



KALAYAAN

justice for migrant domestic workers

ANNUAL REPORT AND FINANCIAL STATEMENTS

APRIL 2010-MARCH 2011

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KALAYAAN Annual Report 1st April 2009- 31st March 2010

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Chair's Report

The past year has been one of considerable success but also considerable challenge for Kalayaan. Funding is always tight for charities and never more so than at the moment. In addition, the coalition government's has made changes to the legal aid system and the support system that have created additional pressures for our service users. Most significantly, though the proposed change to the visa system could have a huge impact and we are working very hard to challenge the proposals.

However, the organisation continues to thrive, largely due to the dedication and expertise of the staff. In December 2010, Kalayaan received recognition for its achievements through the Guardian Charities Awards 2010. Kalayaan impressed the judges with the combination of grass roots work, advocacy and lobbying.

Kalayaan has a deservedly high reputation as an organisation that integrates policy and practice. Throughout the year, Kalayaan has continued to provide individual domestic migrant workers with the advice and support they need. Kalayaan fulfils a need that is not met by any other organisation and reaches people who would not qualify for support anywhere else.

Kalayaan runs on a very tight budget. However, the excellent financial management of the staff and treasurer meant we had funds spare to recruit a researcher for four months over summer 2010. This built an excellent evidence base for subsequent campaigning and policy work.

In August, Kalayaan worked with a television company on a documentary for Dispatches. This brought a surge of interest in our work and also some donations. We were pleased that we could use this to support material for the English classes.

The English classes are going strong and fulfil an essential educational and social need. Teaching a class is a considerable commitment and we are very grateful for all the volunteer teachers and assistants who work so hard preparing classes and teaching.

Early in 2011, we found out that the government planned to review the domestic migrant workers visa. The staff sprung into action, working publicly and behind the scenes to make the case for keeping the visa. The subsequent campaign has cemented the relationship with Justice for Domestic Workers and we are pleased that the two organisations can work in partnership on many important issues. There is more information about the media and parliamentary work elsewhere in the report.

I would like to thank the staff for their hard work and energy throughout the year. Kalayaan could not achieve all that it does without its volunteers and so I would like to thank the impressive commitment and contribution of all Kalayaan's volunteers, including those providing office support, advocacy and interpreting as well as my colleagues on the management committee. Finally, I would like to thank all our funders for their support and interest in our work.

Kalayaan and migrant domestic workers

Since 1987 Kalayaan has worked with and supported migrant domestic workers (MDWs) in the UK, aiming to improve their quality of life. Kalayaan recognises that MDWs frequently experience abuse, exploitation, discrimination, racism and social exclusion. The organisation aims to reduce these problems by increasing MDWs' knowledge of their rights and ability to access them in practice, and to improve the policy and legislative environment for MDWs in the UK.

Migrant domestic workers are foreign nationals who have come to the UK accompanying their employers to work in their private household, typically as house-keepers, cooks, nannies, elder carers, or chauffeurs. They enter the UK on an overseas domestic worker visa. The domestic worker visa may be renewed annually providing the worker continues to be employed full-time as a domestic worker in a private household. MDWs who have been in the UK for 5 years can apply for settlement. The domestic worker visa provides formal recognition as a worker and allows MDWs to change employers (within the same work sector) and so escape and challenge abuse.

In the year between 1st April 2010 and 31st March 2011, Kalayaan registered **298 new MDWs**, 263 of which were women (88% of the total). New service users came from 28 different countries.

The table below shows a breakdown by nationality:

Nationality	Number of clients	Percentage of total new clients
Filipino	81	27%
Indian	79	26%
Indonesian	33	11%
Nepalese	22	7%
Sri Lankan	19	6%
Nigerian	13	4%
Pakistani	8	2.5%
Moroccan	7	2%
Bangladeshi	4	1.3%
Tunisian	4	1.3%
Ethiopian	3	1%
Kenyan	3	1%
Thai	3	1%

The remaining 9% of our new service users came from following countries:

China, Colombia, Egypt, Eritrea, Ghana, Ivory Coast, Malawi, Mexico, Peru, South Africa, Sudan, Tanzania, Uganda, Yemen, Zimbabwe



