**The Anti-Trafficking Monitoring (ATMG) response to UN Special Rapporteur on Extreme Poverty & Human Rights – in advance of UK visit November 2018**

**Introduction**

1. ATMG The Anti-Trafficking Monitoring Group (ATMG) was founded in May 2009 to monitor the United Kingdom’s implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (2005), which came into effect in the UK on 1 April 2009. Following the UK’s decision to opt into the EU Directive on preventing and combatting trafficking in human beings (2011/36), which entered into force on 5 April 2013, the ATMG also monitors the obligations set out in this framework. Since its foundation in 2009, the ATMG has published annual assessments of the UK’s efforts to combat trafficking in human beings, as required by international law.
* **ATMG work closely with the Human Trafficking Foundation.**
* **ATMG’s reports can be accessed** [**Here**](https://www.antislavery.org/what-we-do/uk/anti-trafficking-monitoring-group/) **:**

 The thirteen organisations belonging to the ATMG are:

* AFRUCA
* Amnesty International UK
* Anti-Slavery International
* Ashiana
* Bawso
* ECPAT UK
* Focus on Labour Exploitation (FLEX)
* Helen Bamber Foundation
* Kalayaan
* Law Centre (NI)
* Snowdrop Project
* TARA (Trafficking Awareness Raising Alliance, a service run by Community Safety Glasgow)
* UNICEF UK
1. ATMG welcomes the opportunity to contribute to The Special Rapporteur’s UK visit. We would urge Prof. Alston to include in his schedule a meeting with ATMG members and anti-trafficking stakeholders across the UK.
2. ATMG recognise the numerous technical definitions of poverty and our view is informed and consistent with the definition of destitution in the ‘UK Immigration and Asylum Act 1999. The primary Act provides no more than the bare-bones definition that destitution means lacking the means of accessing adequate accommodation or other essential needs.’[[1]](#footnote-1)
3. **Poverty and Trafficking:**

The complex relationship between poverty, destitution, trafficking and asylum is a well-documented phenomenon. The EU Commission identifies poverty as being a root cause of trafficking in human beings (THB); furthermore, the Article 14 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment makes clear the duty on States to ensure effective rehabilitation services are accessible to all survivors including those who are asylum seekers. Rehabilitation is only made possible for vulnerable people when they are given a safe and supportive environment.

1. In the UK, the rights of trafficked people and asylum seekers are considered uniformly. While not formally part of immigration policy, trafficking is often managed as an immigration issue, at least in part, as those involved often tend to be migrants. ATMG continuously finds in all of its research that immigration policy appears to take priority.[[2]](#footnote-2)
2. Internationally, it is recognised that immigration policies that may lead to restricting the rights of migrants, their access to services and potentially criminalise migrants, will have an impact on addressing trafficking and protecting victims. The ATMG found that the likely unintended consequence of changes in immigration policy and law in the UK since 2012 will be undermining anti-trafficking efforts, increasing the vulnerability of people to exploitation and re-trafficking, and preventing victims from coming forward because of fear of criminalisation.
3. The Immigration Act 2016 was introduced as a measure to address irregular migration, the hostile environment however, failed to consider the potential impact this may have on people vulnerable to exploitation. The EU Commissioner for Human Rights voice this concern: “For many years now there has been a dominant political debate in the UK characterised by alarmism, laying primary emphasis on an urgent need to “regain control of EU migration by reforming welfare rules”; to “continue to cut immigration from outside the EU”; to “strengthen the enforcement of immigration rules”; to “tackle people trafficking and exploitation”; and to “ease pressure on public services and [the] local community.”83
4. The impact of such policies continues to be felt by trafficked persons and those seeking asylum. The UK has not adopted recommendations by UK stakeholders or those of a UN Committee which called for an ‘increase in the level of increase the level of support provided to asylum seekers […] in order to ensure that they enjoy their economic, social and cultural rights, in particular the right to an adequate standard of living’.[[3]](#footnote-3)

