

# FOCUS ON LABOUR EXPLOITATION

Working to end trafficking for labour exploitation

## Focus on Labour Exploitation (FLEX)

### Submission to the UN Special Rapporteur on Contemporary Forms of Slavery

### Responses to Questionnaire on Access to Justice and Remedy

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### About FLEX

**Focus on Labour Exploitation (FLEX)** works to end human trafficking for labour exploitation. To achieve this, FLEX works to prevent labour abuses, protect the rights of trafficked persons and promote best practice responses to human trafficking for labour exploitation by undertaking research, advocacy and by building awareness in this field.

Please visit our website: [www.labourexploitation.org](http://www.labourexploitation.org)

## **Questionnaire for NGOs and other stakeholders on access to justice and remedy**

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This questionnaire is addressed to stakeholders such as international and regional organisations, national human rights institutions, UN agencies, funds and programmes, non-governmental organisations, trade unions, research institutions, businesses, community initiatives, private individuals, foundations and academia.

The below questionnaire is meant to assist the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, with elaborating a comprehensive report on access to justice and remedy for victims of contemporary slavery that will be presented to the Human Rights Council in September 2017.

The responses to the below questionnaire should be submitted to the Special Rapporteur on contemporary forms of slavery, including its causes and consequences in English, French or Spanish at [srslavery@ohchr.org](mailto:srslavery@ohchr.org)

The deadline for submissions is 10 March 2017.

If not stated otherwise in your submission, the responses received will be published on the website of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences.

### **Question 1**

**Please provide information on your organisation and its work on access to justice and remedy<sup>1</sup> for victims of contemporary forms of slavery, including the countries in which you work on this issue.**

Focus on Labour Exploitation (FLEX) is a UK based NGO that works towards an end to trafficking for labour exploitation. FLEX seeks to achieve this vision through the prevention of labour abuses, protection of the rights of trafficked persons and by promoting best practice responses to human trafficking for labour exploitation through research and evidence based advocacy.

FLEX promotes effective anti-trafficking responses that prevent exploitation, proactively identify trafficked persons, and ensure that their rights are central to national and international law, policy and practice.

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<sup>1</sup> For victims of gross violations of international human rights law, such as slavery and slavery-like practices, full and effective remedy may take the following forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition

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FLEX's recent research on this issue includes a Working Paper and Policy Paper on Access to Compensation for Victims of Trafficking in the UK, a Guide to Legal Remedies<sup>2</sup> (shortly to be updated) and a Working Paper on Access to Justice.

FLEX has also published illustrated guides on legal rights and remedies in the UK in 12 languages for victims of trafficking.

FLEX works alongside other organisations committed to protecting and promoting the rights of vulnerable workers and those working to combat trafficking in persons, but has a distinctive approach that is focussed on the prevention of labour rights abuses in order to prevent exploitation from taking place. FLEX works to build awareness of remedies available to victims of trafficking for labour exploitation.

FLEX acts as the secretariat of the Labour Exploitation Advisory Group (LEAG). LEAG was established by FLEX in 2015 in order to promote discussion and information sharing among key stakeholders on trafficking for labour exploitation, and to inform joint advocacy and capacity-building activities. The group is made up of experts from key organisations working with potential and actual victims of trafficking for labour exploitation. LEAG's most recent publication 'Compliance to Exploitation and the Abuses In-between' looked at the way in which labour abuses increase individual vulnerability to exploitation, proposing a response to exploitation that prioritises tackling prolific labour abuses.

FLEX established the **Labour Exploitation Accountability Hub**<sup>3</sup> in 2015 which serves to improve both government and corporate accountability for human trafficking, forced labour and slavery in national and global business supply chains. The main feature of the Hub is a database of national laws and regulations to address human trafficking and forced labour in supply chains in 10 countries worldwide. The database provides the basic legal information needed to ensure accountability from both companies and governments, as well as providing a platform for further research and advocacy on accountability issues.

FLEX has recently completed a two-year EU/ISEC funded project on the proactive identification of victims of trafficking for labour exploitation with partners in three countries: the UK, the Netherlands and Romania. Part of this project included piloting methods for improving access to justice for victims of trafficking for labour exploitation, based on research findings that showed remedies for victims of

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<sup>2</sup> FLEX Guide to Legal Remedies for Victims of Trafficking for Labour Exploitation (accessed 09 March 2017 at URL [http://www.labourexploitation.org/sites/default/files/publications/d92434\\_f8ff939c836d4c73a4730de5776066dd.pdf](http://www.labourexploitation.org/sites/default/files/publications/d92434_f8ff939c836d4c73a4730de5776066dd.pdf))

<sup>3</sup> See FLEX Accountability Hub (accessed 08 march 2017 at URL <http://www.accountabilityhub.org>)

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trafficking for labour exploitation in the project countries were often difficult to obtain. The final report can be read [here](#)<sup>4</sup>.

## Question 2

**A. Please characterise the legal and/or policy frameworks relevant to access to justice and remedy in place in the country or countries that your organisation works in, as well as any global trends you would like to highlight. Please include information about provisions 1) criminalising contemporary forms of slavery, 2) those guaranteeing access to justice and remedy and 3) measures to identify and support victims of contemporary forms of slavery.**

**B. Please include specific references to the source of law when possible.**

### UK legal and policy frameworks relevant to access to justice and remedy

On July 31, 2015, the Modern Slavery Act entered into force in England and Wales. The Act introduced the legal concept of ‘modern slavery’, an umbrella term encompassing:

- [slavery, servitude and forced or compulsory labour](#)<sup>5</sup>, defined by reference to [Article 4 of the European Convention on Human Rights](#)<sup>6</sup>;
- [human trafficking](#)<sup>7</sup>, defined as arranging or facilitating the travel of another person with a view to that person being exploited.
- [Exploitation](#)<sup>8</sup> is defined as encompassing slavery, servitude and forced or compulsory labour; sexual exploitation, the removal of organs, securing services by force, threats or deception, and securing services from children and vulnerable persons.