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The majority of MDWs who come to Kalayaan live within London, but Kalayaan is keen to extend the benefits of its expertise to all MDWs in the UK, and we answers calls for help or advice from all over the UK, both from workers and from those supporting them. Some MDWs travel from other cities to use our services, particularly the advice sessions on Sundays. In this year, 12% of new service users came from outside London. The majority of London residents came from the following boroughs:

Borough	Percentage of clients
Brent	13%
Kensington & Chelsea	13%
Westminster	9%
Barnet	6%
Camden	5%
Lambeth	4%
Newham	4%
Harrow	3%

Issues experienced by MDWs

MDWs are particularly vulnerable to abuse of their human rights and to labour exploitation, or in some cases forced labour, for several reasons: they are isolated within their employer's private house, hidden from any of the usual oversight mechanisms for workers, and often have little or no knowledge of the English language. They rely on their employer for their income, their accommodation and their immigration status in the UK, as well as for any information about their rights in the UK. MDWs are restricted from accessing public funds.

Statistics collected upon registration of new clients confirm that MDWs continue to be face high levels of abuse as well as exploitative working conditions, as the table below will show. Alarming, it is likely that these figures do not reveal the full extent of the problem. These data are collected as part of the registration process, at a time when MDWs will not have built up enough trust to disclose the full extent of their treatment. Taboos mean that sexual abuse is especially likely to be under reported. Often, MDWs are also scared of the repercussions of reporting abuse, particularly if the employer has relatives or powerful contacts in the country where the worker's family lives.

New clients reported situations of physical abuse such as employers hitting them, kicking them, spitting in their face, slapping them and pulling their hair. Domestic workers caring for children often report of being kicked and hit by them, even under the eyes of their parents, who don't reprimand them.

Forms of psychological abuse described by our clients included shouting and insults such as 'useless' 'idiot' 'dirty' 'donkey' or 'dog', and threats to be thrown out or deported. Workers often describe these humiliations as 'being treated like an animal'.

The isolated nature of their work within their employers' private houses makes domestic workers particularly vulnerable to the risk of sexual abuse. We fear that the percentage of victims might be higher than our statistics indicate, as evidence collected during more in-depths interviews shows that this crime is highly underreported at the point of registration.

Lack of privacy is another recurrent problem for MDWs, and often linked to sexual abuse. The majority live in the employer's household and have no private space to which they can retire. Over half of the MDWs that we have registered don't have their own room and sleep in public areas such as the kitchen, the living-room or the children's bedroom. Sleeping in a public area means that they have no protection against the men in the house's attempts to approach them. In addition, it means that sleep is interrupted by people entering the room for other purposes, or by children waking up. Many of the workers told us that they are expected to wake up in the middle of the night to attend to any needs of the members of the household, like making hot drinks, bringing water, etc. Many MDWs don't even have a proper bed and have to sleep on cold floors, with serious consequences for their health.

In some cases the isolation of living and working within the private household becomes extreme and MDWs are not allowed to go out except when accompanying the employer. Over 60% of newly registered clients reported being locked in when the employer leaves the house, putting them at serious risk in case of an emergency.

Many of the exploitative situations suffered by MDWs, such as unreasonably long working hours and salaries well below the National Minimum Wage, are linked to the fact that domestic work is often not perceived as 'real work'. On average, the MDWs we registered in this financial year, worked 15 hours per day. The average monthly salary is £78 per week. Nearly 70% of workers have no day off.

Abuse by former employer reported by migrant domestic workers who registered at Kalayaan between 1/4/10 and 31/3/11.

Type of abuse	Number of MDWs who reported this abuse out of total answers	Percentage
Physical assault	45 (N=270)	17%
Psychological abuse (threats, insults, intimidation etc)	153 (N=277)	55%
Not allowed out of the house without employer/ supervision from family	171 (N=277)	62%
Sexual abuse reported by women	10 (N=196)	5%
Did not get regular food	64 (N=269)	24%
Did not have own room or any personal space in the house(slept in hall, lounge, kitchen or children's room)	141 (N=277)	51%
Did not have a bed (slept on the floor or had to share a bed with the children)	94 (N=274)	34%
No day off	195 (N=281)	69%
Worked 'on call' – had to be available to work any time	171 (N=236)	72%
Received no salary	30 (N=228)	13%
Paid less than £50 a week	97 (N=228)	43%
Paid less than £100 a week	59 (N=228)	26%
Worked 15 or more hours a day	147 (N=244)	60%
Had their passport kept from them by their employer	79 (N=298)	27%