**Cut to subsistence for victims of trafficking in England and Wales**

1. ATMG has concerns surrounding a specific measure introduced by the UK Government that is increasing vulnerability of trafficked persons to exploitation as well as having a detrimental impact on their mental and physical health.
2. In [October 2017](https://en.wikipedia.org/wiki/October_2017), the Government announced that it would reduce the level of financial support paid to potential victims of trafficking, using the methodology that determines the subsistence rates paid to asylum seekers to ensure that individuals with comparable living needs receive the same level of support, regardless of their immigration status.[[4]](#footnote-4) The change was implemented through an amendment to the Asylum Support Regulations[[5]](#footnote-5) and was subsequently implemented in the Adult Victim Care Contract (for victims of trafficking) in England and Wales from March 1, 2018.
3. Since 1 March 2018, victims of trafficking who are also claiming asylum have had their subsistence allowance cut to £37.75. For those housed in catered accommodation, this rate has been cut further to £17.[[6]](#footnote-6) If victims are to benefit from a recovery and reflection period it is vital that their basic needs are met during this time. When their basic needs are not met, the anxiety felt by victims over how they will feed and clothe themselves, week to week impacts on their ability to recover from exploitation. It also impacts on their ability to assist authorities with investigations. Finally, advocates and caseworkers should not be completing funding applications, to meet these needs, and should instead be focused on their casework and advocacy.
4. This cut sees asylum seekers who are also identified as potential victims of trafficking are now desperately trying to cover the cost of their food, toiletries, transport, communications, non-prescription medication and travel, this includes essential travel for legal appointments, asylum interviews and vital therapy sessions on less than £40 per week. Although some travel is eligible for reimbursement for asylum related appointments this is useless without the money to attend these appointments.
5. The Home Office report on ‘Review of Cash Allowance Paid to Asylum Seekers: 2017[[7]](#footnote-7) confirms the data for this review was taken from the Office of National Statistics (ONS) report on Family Spending: 2016. The review centred on weekly expenditure by the lowest 10% income group among the UK population on the items that correspond to what the Home Office consider to be essential.
6. The rights of trafficked people and asylum seekers should include medical and physiological care as well as legal and social support services. Impoverished living conditions deprive survivors of trafficking and asylum seekers of the safe recovery they need. This rate of subsistence support raises serious questions about the UK’s compliance with its EU and international obligations.
7. The former Independent Anti-Slavery Commissioner has also voiced his concerns in a letter to the Home Secretary, The Rt Hon, Sajid Javid. The Commissioner highlighted that the reduction in subsistence for victims of trafficking ‘is having a detrimental impact on victims’ well-being and recovery, potentially increasing their vulnerability to further exploitation and reducing support in prosecutions.’[[8]](#footnote-8) He goes on to state: ‘Victims of modern slavery have often experienced significant and prolonged periods of exploitation - whether it be sexual or labour exploitation - and are highly vulnerable. As such, they can require intensive and specialist support to recover from their experiences. Without adequate support during this recovery period, these victims of crime are at risk of further exploitation, including re-trafficking, as they struggle to meet their essential needs.’[[9]](#footnote-9)
8. ATMG provide the following anonymised case study to illustrate to The Special Rapporteur the impact this decision is having on thousands of vulnerable victims of trafficking.

16. **Case Study**

XYZ is a young asylum seeking victim of trafficking who was referred to the National Referral Mechanism whilst unlawfully detained by the Home Office under immigration powers. XYZ received a positive RG decision and was released from detention in May 2017, into the care of Social Services for a couple of weeks. She did not meet the 13-week criteria to be looked after by Social Services after the age of 18 so she went to live with a relative. The relative was not able to look after her and an outreach worker from an organisation subcontracted by the Home Office as part of the NRM helped her apply for NASS support. The client was accommodated in emergency NASS accommodation. She also started receiving £35 per week from that organisation whilst her NASS application was processed. In November 2017 she started receiving NASS financial support (£36.95 per week provided to her. The organisation subcontracted by the Home Office provided her with a top-up of £28.05 per week when she started receiving NASS support.

On 1 March 2018 she was informed by Hestia, a service provider in the England and Wales Adult Victim Care Contract that her financial support would be reduced and that she would only receive NASS asylum support rates. She received no prior warning and no assistance with her budgeting, etc. As a result of the cuts, the client feels isolated, constantly stressed and very depressed.  She can no longer afford to hang out with her friends, socialise, take part in group activities, top up her phone to use her internet data and communicate with her family. Her mental health has significantly deteriorated, and her recovery has regressed. She has a history of self-harming and this has increased.