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<sup>4</sup> FLEX, Fairwork and ADPARE, 2015, Identification and Support of Victims of Trafficking for Labour Exploitation in the Netherlands, the UK and Romania. (accessed 06 March 2017 at <http://www.labourexploitation.org/sites/default/files/publications/Pro-Act%20Research%20Report.pdf>)

<sup>5</sup> See FLEX Accountability Hub (accessed 08 March 2017 at URL <http://www.accountabilityhub.org/provision/s-1/>)

<sup>6</sup> See FLEX Accountability Hub (accessed 08 March 2017 at URL [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf))

<sup>7</sup> See FLEX Accountability Hub (accessed 08 March 2017 at URL <http://www.accountabilityhub.org/provision/772/>)

<sup>8</sup> See FLEX Accountability Hub (accessed 08 March 2017 at URL <http://www.accountabilityhub.org/provision/s-3-4/>)

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The UK legal definition of human trafficking requires the movement of the victim into exploitation and for that travel to be arranged or facilitated by a perpetrator through the use of the wide range of ‘means’ as set out in the Human Trafficking Protocol. The UK has therefore taken human trafficking to mean the movement of an individual from one place to another – a much narrower understanding than in the international definition.

## **Access to Justice and Remedy in the UK**

### **The UK Modern Slavery Act 2015**

During the passage of the Modern Slavery Act through parliament, the issue of compensation for victims of modern slavery received some limited but belated attention. The Modern Slavery Act, as introduced, included the ability for courts to make ‘reparation orders’ following the conviction of exploiters, but made no provision for the many cases in which prosecutions or convictions are not possible. Amendments to include a ‘civil remedy’ for victims unable to pursue criminal compensation were advocated by FLEX and others, and debated in the House of Lords, but were ultimately rejected by the Government as unnecessary.<sup>9</sup>

**Slavery and Trafficking Reparation Orders** - Under Section 8 of the Modern Slavery Act 2015 criminal courts are required to make a reparation order in cases where a perpetrator has been convicted of 1) slavery, servitude or forced labour, 2) human trafficking, or 3) committing an offence with intent to commit human trafficking.

These orders are only available to victims of modern slavery offences prosecuted under the Modern Slavery Act 2015.

**Legal Aid** – Section 47 of the Modern Slavery Act amended the Legal Aid, Sentencing and Punishment of Offenders Act 2012 to ensure victims of slavery, including forced labour and servitude could bring compensation claims against their exploiters. The Act also entitles victims to legal aid for applications for leave to remain in the UK, compensation claims under employment law and claims for damages – although not applications to the main victims fund – the Criminal Injuries Compensation Authority.

Experts and support providers have highlighted problems with the legal aid system, including a very limited number of cases permitted to legal aid providers – just five per year – and delays in considering such requests by the Legal Aid Agency which can result in delays of 12-18 months. A recent Government [Review](#)<sup>10</sup> into legal aid

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<sup>9</sup> HL Deb 23 Feb 2015, vol 759, cols 1465-1466. Available at: <https://hansard.parliament.uk/lords/2015-02-23/debates/15022332000694/ModernSlaveryBill>.

<sup>10</sup> UK Ministry of Justice, December 2016, Review of Legal Help for those with Trafficking and Modern Slavery Compensation Claims. (Accessed 06 March 2017 at

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for Victims of Trafficking and Modern Slavery Compensation Claims concluded in December 2016 led to an increase in cases available to legal aid providers, by adding 10 supplementary cases to the five existing annual cases. The Anti-Trafficking and Labour Exploitation Unit, which conducted extensive research in this area prompting the government review, has labelled this increase ‘wholly inadequate’<sup>11</sup>

## **Other Avenues for Compensation in the UK**

There are four other routes to compensation, but their ability to compensate victims has not improved since the entry in to force of the Modern Slavery Act, and in some cases has worsened.

**Criminal Injuries Compensation Authority:** victims may apply to the government funded scheme for victims of violent crime only if committed in England, Wales or Scotland. However this fund is only available to those who have suffered actual or threatened violence, rather than psychological control, coercion, deception or debt bondage, as in many cases of forced labour or trafficking for labour exploitation. Furthermore, there is no legal aid available to facilitate applications to the Criminal Injuries Compensation Authority and decisions can take up to three years – both factors that serve to discourage victims from taking this compensation route. One further obstacle to compensation through this route is that to be eligible victims must have cooperated with the police, including reporting the crime within two years of it taking place.

**Civil Claim:** there is no specific civil remedy for human trafficking in UK law and victims have to resort to existing civil actions (such as breach of contract, harassment, or torts) that are not always appropriate to provide compensation for victims of human trafficking. Existing civil remedies were not created for this purpose and are therefore inadequate to address the complex nature of trafficking. Cost can also be a significant barrier to access in civil cases, due to the complexity of these cases and the limited availability of legal aid. Migrant workers that are undocumented are also unable to bring claims as their employment contracts are considered ‘illegal’ by the courts.<sup>12</sup>

**Compensation Order** – Under Section 8 of the Powers of the Criminal Courts (Sentencing) Act 2000 if a defendant is convicted of trafficking (under pre-Modern Slavery Act trafficking legislation) or other offences a court may make an order that the defendant pay compensation to the victim. This means can be used where there is not enough evidence to prove a modern slavery offence but where

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/577351/tmscc-review.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/577351/tmscc-review.pdf)

<sup>11</sup> ATLEU, December 2016, Review reveals that government is failing victims of modern slavery who need legal help (Accessed 06 March 2017 at <http://atleu.org.uk/news/2016/12/21/government-continues-to-fail-victims-of-trafficking-preventing-access-to-justice>)

<sup>12</sup> See *Hounga v Allen* [2014] UKSC 47

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there is evidence of associated offences such as assault, harassment, rape, false imprisonment and fraud. Compensation orders are extremely rare – largely because: a) a conviction is required in order for a compensation order to be requested; and b) the order must be requested by the prosecution. FLEX research has found that whilst 211 persons were found guilty of crimes of human trafficking between 2004-2014 just eight compensation orders were made totalling £70,000.<sup>13</sup>

**Employment Tribunal** – This had been regarded as one of the best means of pursuing compensation in cases of trafficking for labour exploitation and domestic servitude. However, since 2014 the Deduction from Wages (Limitation) Regulations 2014 has restricted claims for unlawful deductions or unpaid wages to two years. Additionally the recent Supreme Court case *Taiwo v Olaigbe & Onu v Akwivu*<sup>14</sup> serves to restrict access to the Employment Tribunal for undocumented migrants.