Activities at Kalayaan

Immigration and Employment Advice

Kalayaan has continued to provide advice in one-to-one sessions with migrant domestic workers on immigration and employment matters including making referrals to relevant law centres and solicitors where appropriate. In order to ensure maximum accessibility, advice sessions were also available every Sunday, the only day off for the majority of MDWs, and in the evening. During the period April 10 - March 11, Kalayaan gave 25 advice sessions each week. Advice sessions are normally one hour long and they are strictly confidential. All staff members at Kalayaan have received immigration training and have OISC exemption to give immigration advice at level 1. All comply with the OISC requirements for Continuing Professional Development and maintain their immigration knowledge up to date. For new clients the first session was the registration process, in which they received information about their immigration and employment rights and has an initial assessment of their situation. They were also given information leaflets, available in 12 community languages.

Most people that approach Kalayaan for the first time are not aware of their rights in the UK, and this initial session often represents a breakthrough towards regaining control of their lives. For many MDWs this is a sensitive and emotional time, since this is often the first time they have been able to talk about the abuse they have experienced. During advice sessions the advisor discusses the situation with the workers, and informs them of their rights and responsibilities. Once the situation has been assessed and discussed, Kalayaan's policy is to encourage MDWs to decide themselves which option they wish to pursue, rather than offering them solutions.

Although MDWs will be seen without appointment in an emergency situation, we normally encourage our service users to make an appointment, so that we can ensure we can dedicate the appropriate amount of time to their questions and problems.

Kalayaan has recruited and managed a number of volunteers to support our advice and advocacy work. During this year Kalayaan held two advocacy support training days attended by over 36 volunteers in total. The training specifically looked at advocacy skills related to reporting the theft of passports to the police.

These ad hoc volunteers were available when a service user needed support: they have acted as interpreters, accompanied workers to appointments with lawyers, the Home Office, police stations and embassies, and provided support in registering for bank accounts.

The recruitment and management of the volunteers has significantly increased our overall capacity and dramatically improved our ability to communicate directly with workers. We benefited from the volunteers' skills in a wide range of languages, including Arabic, French, Gujarati, Hindi, Indonesian, Malay, Malayalam, Nepalese, Punjabi, Singhalese, Tagalog, Tamil and Urdu.

Kalayaan would like to thank all the advocacy volunteers who have offered their support and their friendship to our service users and enabled them to access the services they needed.

In addition to the individual advice work, Kalayaan is now running monthly immigration updates on current issues affecting MDWs one Sunday a month. During these sessions staff go over the procedure on how to renew the domestic worker visa, how to apply for Indefinite Leave to Remain, and give any news on relevant immigration matters.

Immigration legal surgeries

Kalayaan also continued to run legal surgeries on immigration thanks to immigration solicitors who give their time as volunteers on Sundays or in the evening. A total of 115 individuals benefited from this service.

Kalayaan wishes to thank the following solicitors for giving us their time and expertise:

Adrian Seelhoff at A. Seelhoff Solicitors

Chris Randall, Peter Moss, Ben Maitland and Philip Trott at Bates, Wells and Braithwaite Solicitors

Lawrence Lupin, Yasmine Lupin and colleagues at Lawrence Lupin Solicitors

Tahir Bashir at Farringdons Solicitor

Employment Law Project

Barrow Cadbury Trust and Oxfam funded Kalayaan and North Kensington Law Centre to provide increased access to legal advice and representation on breaches of employment law. The 2year project came to completion in March 2011, however we are pleased to confirm that Barrow Cadbury Trust have agreed to fund Kalayaan and North Kensington Law Centre for a further two years.

During the course of the project, we have given employment advice to 297 migrant domestic workers. These sessions would include advice on the National Minimum Wage, payment of tax and National Insurance and what do to when rights have been breached.

Referral of cases to lawyers

Where we have recognised that a breach of employment law has taken place we will discuss with the client about referral to a lawyer for free, specialist help. Over the course of the project we have referred a total of 91 clients for legal advice, the bulk of these (88%) have been taken on by NKLC. The rest were divided between the pro bono team of Hogan Lovells (6%) and other local law centres. The initial project outline estimated that we would refer approximately 25 cases per year for legal advice. We have almost doubled this referral target over the course of two years.

