

The BAWSO Diogel Project. An Interview with Imogen Gunner, BAWSO Trafficking Senior Support Worker

JACKIE JONES*

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Abstract

This contribution to the special issue is a contextual interview providing an insight into the work of a senior support worker of victims of trafficking in Wales; victims who often apply for asylum at the same time as trying to recover from extreme exploitation and vulnerabilities. Some of the relevant legal provisions in England and Wales will be outlined, particularly in relation to the Modern Slavery Act 2015, to provide the reader with some key constraints both the victim and worker must adhere to stay within the law. The contextual interview also provides a picture of Albanian and Nigerian victims of trafficking and their treatment in the UK as well as a case study presented to politicians, representing a victim's life before arriving in the UK, demonstrating her extreme vulnerabilities in her home country of Nigeria. Finally, some common threads and conclusions will be drawn out.

Key words

Human trafficking; refuge; asylum process; NASS support; Nigeria; Albania

Resumen

Este artículo del número especial es una entrevista contextual que proporciona conocimiento sobre el trabajo de una asesora de víctimas de trata en Gales; víctimas que suelen solicitar asilo a la vez que intentan recuperarse de una explotación y de una vulnerabilidad extremas. Se dibujarán algunas de las provisiones jurídicas más relevantes de Inglaterra y Gales, sobre todo en lo tocante a la Modern Slavery Act (2015), para que el lector conozca algunos de los imperativos legales que deben observar tanto víctimas como asesores, para

* Jackie Jones is Professor of Feminist Legal Studies and activist in the women's human rights movement, has written, taught and spoken about the need to eliminate violence against women and children using law all over the world. She teaches at the University of the West of England and has specialised in different forms of violence, especially human trafficking and gender equality for more than twenty years. Jackie has written many articles on different aspects of gender, including, transsexual rights in the workplace, same-sex marriage, equality legislation and human dignity. She is member of the Advisory Group on the Istanbul Convention set up to ensure ratification through Parliament in the UK and has recently been appointed as the Chair of the Academic Advisory Panel on Human Trafficking in Wales. She is past President of European Women Lawyers Association and trustee of two women's organisations in the UK; she is regularly asked to speak and train lawyers and input her views to policy initiatives at local, regional and international levels. She is co-editor (with Prof. John Winterdyk) of the Palgrave International Major Reference Work on Human Trafficking (2018). Contact details: Frenchay Campus, Coldharbour Lane, Bristol. BS16 1QY. United Kingdom. Email: jackie6jones@gmail.com.



permanecer dentro de la legalidad. La entrevista también retrata la situación de víctimas albanesas y nigerianas de tráfico de personas y el tratamiento que reciben en el Reino Unido, así como un estudio de caso presentado a los políticos, el cual representa la vida de una víctima antes de su llegada al Reino Unido y que demuestra las vulnerabilidades extremas que sufría en su país natal, Nigeria. Por último, se extraerán algunas conclusiones.

Palabras clave

Trata de personas; refugio; proceso de asilo; NASS (Servicio Nacional de Apoyo a los Solicitantes de Asilo); Nigeria; Albania

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1. Introduction

Imogen attended the first Institute for the Sociology of Law (Oñati) workshop in June 2014 and was a key contributor to the discussions during both days. She is insightful and articulate. This is a prerequisite for the type of work she has been undertaking for the last five years as a senior support worker for victims of trafficking and modern slavery in Wales. She helps women who have survived modern slavery and human trafficking; women who have been enslaved in houses, prostituted for profit and tortured. She also supports women through the asylum process and the benefits system. It is a complicated area, and requires a lot of patience and understanding. It equally demands astuteness to determine the truthfulness of people's stories. Imogen is adept at all of this - my main motivation for asking her to Oñati and to contribute her insights to this special issue. It is hoped her experiences enable others to understand some of the technical and human barriers that exist in providing effective support to victims of trafficking and modern slavery.