## **Measures to identify and support victims in the UK**

In the UK support for male and female victims of trafficking is provided through the National Referral Mechanism (NRM). NRM referral requires the consent of a potential victim of trafficking. At present access to support is provided following a decision by the two UK Competent Authorities, either the Modern Slavery Human Trafficking Unit or the UK Visas and Immigration that there are ‘reasonable grounds’ to believe that a person is a victim of human trafficking. This decision should be made within five days from referral at which point a potential victim can be allocated funded accommodation and related support. Cooperation with police or judicial proceedings is not a condition of NRM entry. Support through the NRM is provided for a minimum of 45 days with the stated aim of offering a period of reflection and recovery. During this time evidence for a conclusive grounds decision as to whether or not someone is considered to be a victim of trafficking will be gathered and assessed and a determination will be made by a Competent Authority.

This system is currently under review following the publication of a Government review<sup>15</sup> which noted, amongst other recommendations that: there should be a ‘professionalization’ of those referring victims in to the NRM; a multi-disciplinary decision making process should be introduced to the modern slavery decision; and that case management should be streamlined and decisions more timely. In order

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<sup>13</sup> FLEX, 2016, Access to Compensation for Victims of Trafficking. P. 5 (accessed 09 March 2017 at URL <http://www.labourexploitation.org/sites/default/files/publications/DWP-Compensation-F.pdf>)

<sup>14</sup> See *Taiwo v Olaigbe & Onu v Akwivu* 2014 (accessed 09 March 2017 at URL <https://www.supremecourt.uk/cases/docs/uksc-2014-0105-judgment.pdf>)

<sup>15</sup> Home Office, 2014, Interim Review of the National Referral Mechanism for Victims of Human Trafficking’ (Accessed on 06 March 2016, at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/360482/Interim\\_review\\_of\\_the\\_NRM\\_for\\_victims\\_of\\_human\\_trafficking.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/360482/Interim_review_of_the_NRM_for_victims_of_human_trafficking.pdf))

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to address these concerns the UK Home Office has been trialing a pilot NRM system in West Yorkshire and the South West since August 2015 to present. In the pilot NRM referrals and Reasonable Grounds decisions are made at the same time by professional Slavery Safeguarding Leads - trained by the Government and mainly made up of local authority and police front line officials. Conclusive Grounds decisions are made by multi-disciplinary panels comprised of local authorities, UK Visas and Immigration, NGOs, national health service staff and police and chaired by a Home Office appointee. The decision about an individual's right to discretionary leave to remain lies outside this panel – with UKVI.

Many criticisms of the NRM set out in FLEX's research in to identification and support for victims of trafficking for labour exploitation<sup>16</sup> remain unaddressed by the pilot. FLEX recommendations, raised in joint FLEX - Labour Exploitation Advisory Group meetings with the UK Independent Anti-Slavery Commissioner who is consulting on alternative NRM models include: removing the decision on discretionary leave from UKVI and placing it with the multi-disciplinary panel; ensuring that potential victims of trafficking are granted legal advice and assistance prior to consenting to enter the NRM; ensuring accommodation and immediate support is available to potential victims from point of referral to the NRM; and offering ongoing sustainable support beyond the 45 day reflection and recovery period – that many report being abruptly ended once a conclusive grounds decision is made.

## **Global trends we would like to highlight - Scotland, Belgium and Brazil**

### **SCOTLAND**

#### **Statutory support standards for Victims**

The Human Trafficking and Exploitation (Scotland) Act 2015, whilst enacted shortly after the UK Modern Slavery Act, contains strong statutory support safeguards for victims of human trafficking. Such standards arose out of long and detailed consultation with victim support groups, resulting in a statutory guarantee for victims of trafficking to support including: accommodation; counselling; and legal advice. Given that the Human Trafficking and Exploitation (Scotland) Act adopted a definition of human trafficking that more closely aligns with international law than the Modern Slavery Act, then a broad range of victims are provided support guarantees by this law.

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<sup>16</sup> FLEX, Fairwork and ADPARE, 2015, Identification and Support of Victims of Trafficking for Labour Exploitation in the Netherlands, the UK and Romania. (accessed 06 March 2016 at <http://www.labourexploitation.org/sites/default/files/publications/Pro-Act%20Research%20Report.pdf>)



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**Brazil, Belgium and the United States are included in FLEX's Accountability Hub – the following information is taken directly from this database ([www.accountabilityhub.org](http://www.accountabilityhub.org)).**

## **BRAZIL**

### **Criminal Liability**

The Brazilian Criminal Code contains specific provisions on forced labour and fraudulent enticement for employment. [Article 149](#)<sup>17</sup> punishes the offence of 'reducing someone to conditions analogous to slavery' with two to eight years of imprisonment and a monetary fine. The Criminal Code also penalizes fraudulent enticement with the promise of employment in another part of the Brazilian territory or [overseas](#)<sup>18</sup>. Furthermore, [Article 203](#)<sup>19</sup> complements Art. 149 in addressing slave labour in the Brazilian context, insofar as it criminalizes the use of fraud or violence to violate any rights guaranteed by labour legislation. This article directly addresses the practice of debt bondage through the 'truck system' or 'política do barracão', by outlawing the use of force or coercion and the retention of documents in order to prevent a worker from quitting his or her employment, and compelling someone into using products from a specific establishment in order to keep them trapped in a cycle of debt that forces them to stay in the service of their employer.

## **UNITED STATES OF AMERICA**

### **Statutory remedies**

The Trafficking Victims Protection Act provides for mandatory restitution for victims of human trafficking, forced labour and slavery. Section [1593](#)<sup>20</sup> also makes clear that the restitution to be paid by the offender is to be for the "full amount of the victim's losses", which is specified in subsection 3 to include the value of the victims' labour, ensuring that victims of labour exploitation are paid the wages that they are owed. However the [Human Trafficking Pro Bono Legal Center](#)<sup>21</sup> has reported research findings indicating that, despite being mandatory, restitution is in fact awarded in less than half of cases, with orders being made in only 36% of the cases surveyed.