Monitoring of referrals

The table below shows the outcome of all cases referred through the project. Of the 91 cases, 60% (56) lodged a claim in the employment tribunal. Of these, 15 have been heard in tribunal, 13 are awaiting their hearing date or have been postponed, 3 clients have withdrawn their claim and 23 were settled. In 24 of the referrals the domestic worker only sought advice or had preliminary action taken on their case before deciding not to continue. In 3 cases a Criminal Injuries Compensation Award has been lodged, and 1 claim has been lodged in the County Court. In one case the court did not have jurisdiction to hear the case due to the diplomatic status of the employer.

Outcome		Outcome	
Advice only	16	Claim issued: judgement awaited	1
Pre-action only	8	Claim issued: no jurisdiction	1
Pre-action settled	2	Claim issued: success on all heads of claim	8
Client didn't go for advice	4	Claim issued: success on some heads of claim	2
CICA lodged	3	Claim issued: unsuccessful on all heads of claim	5
Claim issued: settled	23	Claim lodged: county court	1
Claim issued: withdrew	3	Not eligible: referred to CAB	1
Claim issued: to be listed/postponed	13		
		Total	91

The table below explains the outcome of the respective heads of claims lodged at tribunal. In 8 cases, all the heads of claim were successful, in 2 cases there was mixed success and in 5 cases, all heads of claim were unsuccessful. The reason for these unsuccessful claims will be explored in more detail later on. Of the cases that have reached a conclusion, the majority 51% were settled therefore there is no decision reached on the merit of the claim.

The most frequent claims brought, and which were brought in nearly all of the cases (n=56) were NMW (44), Working Time Regulations (43), Race discrimination (40), Unfair dismissal (40) and Failure to provide employment particulars (39).

Claims brought								
Outcome:	Unfair dismissal	NMW	Sex discrim	Race discrim	Breach of contract	Working time regs	Failure to provide employ. particulars	Total
Successful	7	6		7	2	6	11	39
Unsuccessful	4	5		5		7	4	25
Settled	14	20	3	14	2	18	13	84
Hearing listed	11	9		10		8	8	46
No jurisdiction	1	1	1	1	1	1	1	7
Closed/withdrawn	3	3		3		3	2	14
Total:	40	44	4	40	5	43	39	215

Of the successful claims brought to tribunal a total sum of £786,548 was awarded by the court which equates to an average award of £87,394 per case. Of the monies awarded in settlement, the total comes to £268,865 with an average settlement being approximately £11,000.

The client's experience

Whether the client has settled out of court or been successful in their claim has a serious and lasting impact for the client in terms of their financial status, their mental well being and their perception towards their former employers.

23 out of 24 of the domestic workers who settled their claim have received full and final payment from their employers however none of the domestic workers whose claims were successful in court have receiving any payment to date. This raises the further question of is pursuing the case to court is in the domestic workers best interest.

Pro bono lawyers

Following the official launch of the project at Freshfields Bruckhaus Derringer LLP on 9th July, NKLC and Kalayaan have amassed a portfolio of pro bono barristers from chambers including Garden Court Chambers, Matrix, Toops, Cloisters, 11 KBW and 1 Mitre Court. Due to the complex nature of these cases and the translation time factored into the hearing, barristers have given considerable pro bono time in representing these cases.

Family Worker Exemption

This (family worker) exception is found at Regulation 2(2) National Minimum Wage Regulations 1999 which sets out the conditions to be satisfied for the exception to apply:

the worker resides in the family home of the employer;

the worker is not a member of that family but is treated as such, in particular as regards the provision of accommodation and meals and the sharing of tasks and leisure activities;

the worker does not have to make any payment to or suffer deduction in respect of provision of accommodation or meals; and

the worker shares in the tasks and activities of the family.

We understand that the Family Worker Exemption was created in order to ensure that Au Pairs would be exempt from the National Minimum Wage. Au Pairs come to the UK for the purposes of cultural exchange and for learning English. Their explicit purpose for coming to the UK is therefore not work. The same cannot be said for migrant domestic workers whose reason for being in the UK is economic migration in order to send remittances home. Whilst Migrant Domestic Workers may live in the household, and are often required to take part in the leisure activities of that household, their participation is as workers, not for the purposes of cultural or language exchange.