The contribution is divided into five sections: first, an introduction to the organisation Imogen works for: BAWSO. Second, a short overview of the legal complexities and obligations to support victims of trafficking and modern slavery in the UK. Third, the interview with Imogen. I have interviewed and spoken to Imogen on five occasions and she has provided written information. The contribution in the special issue is a compendium of these, in her own words, including a section on the most common types of person she assists: Albanian and Nigerian women who have been exploited for sexual purposes. Fourth, a case study that BAWSO presented as evidence of its work to the National Assembly for Wales - a woman from Nigeria that had been trafficked for the purposes of sexual exploitation. It is a typical case for Imogen and underscores the varied vulnerabilities that lead some women to find themselves in the UK. Finally, common threads and conclusions will be drawn.

2. BAWSO

Imogen works for BAWSO, a charity that supports women and men from black and minority ethnic backgrounds affected by several types of abuse, including domestic violence, female genital mutilation, forced marriage, human trafficking and prostitution throughout Wales. In 2009, BAWSO set up the Diogel (Welsh, meaning *safe*) project in partnership with the Poppy Project (a charity based in London, now defunct). The initial collaboration lasted two years providing an acute service with a 45-day reflection and recovery period for referred women in six units of secure accommodation in South Wales. In 2010, the Welsh Government funded an expansion into North Wales to provide three accommodation units to support victims of trafficking. In 2011, when the commissioning was changed, BAWSO was sub-contracted by the Salvation Army to continue delivery of services to support victims of trafficking throughout Wales. From then on BAWSO has provided support for up to 30 people at any given time through 13 accommodation units for women, 20 outreach units that support both men and women who are unable to access safe houses and outreach support to both male and female victims. The Diogel safe house in Cardiff has eight beds and an emergency room, is often over capacity, with the prayer room also being used to accommodate women. There is a three-bed house in Wrexham (North Wales) and a four-bed men's refuge in Cardiff (South Wales). The Wrexham house provides support to women over the age of eighteen who have been trafficked to the UK and have been sexually exploited in the three months prior to the referral. Diogel has a Senior Support Worker who delivers support in partnership with specialist support providers. Since its establishment in October 2009 BAWSO has supported 114 women, plus their children, and many more on an outreach basis. However, demand is outstripping supply, with the

project supporting 23 service users and 12 children in 2016 alone (data provided to the author by BAWSO).

3. A brief guide to the legal protection of victims of human trafficking and modern slavery in the England and Wales

In the UK, the Modern Slavery Act 2015 (hereinafter, MSA) consolidates much of the law on human trafficking and slavery. Section 1 MSA states that the section is to be given the same legal meaning as Article 4 of the European Convention on Human Rights (ECHR; see Council of Europe 1950), providing evidence of progress towards a more human rights based approach than was previously the case in the UK. The European Court of Human Rights (ECHR) has expanded the remit of Article 4 ECHR to cover human trafficking (*Rantsev v Cyprus and Russia* 2010, *M. and Others v Italy and Bulgaria* 2012) and has explicitly reminded states of their positive obligations of investigation and prosecution, and to actively protect their citizens (*Rantsev v. Cyprus and Russia* 2010; and recently, *Chowdhury and others v Greece* 2017; see also Jones 2017). The case law of the ECHR applies in the UK legal context and should be followed by domestic courts.

The MSA splits modern slavery from human trafficking into two distinct sections, thereby recognising the distinctiveness of each. Section 1 MSA states that a person commits the crime of slavery, servitude and forced or compulsory labour when

- (a) the person holds another person in slavery or servitude and the circumstances are such that the person knows or ought to know that the other person is held in slavery or servitude; or
- (b) the person requires another person to perform forced or compulsory labour and the circumstances are such that the person knows or ought to know that the other person is being required to perform forced or compulsory labour.

In determining whether someone is being held in slavery or servitude, forced or compulsory labour, section 1(4) MSA provides a list of factors that can be taken into account. The list is reflective of a softer, more human rights focused approach, rather than a strict criminal justice approach; one that recognises the blurred boundaries between vulnerabilities, (forced) choice and (forced) criminality that is a key feature of both modern slavery and human trafficking. Account can be taken of

- Section 1 (4) (a) to any of the person's personal circumstances (such as the person being a child, the person's family relationships, and any mental or physical illness) which may make the person more vulnerable than other persons;
- Section 1 (4) (b) to any work or services provided by the person, including work or services provided in circumstances which constitute exploitation within section 3(3) to (6).

