere and human traffickers and other abusers will only have more opportunities to exploit – including by bringing people to the UK.

11. Of course, our analysis of 'demand' (the Committee's question) is more accurately an analysis of vulnerability. Our response is not about demand for the sex, labour or other 'service' which traffickers provide by exploiting their victims. We would caution against a focus on demand.³⁴ It is about the conditions – particularly as these are created or perpetuated by the immigration and asylum systems – that enable traffickers to capture and control their victims.

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

12. We are not in a position to evaluate the quality and impact of support provided by various services to victims of human trafficking.

³² This was e.g. expressly recognised by the former Home Secretary and Prime Minister, the Rt Hon Theresa May at Second Reading of the Illegal Migration Bill, see *Hansard* HC, 13 March 2023 : Cols 592-3

³³ The journeys of a person seeking asylum, for example, may include experience of both being smuggled and being trafficked at different stages of that journey.

³⁴ There are wider problems with narratives concerning 'demand'. These can obscure the imbalances of power, structural discrimination and oppression that create and/or exacerbate people's vulnerability to becoming trafficked and remaining under the control of abusers. That obscuring effect allow a focus on tackling the demand rather than addressing the factors that make victims vulnerable to human trafficking, which may merely shift the exploitation or fail to address it at all.

13. However, we are concerned that support services are critically inhibited from meeting the needs of many victims of human trafficking; and that current policy is likely to seriously exacerbate this – even without what appears to be intended by the Government’s latest immigration bill. There are at least two ways in which this needs to be considered:

13.1. The impact of data-sharing for immigration purposes has a strong deterrent effect. This may prevent a victim of human trafficking approaching a service for fear of being reported – whether or not that is a likely response of any particular service. Similarly, that fear may prevent a person seeking assistance they might otherwise need to avoid becoming vulnerable to trafficking or other exploitation.

13.2. Some services may effectively be barred to a victim or someone who, without the service, may be made vulnerable to trafficking or other exploitation. This may be because of such matters as no recourse to public funds, exclusion from lawful employment, exclusion from lawfully renting property or health charges.

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

14. We are not aware of any significant evidence to suggest that the National Referral Mechanism is being exploited by people seeking asylum in the UK.³⁵

15. Moreover, we are conscious that there have been several demonstrably incorrect assertions made about people seeking asylum in the UK over the past couple of years, particularly in connection with small boats crossing the Channel and including assertions made by ministers in support of their increasingly antagonistic policy towards people seeking asylum.³⁶

16. Accordingly, it is difficult to avoid the conclusion that what is said about the National Referral Mechanism is said for the purpose of supporting minister’s policy and legislative intentions rather than the policy and legislation being a response to any significant evidence of what is asserted.

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

17. Legislation and policy could be improved to prevent and address human trafficking by ending the subservience of various social policy aims, and the public and private bodies by which these are delivered, to immigration policy – including aims and bodies concerning crime reduction, health and the delivery of various public services. It would be better improved if these aims were elevated above immigration policy; and even more so if immigration policy was set with the ambition of supporting and promoting these aims. Immigration policy ought to, at a minimum, take as its primary focus the aim of facilitating as far as is possible people to exercise any right they may have to enter or remain in the UK or to realise any eligibility they may be formally given to do so. Further, the immigration system could be adjusted in favour of people already disadvantaged by social and other inequalities rather than against them – thereby

³⁵ We note that this was also expressly doubted by the former Home Secretary and Prime Minister, the Rt Hon Theresa May at Second Reading of the Illegal Migration Bill, see *Hansard* HC, 13 March 2023 : Cols 592-3.

³⁶ These include ministers’ claims that contradict official data confirming that people of the nationality of those making these journeys are significantly more likely than not to be recognised as refugees if and when their asylum claims are assessed; exaggerations of the proportion of such people coming from Albania; and the, more general, assertions that exaggerate the number of asylum claims by comparison to past years; that seek to distract from the manifest causal link between the policy of ministers to delay by seeking to avoid making decisions on asylum claims and the rise in the backlog of such claims; and that suggest alternative routes are available when that is plainly not true.

mitigating the vulnerability of those most at risk from traffickers and other abusers rather than compounding this.

Conclusion:

18. The general point to be made can be easily summarised. Human trafficking is all about controlling people. The more disempowered (whether by poverty, social isolation or other factors) a person is, the more vulnerable they are to human traffickers. It should surprise nobody, therefore, if it is people subject to immigration controls and powers who are disproportionately at risk of being trafficked. That ought to compel an attitude that seeks to mitigate the disempowering effect of the immigration and asylum systems. Sadly, however, Government policy continues to exacerbate that effect. Ironically, this is done in tandem with increased ministerial rhetoric about the scourge of human trafficking and other criminal exploitation. That irony is emphasised when the policy consistently aggravates the vulnerability of victims even to the point of presenting victims as perpetrators.³⁷ It is also emphasised by the fact that the results of this policy both enable perpetrators of exploitation (by increasing their victims' vulnerability) and protect perpetrators from prosecution (by disabling their victims from coming forward to give evidence against them).³⁸
19. There are, of course, wider implications concerning the response to both human trafficking and people seeking asylum by the UK. We have very briefly touched on the latter in response to the Committee's question about discouraging trafficking. A further serious aspect of those wider implications arises from the growing inconsistency between the UK's self-professed international role as champion – particularly of women and girls who have survived conflict and exploitation – and the reality that where any of this touches on matters of migration to the UK, the Government's response is at best reckless as to the rights and needs of victims of conflict or exploitation and at worst intentionally harmful to them. Further information is included within Appendix A.