The current drafting of the Family Worker Exemption is unclear and has led to much confusion both in the employment tribunal and in accessing advice from the Pay and Work Rights helpline. Kalayaan is working closely with North Kensington Law Centre on bringing about a possible legal challenge to the current Family Worker Exemption on the basis that the legislation is likely to offend EU Gender legislation for having a disproportionate impact on women. We are also working with Unite the Union and Justice 4 Domestic Workers to highlight the problems posed by the Family Worker Exemption to the Low Pay Commission and the department of Business, Innovation and Skills.

Passport retention

Often employers retain the workers passport as a means of controlling them and restrict their freedom of movement. When migrant domestic workers (MDWs) escape an abusive employer who has kept their passport, they are unable to prove their immigration status or may even be unaware of it as they haven't seen their visa. It is also extremely difficult for them to find another job without documents.

In this period Kalayaan assisted 79 clients who had their passport retained by their employer.

Assistance included:

- contacting British Embassies worldwide to inquire about the visa issued to a client
- sending employers the letter Kalayaan devised with the Metropolitan Police, with their logo on it, to request that they hand the document to the worker's embassy
- accompany clients to the police station to report the passport as stolen. In some cases this is investigated and the passport successfully retrieved. Even when this is not possible, the

police report allows the MDWs to apply for a new passport and it provides evidence to the Home Office, when they apply for visa renewal with a new passport.

During 10-11 Kalayaan has continued to work with the Metropolitan Police to ensure that officers are familiar with the issues facing domestic workers and offer adequate support to MDWs reporting passport retention. We were invited by the Kensington and Chelsea police to run training for their officers, to increase awareness on the issues. Over the summer we ran 24 training sessions at Kensington Police station, attended by a total of 121 officers.

The training covered the following topics:

- understanding of the rights of MDWs
- understanding what trafficking for domestic servitude means
- understanding what forced labour is
- know the right course of action in case of meeting a trafficked victim

The feedback from the officers was very positive. We asked them to give a mark to their knowledge of the above issues before and after the training and all reported an increased awareness.

The Kensington and Chelsea Police Training Unit sent us some of the comments provided by the officers:

- *The presentation on domestic workers was very interesting*
- *More aware of Human Trafficking*
- *More thorough knowledge of domestic workers*
- *Domestic workers presentation will help improve my performance*
- *Learning about MDW was beneficial*
- *Real life stories i.e. domestic workers, was really useful*
- *Good to know about migrant domestic workers*
- *More knowledge on trafficking*
- *Kalayaan's presentation was interesting*
- *I found the domestic servitude and human trafficking training very useful*
- *Learned lots of human trafficking and forced labour legislation*
- *Much more aware of the issue of Human Trafficking and I will be more aware of this when working the front desk*
- *Migrant worker input was useful*
- *Kalayaan awareness is good*
- *Kalayaan were especially informative*
- *Would like more on Human Trafficking*

Helping MDWs back to work

One of the challenges for a MDW upon leaving an employer is finding another full time job as a domestic worker in a private household. Finding a new job represents not just a source of income, but also a way out of homelessness. Being in employment as domestic workers is also the condition for them to maintain a legal status in the UK.

Kalayaan has continued to support MDWs find their way back to work by displaying job adverts that employers send us via our website. Employers that advertise through us are aware that workers have often escaped abusive situations and are therefore unable to provide references. Employers are also provided with information about UK employment law and only jobs that comply are advertised. We have employers of many nationalities, which means that even MDWs who can't speak English might be able to find employment.

We display the job adverts on a board in the social area, and we update it every Monday. On Mondays there are two trained volunteers to help manage this service. They also help service users who can't read English or need help to understand some details. Kalayaan would like to thank Jennifer Makin and Sr Shalini, the volunteers who have made this service possible.

Unfortunately, the demand for jobs continue to remain higher than the offer. Although we have established contacts with several employment agencies, their requirement for references restrict the number of clients that can benefit from their services.

Kalayaan has further supported MDWs looking for work by assisting with CV writing: administration volunteers were in the office four days a week and available to offer this service.

In order to increase MDWs' chances to find employment, Kalayaan has offered them the opportunity to gain further qualifications through the following workshops:

British Red Cross Save a Life Course (Adult + Infant/Child) attended by 12 MDWs (Aug 10)

British Red Cross Basic First Aid attended by 12 MDWs (Mar 2011)

Emergency accommodation

Unfortunately, for most MDWs escaping an abusive employer also means becoming homeless. In 10-11 Kalayaan assisted 28 MDWs who had become homeless after escaping an abusive employer. This remains the most challenging area of our work, as MDWs are not entitled to public funds and therefore the majority of refuges in London, being government-funded, won't accept them. In spite of these difficulties, at Kalayaan we are proud to commit to a policy of never turning a homeless MDW away, and we always ensure that we can offer at least some form of temporary accommodation on the day they come to us.