The circumstances listed above focus attention not on any unlawful act the victim might have taken part in (for example cannabis harvesting or being in the UK without the correct documentation), rather, on the vulnerabilities and exploitation of the victim, thereby leaving the door open for these vulnerabilities to be taken seriously in the legal process of assessing if a person is a victim of trafficking or modern slavery. That is good news for victims as will be explained below.

Helpfully, the section specifically states that even if there is consent on the part of the person (whether adult or child) to modern slavery/servitude/forced or compulsory labour it does not preclude the authorities from holding that the offence did in fact take place. In other words, a prosecution is possible even where the victim consented to the movement or exploitation. That had not been recognised in practice in the past. When one is assessing the power differentials involved in a *master/servant relationship* (as modern slavery is often described) in which one party asserts *ownership* over another in juxtaposition to the vulnerabilities that lead

to trafficking and modern slavery, this provision may prove very helpful. That is because the *power-less* party may feel enabled to exit the abusive circumstances and may be less likely to be subject to retaliation from the *master*, even where the victim takes part (or feels compelled to take part) in criminal legal proceedings. Taking the decision out of the hands of the victim may therefore be an enabling tool. Additionally, the provision has parallels with (but is not the same as) domestic abuse legislation in the UK, whereby even if the victim of domestic abuse recants, a charge can be put without the victim taking part in legal proceedings. However, the issue is problematic. It has been argued that taking consent and decision-making away from the persons most affected, even if seen by some as *abusive*, undermines the autonomy of the individuals, especially women, who should be enabled, rather than dis-empowered (Spencer and Broad 2012).

Section 1(4) provides further evidence of the progress the UK is making in complying with international legal and human rights standards in this area, as does the explicit inclusion of defences for victims of trafficking. Section 45 MSA provides a list of circumstances in which the defence to a charge of modern slavery or trafficking can be put forward, covering situations where the victim has been engaged in criminal activity, for instance cannabis harvesting or forced begging, or has turned into a trafficker herself. The provision is designed to address the non-punishment/non-prosecution principle enshrined in international law, including the Council of Europe Convention on Action against Trafficking in Persons, Article 26 and EU Directive 2011/36/EU on preventing, and combatting trafficking in human beings and protecting its victims, Article 8 (see European Parliament and Council of the European Union 2011 and Piotrowicz and Sorrentino 2013). It is hoped that this provision will be utilised positively by the courts, thereby progressing law from a mainly crime control model to a human rights approach focused on victim protection.

Regarding human trafficking, section 2 clarifies that travel is a key element of the offence and therefore differentiates it from section 1 offences. Someone is a trafficker if they arrange or facilitate the travel of another in order to exploit them. It is irrelevant whether the person has consented to the travel, again, demonstrating progress towards a human rights approach to human trafficking as it covers situations in which individuals voluntarily enter the UK. A typical example might be a promise of a job in a nail bar but in fact turns out to be work in a brothel. In addition, the travel element can be within the same country, thereby covering situations such as the ones that happened in Rotherham and Oxford (internal trafficking and torture of girls for the purposes of sexual exploitation over an extended period). Internal trafficking has become a focus in recent times because of these high-profile cases, in turn leading to a sharp increase in the number of internally trafficked victims being identified through the National Referral Mechanism (hereinafter, NRM; see UK Visas and Immigration and NCA Modern Slavery and Human Trafficking Unit 2017; see also National Crime Agency 2016). The MSA thus again demonstrates a more nuanced and progressive approach to modern slavery and trafficking than had been the case previously in the UK.