Appendix A

Even though women and girls constitute the majority of victims of trafficking there is still a lack of appreciation and understanding of the gendered dimension of human trafficking. The CEDAW committee, in its General Recommendation 38 (2020) on trafficking in women and girls in the context of global migration, states that “*trafficking in women and girls is rooted in sex-based and gender-based discrimination, gender-based structural inequality and the feminization of poverty*”. This means that tackling the trafficking of women and girls cannot be successful unless structural gender inequality in society is addressed. It must be recognised that women and girls, who face additional discrimination because of their social, political and economic exclusion, are the most vulnerable to being trafficked.

In 2012 the UK government established the Preventing Sexual Violence Initiative (PSVI) taking a leadership role in tackling sexual violence internationally. Successive PSVI documents and strategies

³⁷ The treatment of victims is not a new phenomenon. It has, for example, long been recognised in relation to the prosecution of, disproportionately, young Vietnamese victims of trafficking for offences arising from their forced labour in cannabis factories. However, this has become a significantly wider concern in relation to the prosecution of immigration-related offences and the Government's general deterrence policy.

³⁸ We note the Government's latest immigration bill (the Illegal Migration Bill) contains provisions to temporarily exempt victims of human trafficking from the bill's wider measures but only for the purpose and duration of a victim's cooperation with the authorities in relation to criminal investigation and prosecution. See clauses 21, 23 and 24. As and when that cooperation is no longer wanted or needed, the person is abandoned to the full impact of the bill. This is one stark example of the degree to which immigration policy continues to be devised in ways that see and treat people as no more than dehumanised tools of other policy or societal benefit.

recognise that women and girls, who are victims of sexual violence, including conflict-related sexual violence (CRSV), face extreme difficulties in securing support and redress; and experience stigma from their families and communities. It further affirms that gender inequality in society is both a cause and a consequence of sexual violence in conflict, which hinders efforts to achieve gender equality, development and conflict resolution. In addition, the current PSVI Strategy states: “*we also recognise that CRSV can occur along migration routes*”.³⁹

However, this recognition is overridden by an immigration system which adds to the suffering of women and girls who flee sexual violence and other forms of gender-based violence or its consequences, such as poverty. The immigration system is thereby underpinned by the denial that societal gender inequality makes women and girls vulnerable to trafficking in specific ways. It is remarkable that the UK government fashions itself as a champion for the rights of women and girls when its immigration policies are so incoherent, damaging and exacerbate women and girls’ vulnerability to human trafficking.

Appendix B – conflation of human trafficking and sex work

The persistent conflation of trafficking and sex work in popular and policy discourse creates a dominant narrative that disregards the realities and diverse ways in which sex work can take place and the point at which coercion and force enter the equation. The conflation is underpinned by the concept of ‘demand’ which claims that it is demand for sex by men that causes the trafficking of women across borders for the purpose of sexual exploitation. This assumption leads to harmful laws and policies that negatively impact women.

The imperative to reduce demand’ leads to the criminalisation of sex work, including through the so-called ‘Nordic model’. However, there is no conclusive evidence that countries with legalised or decriminalised sex work experience higher rates of human trafficking; and no causal relationship between criminalisation of sex work and a reduction in trafficking.⁴⁰

Criminalisation fosters distrust of authorities, including the police and immigration enforcement. As a result sex workers are unwilling to come forward to report violence or other crimes they experience and/or witness. This is quite apart from the strongly inhibiting effect of immigration policy including that caused by police or other agencies reporting intelligence they might have of trafficking victims. Some research indicates that the decriminalization of adult consensual sex work may in fact help victims of trafficking and lead to more effective anti-trafficking efforts.⁴¹ For example, in the Dutch branch of Crimestoppers International, Meld Misdaad Anoniem, has been running campaigns to encourage clients of sex workers to report suspicions of human trafficking to an anonymous hotline. In 2012-2013 the hotline registered a 76% increase in reported cases of trafficking in the sex industry, which led to 12 convictions of traffickers.⁴²

³⁹ <https://www.gov.uk/government/publications/preventing-sexual-violence-in-conflict-initiative-strategy/preventing-sexual-violence-in-conflict-initiative-strategy#foreword-from-the-foreign-secretary>

⁴⁰ The most widely cited study supporting such a claim¹⁰ has been criticised for its flawed methodology by sociologist Prof. Ronald Weitzer and the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children. Additionally, a review of 46 studies (including Cho et al.) claiming any relationship between sex work legal models and increased trafficking, conducted by the University for Humanistic Studies, concluded that the methodology of each study was too flawed or limited for a direct correlation to be established on the basis of the available data.

⁴¹ R. Weitzer, “The mythology of prostitution: Advocacy research and public policy”, Sexuality Research and Social Policy, 2010, pp. 23-25

⁴² La Strada International, Newsletter 29, July 2013, <http://lastradainternational.org/dynamic/images/La%20Strada%20Newsletter%20Issue%2029.pdf> p. 5.