In the case of MDWs that we identified as victims of trafficking for domestic servitude, we were able to refer them to appropriate housing organisations, such as the Poppy Project in Eaves Housing or Medaille Trust.

In other cases, emergency accommodation was secured through our network of trusted individuals (mostly current or former clients) who offered emergency accommodation occasionally, for free or for a small charge.

Support to migrant domestic workers trafficked for domestic servitude

Kalayaan is a workers' rights organisation and supports all domestic workers not just those who fit the narrow administrative criteria of trafficked person. Nonetheless, we do help MDWs trafficked for domestic servitude access the protection and assistance they are entitled to under the Council of Europe Convention on Action Against Trafficking in Human Beings.

Since June 2009 the UK has had an official mechanism for identifying victims of trafficking- the National Referral Mechanism (NRM). Named 'First Responders', organisations deemed likely to have contact with potential victims of trafficking, are able, with the consent of the individual, to refer them into the NRM after which either the 'Competent Authority' (the UKHTC for non visa nationals, or the UKBA for visa nationals) will make a decision as to whether that person is indeed considered to be a victim of trafficking by the UK authorities.

Criteria on which the decision is based includes that laid out in the Council of Europe Convention on Action against Trafficking in Human Beings, Article 4, Paragraph 74:

-the action of: "recruitment, transportation, transfer, harbouring or receipt of persons";

-by means of: "the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person"

-for the purpose of exploitation, which includes "at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal or organs".

A positive identification as a victim of trafficking gives limited entitlements to assistance under the Council of Europe Convention for Action Against Trafficking in Human Beings. These should include appropriate accommodation, access to emergency medical treatment, translation and interpretation (where appropriate), counselling and information, in particular as regards their legal rights and assistance to enable their rights and interests to be presented and considered at appropriate stages of criminal proceedings against offenders¹. In practice Kalayaan has concerns that access to assistance is ad hoc and varies considerably with some victims receiving comprehensive holistic support and others nothing depending on who happens to be accommodating and supporting them. There is no one organisation with responsibility for an overview of victims needs and responsibility for ensuring that these are being met.

Kalayaan is a named first responder so is able to make referrals into the NRM but we clearly cannot do so without domestic workers giving informed consent for this. Many choose not to be referred as they prefer, if possible, to simply move on with their lives, getting another job and working to support their families.

¹ Article 12 (Chapter IV)

During the period 1st April 2010- 31st March 2011, 20 domestic workers registered with Kalayaan were referred to the NRM. Of these 15 received a positive Reasonable Grounds Decision (this means that the Government decided that there were 'Reasonable Grounds' to believe they were trafficked), 1 received a negative decision and we do not know the decision made on the remaining 4 individuals. Of the 20 whom had a positive Reasonable Grounds Decision 14 of these were housed through the NRM.

Kalayaan does make an internal identification as to if someone has been trafficked, without necessarily making an official referral. Internally during the period 1st April 2010- 31st March 2011 we identified 63 individuals as trafficked, plus 48 as potentially trafficked. The difference in the figures, as stated above, is because those internally identified did not necessarily chose to be referred, preferring to move on with their lives. This is often because as the NRM is primarily a system for identifying victims of trafficking and the primary additional support is accommodation, unless they are homeless many victims do not see why a referral is in their interest.

In addition to providing individual support to victims of domestic servitude Kalayaan sits on the Anti Trafficking Monitoring Group (The ATMG), a shadow monitoring group. In June 2010 the ATMG produced an analysis of UK measures to protect trafficked people 'Wrong kind of victim?'. We have also delivered training to the specialist police unit CO14 and we have input in to the SCD9 specialist unit's online training for the whole of the metropolitan police force. We sit on the Government's NGO Anti Trafficking stakeholder group

English classes

Accredited Classes

Kalayaan continues to run accredited English (ESOL) classes with the Workers Education Association and this ongoing partnership works well for domestic workers. In this year Kalayaan and the WEA continued to run 6 ESOL & Citizenship classes during the year (two per term) so that domestic workers who cannot read and write English and would not therefore be able to pass the 'life in the UK test' on a computer are not excluded from applying for indefinite leave to remain.