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<sup>17</sup> See FLEX Accountability Hub (accessed 08 March 2017 at URL <http://www.accountabilityhub.org/provision/article-149/>)

<sup>18</sup> See FLEX Accountability Hub (accessed 08 March 2017 at URL <http://www.accountabilityhub.org/provision/brazilian-criminal-code-article-206/>)

<sup>19</sup> See FLEX Accountability Hub (accessed 08 March 2017 at URL <http://www.accountabilityhub.org/provision/brazilian-criminal-code-article-203/>)

<sup>20</sup> See FLEX Accountability Hub (accessed 08 March 2017 at URL <http://www.accountabilityhub.org/provision/18-usc-%C2%A7-1593/>)

<sup>21</sup> See the Human Trafficking Pro Bono Legal Centre - When Mandatory does not mean mandatory (accessed 09 March 2017 at URL <http://www.htprobono.org/htprobono-mandatory-restitution-report-9-2014/>)

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The Trafficking Victims Protection Re-authorization Act of 2003 created a [civil remedy](#)<sup>22</sup> for victims of trafficking offences that allows victims to claim both actual and punitive damages and legal fees. Claims under this provision may be made against both primary offenders and those who knowingly benefit from forced labour, allowing victims the possibility to recover from exploiters higher up the supply chain.

Exploited workers can also bring claims under the Fair Labour Standards Act (FLSA) for labour breaches such as the failure to pay [minimum wage](#)<sup>23</sup> or [excessive overtime](#)<sup>24</sup>. Importantly, provisions within the FLSA [prevent employers from firing](#)<sup>25</sup> or in any other way discriminating against an employee who files a complaint or participates in any proceeding under the FLSA.

In order to ensure enforcement of workers' claims, the FLSA also includes a [“hot goods” provision](#)<sup>26</sup> that prohibits the transportation, shipment, delivery or sale of goods made in violation of the wage and working hour provisions of the FLSA, using the halting of business to force employers to pay wages due. Migrant workers may bring claims before the Equal Employment Opportunity Commission for discrimination on the basis of race or national origin under the Civil Rights Act 1964. This tool was recently used to bring a [case](#)<sup>27</sup> on behalf of over 500 Thai farm workers against a labour contractor and pineapple producer, that resulted in a judgment of \$8.7 million dollars in damages. Migrant workers in the agriculture sector can also bring actions under the Migrant and Seasonal Agriculture Worker Protection Act (MSPA) 1983.

Importantly, US law does not prevent undocumented workers from bringing labour claims, including for unpaid wages or overtime under the FLSA. Furthermore, in some states legislation expressly prevents the worker's immigration status from being revealed or raised in proceedings, and prohibits retaliation by threatening to report undocumented workers. This helps to ensure that workers are not prevented from seeking remedies as a result of their immigration status.

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<sup>22</sup> See FLEX Accountability Hub (accessed 08 March 2017 at URL <http://www.accountabilityhub.org/provision/18-usc-%C2%A7-1595/>)

<sup>23</sup> See FLEX Accountability Hub (accessed 08 March 2017 at URL <http://www.accountabilityhub.org/provision/29-u-s-c-%C2%A7-206/>)

<sup>24</sup> See FLEX Accountability Hub (accessed 08 March 2017 at URL <http://www.accountabilityhub.org/provision/29-u-s-c-%C2%A7-207/>)

<sup>25</sup> See FLEX Accountability Hub (accessed 08 March 2017 at URL <http://www.accountabilityhub.org/provision/29-u-s-c-%C2%A7215a3/>)

<sup>26</sup> See FLEX Accountability Hub (accessed 08 March 2017 at URL <http://www.accountabilityhub.org/provision/29-u-s-c-%C2%A7215a1/>)

<sup>27</sup> Federal Judge finds Global Horizons Liable for Discrimination, Harassing and Retaliating against Hundreds of Thai Farm workers in EEOC Suit (accessed 09 March at URL <https://www.eeoc.gov/eeoc/newsroom/release/3-24-14.cfm>)

## Question 3

**Please detail relevant jurisprudence, including any landmark cases, which demonstrate effective access to justice for victims of contemporary forms of slavery, and provide copies of any judgments if possible.**

### Case Law - UK

#### **I. Galdikas & Others v DJ Houghton Catching Services LTD<sup>28</sup>**

In June 2016 the UK High Court of Justice ruled in favour of six Lithuanian men who had been trafficked to the UK, in the first civil case of its kind against a British company. The men, represented by the law firm Leigh Day, brought a civil claim against the chicken catching firm that used the labour of the men, DJ Houghton, alleging that they had been subjected to severe exploitation, including threats and assaults, working and living in inhuman and degrading conditions, being forced to work long shifts for little or no pay, and being denied sleep and toilet breaks.

Due to the lack of a specific civil remedy for human trafficking in UK legislation, the litigation in this case was highly complex, and the lawyers representing the men had to bring a variety of claims, including damages for negligence, harassment, assault, breach of contract, and breach of statutory duties. The High Court found in favour of the claimants that DJ Houghton had failed to pay minimum wage, made unlawful deductions from wages, and deprived the workers of adequate facilities to wash, rest, eat and drink. Compensation was achieved for six men exploited by DJ Houghton in December 2016, and Leigh Day will now pursue the cases of a further ten men allegedly exploited by the same company.

This case represents an important step forward, however, it also highlights the difficulties faced by trafficking victims in the UK. After the men escaped, they were referred to the National Referral Mechanism and were recognized as victims of trafficking. They cooperated with the police, but no criminal charges were brought against their traffickers. The men were never introduced to lawyers who could advise them about compensation and as a result, it took two years before they were able to make a compensation claim against their exploiters. The victims also applied for legal aid in March 2015, but only four of the six clients in this case received free legal assistance. Due to the lack of information and the length of the legal process, these victims have had to wait for four years to obtain compensation.

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<sup>28</sup> See Galdikas & Ors v DJ Houghton Catching Services Ltd & Ors [2016] EWHC 1376 (QB)  
[http://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/QB/2016/1376.html&query=\(galdikas\)](http://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/QB/2016/1376.html&query=(galdikas))

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In the meantime, they have faced significant difficulties, including loss of benefits and risk of destitution due to the lack of long-term support from UK authorities.

## 2. Allen v Hounga<sup>29</sup>

Mary Hounga was brought from Nigeria to the UK to work in domestic service in 2007. At that time she was approximately 14 years old and had been promised schooling and £50 a month in wages, but received neither. Instead she was forced to work, subjected to serious physical abuse, and finally thrown out of the house. She eventually sought help, and the authorities found there were reasonable grounds to believe she was a victim of trafficking. Yet her claims for compensation were ultimately rejected by the Court of Appeal, because at the time of her exploitation she had no right to work in the UK.

Ms Hounga appealed to the Supreme Court and her appeal was heard in May 2014. The Court decided that the fact Ms Hounga was undocumented was not related to her discrimination claim, and so could not prevent her from seeking compensation on this basis. The Court was split with the majority noting international laws on human trafficking meant that Ms Hounga's undocumented status solely provided a context within which physical, verbal and emotional abuse was perpetrated against her. The resulting ruling provides a window of opportunity through which illegality can be countered when the competing public policy concern of human trafficking is balanced against it.