Part 5 of the Act deals with the protection of victims, but only two provisions deal directly with supporting victims. Section 49(1) MSA simply states that the Secretary of State "*must* [emphasis added] issue guidance to such public authorities and other persons about (b) arrangements for providing assistance and support to persons who there are reasonable grounds to believe may be victims of slavery or human trafficking". Section 50(1) MSA states that the Secretary of State "*may* [emphasis added] make regulations providing for assistance and support to be provided to persons - (a) who there are reasonable grounds to believe may be victims of slavery or human trafficking; (b) who are victims of slavery or human trafficking". The MSA thereby delineates the obligations of the UK government from the devolved administrations in Wales, Scotland and Northern Ireland: guidance is compulsory at UK level, providing an over-arching framework for the main

objectives to be achieved (for example, commissioning of services). Regulations, on the other hand, are voluntary at UK level. This leaves open the possibility of regulations at more local levels with consequent variations in service provision around the UK. Again, there are parallels with the localisation agenda of the provision of domestic violence and rape services across the UK that has led to unequal distribution of resources (Imkaan 2016).

3.1. A complicated and confusing system

The entire procedure - from being identified as a victim of trafficking to claiming asylum and obtaining refugee status - is very complex and in fact comprises several distinct processes. This complexity intersects with the domestic constitutional make-up of the UK. Service provision for potential victims of trafficking or modern slavery is a devolved matter (see below and SOLACE 2009); but decisions as to whether someone has been trafficked or enslaved, the entire asylum process and service provision for those seeking asylum rests with the UK government.

To be identified as a victim of trafficking one must apply for status to the National Referral Mechanism (NRM). It was set up under the Council of Europe Convention on Action on Human Trafficking 2005 and came into force in the UK in 2009. The NRM is the only process that can legally label someone a victim of trafficking in the UK (positive reasonable grounds decision, followed by a conclusive grounds decision) with the consequent legal protections that flow from this status. All children are referred into the NRM, but not all adults. That is because adults must give consent to be referred (children cannot opt out). Various legitimate and rational reasons exist for someone to choose not to be referred, including, fear of traffickers or authority, shame and recognition, lack of understanding (Home Office 2014). However, in order to claim asylum on the basis of trafficking or modern slavery, a person must refer himself or herself to the NRM. If the potential victim is unaware or does not understand this legal fact, the consequences can be severe. Since November 2015 local authorities, the police, the National Crime Agency and the Gangmasters Licensing Authority, UK Visas and Immigration, Border Force and Immigration Enforcement are under a duty to report a person who refuses to be referred into the NRM, making a real choice about non-referral difficult for the potential victim (section 52 MSA 2015). In her interview, Imogen comments that many women feel compelled to claim asylum most likely because of these legal constraints on their choices. Requiring consent to be referred into the NRM is therefore not based on respect for the autonomy of the individual (human rights approach), rather on restricting choice to force a particular result: either claim asylum, with the ensuing difficulties of obtaining immigration status (see below), or do not even try to be recognised as a victim.

In terms of numbers of victims, it is difficult to be accurate because of the hidden nature of the crime. For the UK, the National Crime Agency (NCA) gathers statistics of those who have been referred to the NRM. For the first half of 2016 (NCA 2016) there were 1,897 potential victims of trafficking and slavery in the UK referred to the NRM. They came from at least 80 different countries, with Albania, Vietnam and China being the most prevalent, but with the UK (internal trafficking) featuring high up on the list. According to the NCA, the NRM received 69 referrals of potential victims first encountered in Wales. This is just under 4 per cent of all UK referrals. Broken down by gender and age it comprised 24 males and 34 females, 55 adults and 13 minors. BAWSO is the key provider of support and a first responder (alongside New Pathways).

The provision of services to potential and actual victims of trafficking and modern slavery is a devolved matter. Once a positive reasonable grounds decision has been made, the person can and should receive specialist victim assistance, including a 45-day recovery and reflection period. Thereafter, if the person is given a conclusive grounds decision that they are a victim of trafficking or modern slavery,

the types and length of services available to them is differentiated between UK citizens/EEA nationals, non-EEA nationals, and the immigration status of the individual. This is a complicated process and unfair in terms of those seeking asylum and those not granted immigration status. The latter have no access to services and must exit any support they have been provided within 48 hours once their status is confirmed. Individuals in the process of claiming asylum have slightly better support: they can access healthcare and asylum support and have 14 days to exit support once the claim is concluded. UK citizens/EU/EEA nationals and non-EEA nationals with immigration status can access health and social services, are permitted to work, train and attend education facilities. They have 14 days to exit any support once their status changes. It is a minefield that requires professional knowledge to navigate successfully in order not to fall foul of the rules.