We continued to run 2 annual general ESOL classes. The weekly duration of these classes were extended this year to include numeracy so that migrant domestic workers can improve their basic skills and have a platform from which to access further education should they wish.

In this year Kalayaan and the WEA introduced two new annual classes on literacy for learners who have completed the ESOL & Citizenship classes but are not yet of a level high enough to enter the general ESOL & numeracy classes.

All of the WEA classes that Kalayaan run have been fully subscribed and at times oversubscribed. Approximately 70 domestic workers benefited from the four annual classes and another 100 benefited from the ESOL and Citizenship classes



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Volunteer English Classes

This has been an exciting year of change at Kalayaan for the volunteer taught English classes with a significant amount of restructuring and recruitment of new teachers. The volunteer taught classes are specifically for Migrant Domestic Workers who have been in the UK for less than three years as these learners are not able to eligible to access the government subsidised classes. Beginners are prioritised in the enrolment of these classes as our experience is that migrant domestic workers without basic English skills present as more vulnerable to abuse and exploitation and can remain isolated and less able to access basic services. To this extent we have structured the classes to cater for the needs of pre-literate learners to those at ESOL 1.

As well as equipping learners with basic skills in English, the classes also provide an important forum for newly arrived domestic workers to make friends, to have fun and to build their confidence in more ways than just an improvement in their English. The teachers construct the lessons with an attention to the life and needs of migrant domestic workers living in the UK with a focus on language that will be of practical use.

Over the course of the year we have run a total of 5 classes taught by a total of 20 teachers: 10 volunteer co-teachers as well as 10 volunteer teaching assistants. 4 of the classes are run on a Sunday morning over three different sites including Kalayaan, Edward

Woods Community Centre and MRCF (Migrant Refugee and Community Forum), and a further one class which takes place at Kalayaan on a Monday evening.

The attendance of the classes has varied from a total of between 40 and 70. The fluctuations reflect the demands placed upon migrant domestic workers by their employers and their lack of autonomy in structuring their lives.

We are extremely grateful to have received a catalogue of texts from Longman Pearson in response to a presentation made by their employer, Polly Gant, on her experience of being the teacher of the Monday night class. These resources have made a significant contribution to the classes where teachers were previously reliant on their own creativity!

We would like to give particular thanks to Sarah Kinsella, Polly Gant and Richard Gallen who after more than 2 years volunteering with Kalayaan have decided to move on to pastures new. We are extremely grateful of their long term commitment, resourcefulness, enthusiasm and dedication and we wish them every success for the future.

Clement James Centre

We are pleased to have developed links with a new local partner, the Clement James Centre where we have been able to refer students to their annual accredited classes which take place throughout the week and also their classes specifically for migrant domestic workers available on Sundays.



The Kalayaan Community

Kalayaan aims to be a safe space where MDWs can relax and make new friends. We have been significantly helped in our efforts to make the social area a warm, welcoming space by our invaluable Community Support volunteers. Thanks to the regular presence of Sr Shalini, Sr Hilda and Sr Leela on Mondays, Tuesdays and Sundays, clients who come to the centre on its busiest days are received at the centre by a warm welcome.

All service users are encouraged to join the volunteers at the table and share hot drinks and food. The community volunteers lend a friendly ear to those who want to have chat, help those who can't read English go through the job adverts, read letters, fill in forms etc. Sharing food and drinks also help people talk to each other, share experiences and make new friends.



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We also had an 'End of Year' party with multiethnic food prepared by members of the Kalayaan community, multi-ethnic music, a Zumba dance class, and many games. Over 100 service users attended the party.



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Campaign

Campaigns & Policy

In the year from April 2010 to March 2011 Kalayaan continued to help migrant domestic workers raise their voices to policy makers, and to campaign for an improvement in the rights and protections for migrant domestic workers. Kalayaan continued to work closely with Justice for Domestic Workers in working to achieve these aims and ran an advocacy and research skills class for domestic workers in conjunction with the Workers Education Association so that domestic workers can gain campaign skills.