## 3. Couple ordered to pay victim of domestic servitude £100,000 in compensation.<sup>30</sup>

Ilyas and Tallat Ashar were jailed in October 2013 after a young Pakistani woman was found sleeping in their cellar in 2009<sup>31</sup>. The victim had been repeatedly raped and forced to work as a servant at the family's properties as a child, having been trafficked into the UK when she was about 10 years old. The couple were sentenced to imprisonment and the Court of Appeal extended their jail terms to 15 years and six years respectively, after their initial sentence was described as "unduly lenient".

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<sup>29</sup> Hounga v Allen & Anor [2014] UKSC 47 (30 July 2014)

<sup>30</sup> Taken from FLEX, 2014, Guide to Legal Remedies for Victims of Trafficking for Labour Exploitation (accessed on 06 March 2016, at [http://www.labourexploitation.org/sites/default/files/publications/d92434\\_f8ff939c836d4c73a4730de5776066dd.pdf](http://www.labourexploitation.org/sites/default/files/publications/d92434_f8ff939c836d4c73a4730de5776066dd.pdf))

<sup>31</sup> Details from *Cellar slave girl: Salford couple must pay victim £100,000*, BBC News, 15 October 2014, <http://www.bbc.co.uk/news/uk-england-manchester-29559771>

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Following a hearing under the Proceeds of Crime Act, the County Court ordered that the couple pay £100,000 compensation to the victim and repay £42,000 for benefits falsely declared in her name. The judge calculated the value of the work carried out by the girl when she was being exploited based on the minimum wage, assuming she worked for 12 hours a day, seven days a week, during her long period of exploitation. This is the first case known to FLEX in which criminal compensation for victim of trafficking for labour exploitation has included an amount for unpaid wages.

## Question 4

**Please describe specific support that is in place for victims of contemporary forms of slavery who seek obtain access to justice and fulfil their right to an effective remedy, including but not limited to, shelters, other forms of housing, legal aid, visa support, witness and victim protection measures, livelihood or financial support and counselling in the country or countries that your organisation works. Please also include information about global trends in the provision of such support that you would like to highlight.**

### **Trafficking for Labour Exploitation in the UK, Romania and The Netherlands**

FLEX recently partnered on the EU Pro-Act project<sup>32</sup> - a two year EU/ISEC funded project with five partners across three EU countries – UK, The Netherlands and Romania. As part of this project, research was conducted in each of the Project countries in to identification and support for victims of trafficking for labour exploitation. The research focussed on identification, support, housing, work, access to justice and legal advice, and move-on options. The findings of the report are relayed thematically in the paragraphs below.

**Access to support:** In all three countries victims of trafficking for labour exploitation showed limited understanding of their entitlements to support and some had not given genuine and ongoing consent to their engagement with the anti-trafficking system. This is particularly a problem where there is a perception that support is tied to cooperation with the authorities. Victims and service providers also found the length or level of support inadequate, and that support is not tailored to the needs of victims of trafficking for labour exploitation, particularly taking in to account gender difference.

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<sup>32</sup>FLEX, Fairwork and ADPARE, 2015, Identification and Support of Victims of Trafficking for Labour Exploitation in the Netherlands, the UK and Romania. (accessed 06 March 2016 at URL <http://www.labourexploitation.org/sites/default/files/publications/Pro-Act%20Research%20Report.pdf>)

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**Housing:** In all three countries there are limitations on availability of housing for those trafficked for labour exploitation, particularly where entitlement is dependent upon legal or asylum status. Where housing is provided the standard varies considerably and remote, poor quality or mixed-sex accommodation often leaves victims feeling insecure, isolated and threatened. Outreach support was also often shown to be of a poorer quality than shelter support.

**Psychological and social support:** In all three countries, male victims are less likely to enter into psychological assistance programmes and are viewed as having less need for such assistance than female victims. Language barriers, including availability of interpreters and appropriate interpretation also limits the provision and quality of psychological support.

**Access to justice and legal advice:** Research found that legal advice and representation is available to some extent in all countries. Compensation is also available for trafficked persons in all countries. However, in all three countries, expert legal advice is not always freely available to trafficked persons, particularly outside criminal processes and prior to engagement with authorities. In addition, there are limited specialist lawyers for trafficked persons and advice is consequently often limited to narrow criminal justice or immigration issues. The numerous barriers to compensation evidenced mean that limited numbers of those trafficked for labour exploitation obtain compensation.

## Question 5

**Please describe national and/or global measures that you are aware of that allow victims of contemporary forms of slavery to pursue access to justice and remedy for violations of their human rights taking place in national or international supply chains.**

**The USA and Belgium are included in FLEX's Accountability Hub – the following information is taken directly from this database ([www.accountabilityhub.org](http://www.accountabilityhub.org)).**

### **UNITED STATES OF AMERICA**

#### **Corporate liability**

In 2008 the US Trafficking Victims Protection Reauthorization Act (TVPRA 2008) created an offence of knowingly benefiting from forced labour. Under this section, a person who benefits knowingly and financially from participating in a venture that has engaged in forced labour is also criminally liable and may also be punished with 20 years imprisonment. As a 'person' may include a legal person, this provision allows for companies to be prosecuted for knowingly benefiting from forced labour in their commercial activities.

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The TVPRA 2008 also established [extra-territorial jurisdiction](#)<sup>33</sup> over trafficking, forced labour and slavery offences, where either the alleged offender is a US national or permanent resident, or where the alleged offender is present in the United States. This quite broad extra-territoriality provision allows for the civil or criminal liability of any natural or legal person located in the United States, for trafficking, forced labour and slavery offences occurring anywhere in the world. This means that a US-based company that engages in severe labour exploitation in its operations in other countries could still be prosecuted or sued for damages in US courts for this conduct.

In the case of [David v. Signal International, LLC](#)<sup>34</sup> hundreds of guest workers from India were fraudulently recruited and exploited by a New Orleans construction company in the aftermath of Hurricane Katrina. In this case a range of statutory remedies were used, including anti-trafficking law, labour law, and anti-discrimination law, to target not only individual exploiters but the company itself. A jury found that the company, its lawyer and Indian-based recruiter had engaged in labour trafficking, fraud, racketeering and discrimination, and awarded five of the workers USD\$14 million in compensatory and punitive damages. Other workers subsequently [settled](#)<sup>35</sup> their claims against the company for a further USD\$20 million.