The asylum process and National Asylum Support Service (hereinafter, NASS) are non-devolved. NASS support is part of the Home Office and UK Visas and Immigration Enforcement. It is responsible for the provision of support and accommodation for persons seeking asylum across the UK. NASS is a lifeline to those seeking asylum but stops once a final decision in the legal process has been reached. This can happen very quickly or can take several years.

The entire process is very confusing, even for the professionals who work in this field daily. It is an example of the types of specialist assistance Imogen provides to victims. The contextual interview below therefore offers some important information regarding the challenges faced by both the provider and the victim, on access to services, how to best react to some of these challenges and what some of the drivers of trafficking and modern slavery today are.

4. Imogen: an Interview

The following is a summary, in Imogen's own words, of several interviews conducted over the last three years, the latest taking place in December 2016 in BAWSO's office in Cardiff. Imogen looked over the transcription and made some additions. Interestingly, the content of the interview also mirrors other support workers' and asylum practitioners' experiences I have spoken to in recent years and several cases I have followed through the trafficking and asylum process in Cardiff and the tribunal in Newport. It therefore suggests that it speaks to some threads that are common to the experiences of both workers and survivors who go through the asylum and trafficking process in Cardiff and Newport, and most likely, throughout the UK.

The information I provide here is largely anecdotal and observational, based on my time working at the Diogel Project since September 2011 to the present. It is not to say that the experiences and observations I have made would be the same as others working in this field, however given the time and intensity I have worked around these individuals, it is likely to ring true with other people who work with this service user group.

There are 11 support workers plus outreach workers and out-of-hours workers with 80 women being supported plus men. Men support men. The project consists of one six-bedroom property and one two-bedroom property based within the city of Cardiff. Currently, we have eight women in the refuge and 70 women in outreach. Some of them are in NASS accommodation and some who are not claiming asylum are living with friends. Then there is a men's refuge as well. Currently there are four men in the 24-hour refuge. They tend to be vulnerable men: sometimes British but Czech, Polish or Romanian as well. All of them have been exploited for their labour. They tend to have substance misuse issues. Many have been street homeless or working with travellers as farm workers. Many have mental health issues. It is a bit different from the women who do not have those issues, surprisingly. We rarely see the women going and drinking at all, very few have alcohol or drug problems that I see. None of the men, or maybe one or two, have claimed asylum.

Women who are accommodated at the project do so because they have been affected by human trafficking to a point where it has severely impacted on their lives and has caused, or is likely to cause them significant harm. Some women have immediately fled from traffickers. Others may have been trafficked historically, escaped and survived on the breadline for a number of years, and then reached a point where their resources are exhausted and support is needed to help them rebuild their lives. Women may stay at the project between six weeks and one year. One year is the maximum that is permissible under our licence agreement. If they do not have an asylum decision by then, they have to be on their way and ask for help from family and friends. They get a small amount to help them along, £35 a week. If they are not claiming asylum their support is much more limited. This tends to push them to claim asylum. Then they are offered NASS accommodation. It is very basic. There is a lot of new student accommodation being built in Cardiff. That means the old student houses in (...) tend now to be used as asylum houses. They were not great when I lived in them as a student, not now either. NASS support lasts until someone has an asylum decision and the person is really at the end of the legal process after all the appeals have been exhausted.

By far the largest area of exploitation our service users experience is of a sexual nature. Domestic servitude is the second most common form of exploitation. Forced marriage is also not uncommon although is rare in isolation. Usually a forced marriage will result in another form of exploitation upon arrival at the destination, for example domestic slavery.

Typically, women are in their early 20s when they arrive at the refuge with an array of support needs. They have often entered the UK undocumented or on false passports/ visas. They have most likely experienced abject poverty and/ or family breakdown back in their home country and may have lived for many years under severe hardship. They may have low educational attainment and limited life opportunities. The vast majority are either estranged from their families due to abuse, or report their parents as being deceased. Nearly all are willing to take high risks in order to come to Europe and the UK.