**Key Considerations**

1. The decision to align the rates of subsistence for victims of trafficking and asylum seekers is justified by the Home Office as they claim it is i) sufficient to meet essential living needs and ii) to be provided in the short term only; both of these statements are highly flawed in practice.
2. The 2011 EU Trafficking Directive is a rigorous protector of victims’ rights. Article 4 paragraph one states: ‘Member States shall ensure that victims are offered […] any specialist support in order to enable them to access their rights set out in this Directive.’[[10]](#footnote-10)
3. The Directive goes on to state that victims of trafficking require specialist support in order to recover and rehabilitate from their experiences; as well as place positive duties on States to protect victims.

**Health**

1. Reducing subsistence rates endangers survivors and exposes them to additional risks. Being unable to cover basic travel costs could restrict a victim of trafficking in accessing healthcare. Losing access to basic services, including healthcare often goes hand-in-hand with poverty. Being unable to visit a GP or hospital for care risks ill-health both physically and mentally, as the above case study demonstrates.
2. Social exclusion also results from a lack of subsistence. Research from Freedom From Torture: *The Poverty Barrier: The Right to Rehabilitation for Survivors of Torture in the UK*,[[11]](#footnote-11) found that ‘respondents with no support described high levels of social isolation and exclusion from social and community-based activities including said they could not take part in faith-based activities or community events such as leisure, sports or cultural activities.’[[12]](#footnote-12) This was due to having no money to pay for travel costs and other associated expenses.
3. If basic needs are not met, victims are at risk of re-exploitation. A minimum subsistence rate for victims of trafficking at a rate of £37.75 per week impacts significantly on a victim’s ‘physical and psycho-social recovery.’
4. The acute support and care needs of victims of trafficking has been recognised by the Home Office. The government’s decision to implement the Trafficking Survivor Care Standards as a minimum level of support for victims of trafficking from April 2018, within the recent NRM reforms confirms that the government recognises that victims require specialist provisions in order to rehabilitate. A reduction in the subsistence rates for victims goes against the government’s commitment to fight modern slavery and belies claims that the country is leading efforts to eradicate the crime. Instead, this reform forces victims into poverty, social exclusion and squalid living conditions.
5. We submit this evidence to Prof. Alston and urge him to consider the points raised as part of his visit to the UK. The cut to subsistence for victims of trafficked requires urgent reconsideration given the impact on survivors of exploitation in the UK.
1. Joseph Roundtree Foundation, *Destitution and Paths to Justice*, (2018), accessible here: <https://pure.ulster.ac.uk/ws/portalfiles/portal/12406992/Destitution_Report_Final_Full_.pdf> [↑](#footnote-ref-1)
2. The Anti-Trafficking Monitoring Group, *Before the harm is done: Examining the UK’s response to the prevention of trafficking*, (2018), accessible here: <http://www.antislavery.org/wp-content/uploads/2018/09/Before-the-Harm-is-Done-report.pdf> [↑](#footnote-ref-2)
3. Council of Europe, Commissioner for Human Rights, Memorandum on the human rights of asylum seekers and immigrants in the United Kingdom, (2016), accessible here: https://rm.coe.int/16806db68c [↑](#footnote-ref-3)
4. Written Question, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-12-07/118101> [↑](#footnote-ref-4)
5. The Review of Cash Allowance Paid to Asylum Seekers (2017) accessible here: <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/673545/Report_on_review_of_cash_allowance_paid_to_asylum_seekers_-_2017_-_final.._.pdf> [↑](#footnote-ref-5)
6. The Independent Anti-Slavery Commissioner, Letter to the Home Secretary, (2018) accessible here: www.antislaverycommissioner.co.uk/media/1218/letter-to-sajid-javid-mp-on-subsistence-payments.pdf [↑](#footnote-ref-6)
7. The Review of Cash Allowance Paid to Asylum Seekers, *supra* note 5. [↑](#footnote-ref-7)
8. Letter to the Home Secretary, *supra* note 6. [↑](#footnote-ref-8)
9. *Ibid*. [↑](#footnote-ref-9)
10. Article 4, Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA [↑](#footnote-ref-10)
11. The Poverty Barrier: The Right to Rehabilitation for Survivors of Torture in the UK, (2014) accessible here: <https://www.freedomfromtorture.org/sites/default/files/documents/Poverty%20report%20FINAL%20a4%20web.pdf> [↑](#footnote-ref-11)
12. The Poverty Barrier, *supra* note, 11. [↑](#footnote-ref-12)