## **BELGIUM**

### **Liability for head contractors**

In 2012, Belgium also introduced a [system of joint and several liability for the payment of workers' wages](#)<sup>36</sup>, which is particularly relevant to the exploitation of workers in cases where victims are severely underpaid, or their wages are withheld or manipulated. This creates a chain of successive responsibility, linking subcontractors and contractors within a production chain, all the way up to the main contractor or principal placing the order. Principals and head contractors can therefore be held responsible for the underpayment or non-payment of wages to workers by a subcontractor located at the base of this chain system.

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<sup>33</sup> See FLEX Accountability Hub (accessed 08 March 2017 at URL <http://www.accountabilityhub.org/provision/1140/>)

<sup>34</sup> See SPLC “Federal jury in SPLC case awards \$14 million to Indian guest workers victimized in labor trafficking scheme by Signal International and its agents” (accessed on 09 March 2017 at URL: <http://www.splcenter.org/news/2015/02/18/federal-jury-splc-case-awards-14-million-indian-guest-workers-victimized-labor-trafficking>)

<sup>35</sup> See SPLC “\$20 million settlement agreement reached in labour trafficking cases coordinated by SPLC on behalf of exploited Indian workers” (accessed on 09 March 2017 URL <https://www.splcenter.org/news/2015/07/14/20-million-settlement-agreement-reached-labor-trafficking-cases-coordinated-splc-behalf>)

<sup>36</sup> See FLEX Accountability Hub (accessed 08 March 2017 at URL <http://www.accountabilityhub.org/provision/art-35-2/>)

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## Corporate criminal liability

Belgium is also one of the few jurisdictions where companies, alongside the physical persons running them, have been successfully prosecuted for their involvement in human trafficking for labour exploitation. In a key case in 2012, a court in Ghent [convicted](#)<sup>37</sup> a German company, as well as four of its agents, of aggravated human trafficking for labour exploitation. Legal entity Kronos was ordered to pay a 528,000 EUR fine, and its agents received sentences ranging from 1 year of imprisonment and a 13,750 EUR fine, to 4 years of imprisonment and a fine of 55,000 EUR. The principal, Belgian company Carestel was [charged as an accomplice](#)<sup>38</sup> and ordered to pay a 99,000 EUR fine.

## Question 6

**A. Please describe the main challenges and barriers identified in the country or countries in which your organisation works to ensuring that victims of contemporary forms of slavery have access to justice? Please also specify any global trends that you are aware of.**

**B. Please elaborate on any specific challenges faced by vulnerable groups, for example women, children, those living in poverty and/or in rural areas, minority groups, indigenous people, women, children, people determined as being of low caste, and migrant workers, in obtaining access to justice and fulfilling their right to remedy.**

Though the government's [Modern Slavery Strategy](#)<sup>39</sup> states a commitment to ensuring avenues for "reparation and compensation" for victims, [in practice](#) existing avenues only allow very limited access to people who have been trafficked.

Our latest policy paper, [Improving Access to Compensation for Victims of Trafficking for Labour Exploitation in the UK](#)<sup>40</sup>, addresses four key

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<sup>37</sup> See FLEX Accountability Hub (accessed 08 March 2017 at URL <http://accountabilityhub.org/provision/art-433-quinquies/>)

<sup>38</sup> See FLEX Accountability Hub (accessed 08 March 2017 at URL <http://accountabilityhub.org/provision/art-66/>)

<sup>39</sup> HM Government – Modern Slavery Strategy (accessed 09 March 2017 at URL [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/383764/Modern\\_Slavery\\_Strategy\\_FINAL\\_DEC2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/383764/Modern_Slavery_Strategy_FINAL_DEC2015.pdf))

<sup>40</sup> FLEX Improving Access to Compensation for Victims of Trafficking for Labour Exploitation in the UK (accessed 09 March 2017 at URL [http://www.labourexploitation.org/sites/default/files/publications/FLEX\\_Access\\_to\\_comp\\_WP.pdf](http://www.labourexploitation.org/sites/default/files/publications/FLEX_Access_to_comp_WP.pdf))



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limitations of the current UK system, and makes recommendations for measures to improve access for victims of trafficking. The key barriers are:

1. Existing avenues to compensation for victims of human trafficking and modern slavery are not fit for purpose: The Modern Slavery Act 2015 only provides for compensation in the few cases in which perpetrators are identified, prosecuted and convicted. Civil avenues to compensation are restrictive and complex.
2. Victims do not have effective access to legal assistance: Access to free legal aid is highly restricted and there is a lack of specialist legal advice.
3. Victims are not receiving appropriate support: Victims do not receive adequate advice and support in accessing their legal rights.
4. There is a lack of data and knowledge about victims' access to justice: The UK government does not collect data on victims' access to compensation, other than criminal compensation.

FLEX has recommended the development of specific avenues to compensation for victims of human trafficking and modern slavery, to address the complex nature of these crimes and allow victims to access compensation more quickly and easily.

According to research<sup>41</sup> in the UK by the Labour Exploitation Advisory Group (LEAG), there are significant barriers for vulnerable workers to seek remedy or report abuses. Weak understanding of the processes for reporting and remedy, lack of free legal aid, fees for tribunals, and restrictions due to status act as significant barriers to justice for those who have suffered labour abuses. Additional factors that inhibit access to justice include an insecure immigration status; due to threats or fear of deportation undocumented workers can be fearful to report the abuses committed against them. Mechanisms for redress should be visible, understandable, and accessible to all. Anonymous reporting was also mentioned in the research<sup>42</sup> as a way to make workers feel safer in coming forward. At an early stage some victims of exploitation may be reluctant to work with statutory bodies; it is therefore important that NGOs and other non-statutory agencies are empowered to make referrals for support and advice, which may enable them to report and/or seek remedy at a later stage.