Women come from a large variety of countries: it is not unusual to see women from China, Vietnam, Angola, DRC, Ghana, Uganda, as well as EU countries such as Lithuania, Romania, Hungary and the Czech Republic. We have never had a female from Russia or Moldova, despite lots of information and evidence that trafficking is a massive problem among women from those countries. For some reason these women are not coming into contact with support services at all. However, Albania and Nigeria are by far the most highly prevalent countries within our service and have been for several years.

The women are referred through the Salvation Army. There is a central hub in Birmingham. They are then dispersed [meaning they are sent to different cities around the UK]. The volunteers drive them down to us. It is efficient – to get people out and moved into the process. They usually arrive with a couple of bags. Usually have children of all ages. They were trafficked a number of years ago and have lived from place to place. They might have met someone and had children and then could not pay rent and moved around. One came to us in 2015 that had been living *underground* for twenty years - surviving. She managed to live by doing people's hair and met a guy who we suspect was a drug dealer. The police arrested him and it came to a head. It tends to happen in large cities where people can get by – London and Birmingham typically. Not really in Cardiff because it is a bit too small. This needs a larger city environment where people can be anonymous.

It is important to take into consideration the level of vulnerability of a woman trafficked within an area of free movement, compared to a person desperate to cross a boarder to build a better life. Women, who have been trafficked from EU countries, including the UK, present with a different range of issues and levels of need to those from non-EU states. After all, it is important to question why an individual becomes exploited in order to get to the UK, where travel and take up of employment are feasible. From my own observational experience EU women tend to bring more 'internal' vulnerabilities such as mental health, substance misuse, or general vulnerability as a result of child abuse or being raised in a dysfunctional environment. These issues do not disappear when they take up support, and these

women remain throughout permanently vulnerable to exploitation. But nearly all of them, regardless of nationality, lack skills and confidence. So, a lot of the work we do centres on trying to help them maximise these.

Non-EU victims tend to encompass a different range of issues, much of the hardship they will have suffered tends to be environmental – abject poverty, war and conflict, loss of many family members, difficulty meeting basic survival needs. Thus, they often have a higher level of resilience and resourcefulness upon arrival in the UK and mentally tend to fare far better compared to an individual who has been trafficked primarily due to their own internal vulnerabilities.

Sadly, non-EU victims will nearly always have to stand up to the Home Office and become involved in an often long and drawn out process to remain in the UK and be given the opportunity to rebuild their lives (asylum claim). This will nearly always become the biggest and most difficult obstacle in helping non-EU trafficking victims. The Home Office culture of disbelief around trafficking victims means that the vast majority are refused asylum and treated with suspicion, often categorised as jumping on a 'bandwagon' and taking opportunistic moments to gain and seek a better life.

Frequently unrealistic pieces of evidence are required from the victims in order to prove their account of events. For example, often the lack of engagement with mental health services on the part of trafficked women is seen as a reason to refuse them asylum and deny that they are trafficking victims. It tends to be the view that if they had been subjected to trafficking and are presenting with post-traumatic stress symptoms a community mental health team would seamlessly recognise this and place them under the care of a psychiatrist. This is completely unrealistic.

The extremely stretched and limited resources of UK wide Community Mental Health Teams mean that often people with serious organic mental illnesses such as psychosis and schizophrenia are left without adequate care and treatment. It is therefore not surprising that trafficked women, no matter how distressed they are or how harrowing their experiences have been, are simply not priorities within mental health services or even given the opportunity for an assessment.

4.1. *Two country examples: Albania and Nigeria*

Women will have to tell their story despite their mental health issues if they want to obtain asylum. The clear majority, in my view, are telling the truth. Why do I think this? Because there are too many coming forward with the same type of information. I am mainly talking about Albanians: there would not be this mass exodus of people coming to the UK with so few getting leave to remain – word would get around that it would not work. Yet now more and more are coming. You cannot keep up a lie for the whole process (often many years) and for so many different people involved in the asylum process (e.g. police, health care workers, lawyers, Home Office). Because how would all this have started? An interpreter said: I think there is a kiosk where they get coached to tell these stories. I don't believe that. It is a very difficult process to travel just for a life on benefits – at best. That is a lot of effort to come here with very little chance of success.

