

Notes from Beth Flint keynote speech at SWVG AGM 16 Nov 2020

Trafficking survivors

Be aware of the language you use when talking to detainees about any of their experiences. Many trafficking survivors do not know what trafficking is and many mistakenly equate their experiences to smuggling. Many trafficking survivors do not self-identify as having been trafficked and face multiple barriers to disclosure in detention. They may be operating under the instruction of others still whilst in detention (indirectly); they may fear being criminalised for activities they were forced to commit in the course of their exploitation; they may have fears and anxieties and distrust the authorities amongst other barriers like mental health issues, amongst others.

Use plain language to talk to potential victims of trafficking. If you suspect someone may have been exploited, then encourage them to access legal advice that can enable them to make an informed decision about what support/protection may be available to them. Many victims of trafficking are referred into the NRM but do not still understand what it means. Consent is required for an adult to be referred into the NRM.

See <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales> for more details.

There are many different indicators of trafficking, but you do not need to familiarise yourself with all of these in order to identify someone as a potential victim of trafficking as a volunteer. Key considerations if you are supporting someone that you suspect may be a victim of exploitation are identifying any push or pull factors that may have led to them leaving their country of origin and seeing if they disclose if they were made to do anything against their own will (anything that they didn't want to do). There is always the risk of re-traumatisation so assess on a case by case basis whether it is appropriate to ask anything at all and if you have any concerns about someone being a potential victim of trafficking then raise them with your volunteer coordinator who can seek advice from organisations like AVID if need be or from more specialist trafficking legal orgs like ATLEU, amongst others.

A potential victim of trafficking needs access to specialist legal advisors that can help them to make an informed decision about whether or not they wish to consent to the NRM and about the legal options that may be available to them.

Many potential victims of trafficking may fear that they need to speak to the police if they enter the NRM, but they are not obliged to do so. Many potential victims of trafficking do not recognise that trafficking is a crime, foremost because they do not understand what trafficking is, let alone recognise that they are victims of a crime.

Traffickers have often instilled entrenched distrust in the authorities in victims of trafficking so building trust and a rapport as volunteers is key to supporting a potential victim of trafficking and key to facilitating disclosure more widely.

The Survivor Care Standards are best practice for working with trafficking survivors <https://www.antislaverycommissioner.co.uk/media/1235/slavery-and-trafficking-survivor-care-standards.pdf>

The Helen Bamber Foundation advocate for a trauma informed approach to working with victims of trafficking <http://www.helenbamber.org/wp-content/uploads/2019/01/Trauma-Informed-Code-of-Conduct.pdf>

NRM referrals can only be made by first responders. See list of statutory and non-statutory first responders here <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales>

Many victims of trafficking may be imprisoned and/or facing deportation due to offences that they undertook whilst they were under the control of their trafficker and/or as a direct consequence of their trafficking. There are criminal solicitors that are not aware of trafficking and that are not aware of the defence that may be available to some victims of trafficking. Victims of trafficking may need not only immigration and asylum legal advice but also the involvement of a criminal solicitor to consider if a challenge of any criminal conviction is possible.

Trafficking/Torture survivors

Many victims of trafficking are torture survivors and their experiences can be overlooked as solely torture and thus their trafficking experiences remain hidden or are missed. It is not for you as volunteers to discriminate between what constitutes torture and what constitutes trafficking. Potential victims of trafficking that may also be torture survivors need specialist legal advice and may need access to specialist safeguards like RULE 35 reports.

There is no RULE 35 safeguard in prison. This means that many vulnerable potential victims of trafficking may be overlooked as victims of torture too. This lack of safeguard places potential victims of trafficking in prison at risk of significant harm.

Many trafficking survivors may be in prison under immigration powers for offences tied to their experiences of exploitation. Many people in prison do not realise they are being held under immigration powers. There is no Detention Duty Advice scheme in prison so there are no lawyers who are contracted by the legal aid agency to go into prison to see if there are people that they need to represent which means that potential victims of trafficking can be easily overlooked unless there are pro bono services available.

Potential trafficking survivors in prison under immigration powers need access to specialist legal advice.

The Helen Bamber Foundation collaborated with OSCE to produce a publication on Trafficking in Human Beings amounting to torture and Other forms of ill-harm. See <https://www.osce.org/files/f/documents/d/b/103085.pdf>