In addition, improved inspection would provide opportunities for intervention at an early stage. If abuse is detected, remedy could be sought before exploitation develops. If businesses know that there is a chance they could be caught and

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<sup>41</sup> Labour Exploitation Advisory Group (2016) *Labour Compliance to Exploitation and the Abuses In-Between* (accessed 08 March at URL: <http://www.labourexploitation.org/sites/default/files/publications/Labour%20Compliance%20to%20Exploitation.pdf>)

<sup>42</sup> Labour Exploitation Advisory Group (2016) *Labour Compliance to Exploitation and the Abuses In-Between* (accessed 08 March at URL: <http://www.labourexploitation.org/sites/default/files/publications/Labour%20Compliance%20to%20Exploitation.pdf>)

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penalised, there would be more incentive to comply. The research concluded that, if workers were able to access information and advice about their rights, their employment situation and mechanisms for complaining about minor abuses, they would be better able to leave abusive situations, seek redress or prevent themselves from entering abusive situations in the first place – all of which would prevent abuse from developing further. A crucial element in provision of this information is translated material and interpretation services. Workers must be able to access both information and advice in their native language.

## Question 7

**A. Please detail any examples of good practice in relation to access to justice and remedy for victims of contemporary forms of slavery.**

### **FLEX training and network building activities**

FLEX works with a range of support organisations for vulnerable individuals to build awareness and understanding of trafficking for labour exploitation and to provide information about legal rights and assistance available. To date, FLEX has provided training to 271 frontline workers from migrant, community, refugee and asylum organisations throughout the UK. Our work is conducted in a way which forefronts the experience of victims.

By establishing the Labour Exploitation Advisory Group (LEAG) FLEX has created a discussion forum for debate on remedies available for potential and actual victims of trafficking for labour exploitation. The LEAG seeks to engage organisations that are not traditionally involved in discussions on human trafficking but that we know encounter cases of exploitation and abuse and to highlight issues raised with policy makers in the UK.

### **FLEX Resources**

- **Animated booklets** - FLEX produced two pictorial guides on a) Support entitlements for victims of trafficking in the UK; and Legal Remedies for victims of trafficking in the UK, both of which are available in 12 languages on the FLEX [website](#)<sup>43</sup>. These booklets were disseminated to organisations that support victims of trafficking to ensure trafficked persons are made aware of their rights at the earliest opportunity and to improve informed consent to enter the UK National Referral Mechanism.
- **Videos** - FLEX produced two videos featuring anonymised victim testimony on support for victims of trafficking in the UK National Referral Mechanism. These videos are used as awareness raising tools in training sessions and are featured on FLEX's website.

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<sup>43</sup> Visit the FLEX website at [www.labourexploitation.org](http://www.labourexploitation.org)

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FLEX [Guide to Legal Remedies for Victims of Trafficking for Labour Exploitation](#) outlines the range of remedies available to labour trafficking victims in the UK, including the legal requirements and considerations for each. This Guide has been made available to a wide range of practitioners that work directly with victims of trafficking for labour exploitation.

## **Good Practice**

**The Anti-Trafficking and Labour Exploitation Unit:**<sup>44</sup> ATLEU is a specialist law firm/ dedicated legal service for victims of trafficking; in the UK that seeks to combine legal expertise in immigration, housing and employment, thereby covering the main areas of need in trafficking cases. Their human rights approach involves actively pursuing all available legal routes in order to gain compensation as well as leave to remain for victims, where required.

**The Legal Services Agency: LSA Scotland** also advises people who have been trafficked on a wide range of 34 relevant areas of law including housing, immigration and compensation options. Both of these organisations highlighted that they provide information and explain the various options to clients but do not make decisions for them.

**The Anti-Trafficking Legal Project:** ATLeP is a network of solicitors, barristers, and specialist practitioners who advise, represent and support victims of trafficking and other vulnerable people. They share expertise in human trafficking, and meet, refer clients and share information regularly.

**B. Please describe any examples of good practice or possible legal and policy measures that you think in your view are effective at overcoming the challenges and barriers referenced above in question 6.**

## **THE NETHERLANDS**

**Guaranteed compensation for victims** - In the Netherlands there are several routes to claiming compensation. A victim may: a) apply for compensation as part of the criminal proceedings, b) make a labour law claim, or c) apply to the Violent Offences Compensation Fund – an autonomous division of the Ministry of Security and Justice

Since the entry into force of the Act on *Strengthening the Position of Victims of Crime in January 2011*, victims of violent crimes and sexual offences, including trafficking in human beings, can seek an advance payment from the State if the offender was convicted and ordered to pay damages to the victim as part of the criminal sentence, and he/she fails to pay these damages for a period of eight months after the sentence has become final. This shifts the onus of enforcing the compensation

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<sup>44</sup> Visit ATLEU at <http://atleu.org.uk/who-we-are/>

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order from the victim to the State<sup>45</sup>. Since 1 January 2011, if the perpetrator does not comply with the compensation measure, the victim can make use of the so-called 'advance payment system'. On the basis of this regulation, the state guarantees the payment of the compensation measure<sup>46</sup>. This system guarantees victims of human trafficking that the compensation measure is paid to them.

## **BRAZIL**

### **Guaranteed payment of workers' wages**

Under Brazilian labour legislation, workers rescued from a condition analogous to slavery are entitled to receive<sup>47</sup> a payment of three instalments of unemployment insurance<sup>48</sup>, each in the amount of one minimum wage. In addition, labour inspectors ensure that workers are paid the wages owed to them, and issue 'unregistered' workers with work permits.<sup>49</sup> The law also establishes the services<sup>50</sup> to be provided to the rescued worker by the Ministry of Labour and Employment. In particular, the Ministry, through the National Employment System (SINE) must provide the worker with vocational training and assist him or her in securing employment.

### **Question 8**

**Please describe any projects delivered by your organisation or other civil society organisations to ensure access to justice and remedy for victims of contemporary forms of slavery.**

In 2014 FLEX designed a '[Guide to Legal Remedies for victims of Trafficking for Labour Exploitation](#)<sup>51</sup>' to provide practical information to service providers when informing victims of their legal options and directing them towards legal advice. The Guide seeks to answer some of the key questions relating to compensation for victims of human trafficking, including - the options for compensation; what kind of loss or

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<sup>45</sup> See La Strada International (2014) Compensation of victims of trafficking under international and Dutch law (accessed 08 March 2017 at URL: [http://lastradainternational.org/Isidocs/3062-Policy%20paper%20compensation\\_Netherlands\\_28%20April%202014.pdf](http://lastradainternational.org/Isidocs/3062-Policy%20paper%20compensation_Netherlands_28%20April%202014.pdf))

<sup>46</sup> See La Strada International (2013) Compensation for Victims of Human Trafficking in the Netherlands (accessed 09 March 2017 at URL <http://lastradainternational.org/Isidocs/3087-Compensation%20for%20Victims%20of%20Human%20Trafficking%20in%20The%20Netherlands.pdf>)

<sup>47</sup> See FLEX Accountability Hub (accessed 08 March 2017 at URL <http://www.accountabilityhub.org/provision/law-no-7-998-article-2-1/>)

<sup>48</sup> See FLEX Accountability Hub (accessed 08 March 2017 at URL <http://www.accountabilityhub.org/provision/law-no-7-998-article-2-1/>)

<sup>49</sup> International Labour Organisation, 2011, *The Good Practices of Labour Inspection in Brazil*, 32.