In addition, the historical trafficking cases are difficult to win as it is assumed you are fine now, no longer being exploited. You need to be the deserving victim rescued by white male.

Your path is cleared if you help the police, including getting asylum. So women will help the police despite being afraid of the traffickers. However, we have only had one Albanian case that went to court with the hundreds of people we have had here. Most trafficking takes place in Italy and then they hop into a lorry to come to the UK. Their cases are much weaker because they were trafficked in Italy. Sometimes they are lucky and get asylum but rarely is there a police investigation because they are not trafficked *to* the UK. So their cases are much weaker, consequently they lose. This is known back in Albania.

Nigerian women, on the other hand, tend to *get lucky* – they tend to have a child with them. If you have a child you will be in our refuge and then will be moved into NASS accommodation. Half the time it is because they have gone beyond the licence agreement (i.e. – have been here for longer than one year). If you have a

child and come to the end of your appeal rights you do not get thrown out of NASS accommodation – they keep supporting you. That is why they have more resources to fight their case.

I have not known a Nigerian who has not gotten leave to remain. I know one where it took ten years. Nigerians know each other and talk to each other. But the numbers are low – maybe 30 a year. I strongly believe that this is about the Commonwealth. Albanians are not citizens of the Commonwealth. Nigerians speak English. We have even had some from Kenya and Ghana – these countries are not war-torn, but ex-colonies. We have had some women from Pakistan. The links with the Commonwealth are strong. One was brought over as a domestic servant. I feel it strongly. With Albanians, they say no and stop their support. But I have never seen them not give it to Nigerians.

What follows is a typical case that BAWSO and Imogen might, and does, deal with. This one was provided by way of evidence giving to the National Assembly for Wales (the Welsh Parliament) to highlight the extreme vulnerabilities victims find themselves in and to dispel the myth that all or most migrants are economic migrants, out for benefit fraud.

4.2. Case Study – Njida's story

My name is Njida and I am from Nigeria. I was brought up by a woman who found me when my parents abandoned me. I never knew my real parents.

When I was about nineteen years old my life changed, a lot. The woman who looked after me was killed by members of a cult. I witnessed the murder and knew I could never return home again, as the cult members would try to kill me too. I did not return to the village and later I heard that they had burned down my house, and were hunting for me.

I spent days sleeping in the bushes before running to a church, where I slept for a few nights. But one of the church workers told me the cult members would find me there, and I shouldn't stay. So I left the church and slept outside for a bit, but the worker again told me I should move on. I was desperate; I didn't know what to do. Luckily, I was approached by a woman who said that she had heard what had happened and would help me. She said she would take me to a safe place. I was so grateful as I knew if I returned to the village I would be killed.

The lady drove me to another town and I stayed with her for a while. I was told not to leave the room or talk to anyone in case the cult found me. I was afraid, so I stayed in my room. The woman and a man friend brought me some clothes and took pictures of me. I thought that was strange but the woman was treating me well so I trusted that I was still safe. She told me that she would take me abroad, to help me escape the cult, and she gave me a fake passport. She told me I had to use a different name because of the cult; she said it was too dangerous to use my real name any more. She and her friend kept on telling me how important it was that I memorised the name and date of birth details on the new passport.

After a few weeks, the woman and I went to the airport. The woman told me not to speak to her until the plane had landed and we were outside the airport. I didn't know why.

When we arrived in the UK she took me to a house where she told me that I would have to have sex with men for money, as it had cost her a lot to bring me to the UK, and she needed to earn the money back. I did not want to do it. I never wanted to be a prostitute. But from that day I was locked in a room for months and forced to do it. The men who came to have sex with me were incredibly violent and I was terrified. They hurt me a lot, and the woman also threatened that she would kill me spiritually by using Juju.

After months, I managed to escape in the middle of the night when the woman forgot to lock the door. I didn't know what to do so I slept rough on the streets before a man asked if I needed help. I told him my story and he directed me to the Home Office, who sent me to a detention centre. Fortunately, when I told them my story they referred me to the Diogel Project.