<sup>50</sup> See FLEX Accountability Hub (accessed 08 March 2017 at URL <http://www.accountabilityhub.org/provision/law-no-7-998-article-2c/>)

<sup>51</sup> FLEX Guide to Legal Remedies for Victims of Trafficking for Labour Exploitation (accessed 09 March 2017 at URL [http://www.labourexploitation.org/sites/default/files/publications/d92434\\_f8ff939c836d4c73a4730de5776066dd.pdf](http://www.labourexploitation.org/sites/default/files/publications/d92434_f8ff939c836d4c73a4730de5776066dd.pdf))

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damage can be compensated; how to apply for compensation; what are the legal requirements; time limits to compensation claims for victims of trafficking or modern slavery; the availability of legal aid; cost and any barriers that exist.

In 2016 FLEX published two illustrated guides for victims of trafficking in 12 languages. These booklets were distributed to frontline service providers, and are available for [download](#) on the FLEX website<sup>52</sup>.

*Support entitlements in the UK: National Referral Mechanism for Victims of Human Trafficking* outlines the rights of victims of trafficking and modern slavery to clean and safe accommodation; expert legal advice, including immigration and compensation; psychological or therapeutic counseling; translation services; and medical assistance. It also lists possible outcomes available to victims of trafficking.

*Legal Rights & Options for Victims of Human Trafficking in the UK* – highlights victim’s rights to legal advice and assistance, four possibilities to compensation, possibilities for ‘Discretionary Leave’ to remain in the UK, the possibility to claim asylum, and a list of organisations providing this type of expert legal advice.

The Latin-American Women’s Rights Service (LAWRS), a London based NGO that works to promote the rights of Latin American women in the UK, partnered with FLEX on the PRO-ACT project. During the Pro-Act project FLEX delivered training to front line workers, counsellors and volunteers at LAWRS on the legal rights of victims of human trafficking, covering relevant aspects such as legal aid, access to compensation and the legal remedies available to victims. This enabled LAWRS to inform victims of their potential to access legal remedies during consultations at their drop-in clinics, and to signpost victims to appropriate and expert legal assistance.

## Question 9

**In your view what are the necessary components of a comprehensive human-rights based approach to ensure that victims of contemporary forms of slavery can have access to justice and fulfil their right to an effective remedy?**

The right of victims of human trafficking, forced labour and slavery to an effective remedy is established in international law, yet is rarely upheld due to the numerous barriers identified above. In order to ensure access to justice, States must adopt a human-rights based approach that prioritises the voiced needs of victims and protects and promotes their rights as workers as well as their rights as

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<sup>52</sup> See FLEX booklets on NRM entitlements and Legal Rights and Options (accessed 09 March 2017 at URL: <http://www.labourexploitation.org/news/flex-launches-new-tools-inform-victims-trafficking-about-support-options-and-legal-remedies>)

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victims of crime. Such an approach should include:

- **Early and free access to legal advice and assistance** – potential victims should be provided with expert legal advice and assistance free of charge and at the earliest possible opportunity. In particular legal advice and assistance should be provided prior to any formal decision-making regarding a victims' legal status.
- **Non-conditionality** – victims' access to both legal assistance and legal remedies should not be conditional on assistance with law enforcement. Access to compensation should not be dependent upon either victims' cooperation with police, or on the successful prosecution of perpetrators.
- **Appropriate and long-term support** – victims must be provided with holistic and high quality support, that is tailored to their needs. Support should include providing information and assistance to victims to access their full range of legal rights, and ensuring that victims voices are central to legal processes and victims are empowered to seek the remedies and long term outcomes they desire.
- **Clear and effective remedies** – Avenues to compensation should not be costly, complex or restrictive, and should adequately remedy the victim for the damage suffered. A specific civil remedy or compensation fund for victims of human trafficking, forced labour and slavery should be available to ensure victims are able to pursue compensation against perpetrators in the absence of a criminal prosecution.
- **Prioritisation of victims' rights and remedies** – States must prioritise the protection of victims and their legal rights above other considerations, including above immigration status. Victims should be enabled to pursue legal remedies, and should be protected and supported in doing so, regardless of immigration status.

## Question 10

**Please provide any research, data or other information that your organisation has produced or is aware of relating to access to justice and remedy for victims of contemporary forms of slavery.**

In 2014 FLEX designed a [Guide to Legal Remedies for victims of Trafficking for Labour Exploitation](#)<sup>53</sup> (soon to be updated) to provide practical information to service providers when informing victims of their legal options and directing them towards legal advice. The Guide seeks to answer some of the key questions relating to compensation for victims of human trafficking, including - the options for

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<sup>53</sup> FLEX Guide to Legal Remedies for Victims of Trafficking for Labour Exploitation (accessed 09 March 2017 at URL [http://www.labourexploitation.org/sites/default/files/publications/d92434\\_f8ff939c836d4c73a4730de5776066dd.pdf](http://www.labourexploitation.org/sites/default/files/publications/d92434_f8ff939c836d4c73a4730de5776066dd.pdf))

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compensation; what kind of loss or damage can be compensated; how to apply for compensation; what are the legal requirements; time limits to compensation claims for victims of trafficking or modern slavery; the availability of legal aid; cost and any barriers that exist.

The FLEX Working [Paper: Access to Compensation for Victims of Human Trafficking](#)<sup>54</sup> considers the ability of victims of human trafficking and other forms of modern slavery to access compensation, one year on from the enactment of the Modern Slavery Act. It builds upon research conducted by FLEX during the passage of the Act, to ask what has changed for victims seeking compensation, and what barriers still remain.

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<sup>54</sup> FLEX Working Paper Access to Compensation (accessed 09 March 2017 at URL <http://www.labourexploitation.org/sites/default/files/publications/DWP-Compensation-F.pdf>)

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