Although I am safe I still suffer panic attacks and get pains in her my chest. I find it difficult to sleep and am still on medication from the doctor. I hope one day I will feel better.

Names have been changed to protect identities. (Source: BAWSO).

5. Conclusion

It is hoped that the article has exposed some of the inherent difficulties faced by the victims of trafficking and modern slavery when confronted with the rigid legal and service provision systems in the UK. They are not easy to navigate, especially when suffering from complex needs. Add to this the intricacies of the asylum process, it is no wonder so many find it an almost impossible task. They need the help of trained professionals. The processes are problematic and challenging for many reasons some of which will be discussed below.

First, the legal regimes dealing with trafficking and modern slavery and asylum do not fit well within a human rights framework in the UK. That framework demands persons suffering from the human rights violations be treated with dignity and respect (Article 1 Universal Declaration of Human Rights –hereinafter, UNDHR; United Nations General Assembly 1948), given enough time to recover and reflect and protected by the State from both other State actors and non-State actors (including private individuals that may or may not be the traffickers or exploiters). Human rights equally demand that no discrimination based on any ground be allowed and that everyone, regardless of citizenship or place, be enabled to enjoy their human rights (Article 2 UNDHR). We are not there yet. The UK system in fact is a hybrid one: crime and immigration control (as evidenced by the review of the Act by Haughey 2016), with a recent more nuanced focus on human rights and victims. For instance, the MSA 2015 still focuses on crime and border controls (sections 5-7; 12-13; 30-39 MSA; Haughey 2016) and there is still a lack of convictions (Jones 2017). However, there are prevention orders (sections 14-22 MSA), an Independent Anti-Slavery Commissioner (finally, Part 4 MSA), some added protection for children (section 48 MSA) and special measures for witnesses in court (section 46 MSA) – to name just a few (discussion of these are outside the remit of this contribution). It is therefore true to state that the law in England and Wales is moving in the right direction to protect victims. However, border control still dominates.

Secondly, there is much work to be done to have a joined-up approach that addresses the shortcomings in the asylum system when it is faced with potential and actual victims of trafficking and modern slavery. Basing an asylum claim on human trafficking or modern slavery can be very difficult. It is obligatory that the person be referred into the NRM. The statistics on being recognised as a victim of trafficking in the NRM suggest a difference in recognition rates dependent on which category a person falls into, with potentially a much lower rate for those coming from outside the EU/EEA (with uncertain immigration status) as opposed to those within the EU/EEA (with right to reside in the UK). This has been acknowledged as a potential issue by the Home Office as part of the review of the NRM process (Home Office 2014, 5.2.13). Of course, those from inside the EU/EEA do not usually claim asylum and that is possibly the reason for a higher recognition rate than those coming from Third countries where most do claim asylum. As Imogen highlights, there are other issues which might intersect as well: if the victim's home country is part of the Commonwealth or not, and language issues – both of which may also be material to identification and the way a person is treated within the asylum process. At best, there is inconsistency in treatment, at worst discrimination. Either way, as Imogen eloquently articulates, it forces difficult choices to be made by victims.

Thirdly, the support available once a reasonable grounds decision is made after referral to the NRM distinguishes between those seeking asylum from Third Countries and those from inside the EU/EEA. In her interview, Imogen described a

clear link between the provision of services to victims and claiming asylum. To cover basic needs (housing, food, shelter, counselling, etc.) individuals are compelled to claim asylum. This link is unhelpful as it forces individuals to make choices out of need not, as originally designed by the Council of Europe Convention reflection and recovery period, for (literally) recovery and future-planning.

Finally, Imogen's interview reveals that most of the women she helps are in their early 20s, usually suffering from/with extreme vulnerabilities and complex needs. They are very young. What happens to the women and how do they recover from their ordeals? Are there enough support services to help them? It is the *internal* and *environmental* vulnerabilities that serve as pull and push factors for trafficking and modern slavery. These must be addressed before the UK system can, in a meaningful way, be described as a true human right approach. There is a way to go.

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