In anticipation of a potential review of the domestic worker visa we marshalled our evidence for policy makers; ensured that the issues were covered in the media; and continued to lobby politicians

In 2008 the Immigration Minister Liam Byrne confirmed that the domestic worker visa would be maintained for two years operation of the points based system and then reviewed if necessary. In November 2010, the new Conservative Government confirmed to Kalayaan that there would be a review of the visa and that the terms of reference for the review would include the Government aim to reduce net migration but also the vulnerability of migrant domestic workers.

In this year Kalayaan publically demanded that any review improve the rights of domestic workers and tried to ensure the public are aware of why domestic workers are vulnerable and why visa protections are needed. At the same time we wanted to have gathered the evidence necessary to submit to any potential review and as such we undertook a research project with funding from the Trust for London.

Actions & Successes

- Submitted embargoed copy of the research report "Ending the Abuse: Policies that Work to Protect Migrant Domestic Workers" to civil servants to inform the review
- Contributed evidence to reports by a number of international experts including the United Nations Special Rapporteur on Slavery, the Special Representative on Trafficking for the OSCE, the Rapporteur on migrants for the Parliamentary Assembly of the Council of Europe and the USA Trafficking in Persons report 2010. All the reports included the issues and recommendations advanced by Kalayaan. A Council of Europe was passed on the endorsing the recommendations of it's rapporteur.
- Worked on a 40 minute radio documentary that aired in June 2010 on the BBC's File on 4
- Worked with Hardcash productions on a documentary that aired on Dispatches on 30 August 2010. The programme had 2 million viewers and a tweet on the issue by Lilly Allen went out to a further 3 million people. A resulting twitter row on the treatment of domestic workers drew coverage from the telegraph and daily mail.
- BBC News Website, BBC Asian Network and BBC 5 Live also covered domestic worker issues.
- Established a blog and twitter presence during this year

- Met with the All Party Parliamentary Group on trafficking, 4 other MPs and a Minister during the year. Many other MPs responded positively to letters from Kalayaan.
- Supported members of Justice for Domestic Workers to write letters to their MPs about the ILO convention (below) and about the potential review of the visa
- Each of the international experts named above agreed to raise migrant domestic worker issues with Ministers in their meetings in the UK.

Kalayaan continued to campaign for a change in the immigration rules demanding that domestic workers employed by diplomats be able to change their employer.

Domestic workers employed by diplomats are particularly vulnerable to abuse and exploitation for all the same reasons that migrant domestic workers in general are vulnerable to rights violations exacerbated by the diplomat's ability to invoke immunity and by the fact that there is no escape route from abuse for these workers.

After making a great deal of progress on this issue last year, momentum was lost during purdah in the run up to the general election. The change of Government meant that Kalayaan had to remake a lot of the same arguments, and the Conservative Government's focus on reducing net migration has impeded success.

Actions & Successes

- Raised the issue with the Parliamentary Under-Secretary for the Middle East at the Foreign Office, Alistair Burt
- Met with civil servants at the Foreign and Commonwealth Office (FCO) and reached an agreement for the FCO to hold a 'best practice on employing domestic workers' roundtable for embassies.
- Facilitated a meeting of European NGOs with experience of supporting domestic workers employed by diplomats. A platform of shared recommendations on this issue was produced.
- Contributed evidence to a German Institute of Human Rights report on the issue of diplomatic immunity and the rights of domestic workers.

Kalayaan campaigned in alliance with Justice for domestic workers (J4DW) and others for the Government to support an International Labour Organisation (ILO) Convention on 'Decent Work for Domestic Workers'

The ILO included in its annual conference a standard setting exercise on "Decent Work for Domestic Workers". Kalayaan worked in alliance with J4DW, Unite the Union, the TUC, Anti-Slavery International and Christian Aid to campaign on the importance of UK support for this ILO treaty.

Actions & Successes

- Met with DWP and BIS civil servants on a number of occasions and submitted joint briefings with allies
- Attended ILO conference as part of the TUC delegation to support J4DW

Media work

In December 2010, Kalayaan won the Guardian Charity Awards 2010. Kalayaan is delighted to be one of five small charities recognised for its 'extraordinary work with vulnerable people'.

Receiving the award was a very rewarding experience for staff, trustees, volunteers and service users. As well as a cash prize, we received a subscription to the National Council for Voluntary Organisations (NCVO), annual membership to Media Trust and affiliation to the Foundation for Social Improvement (FSI). These new connections are giving us excellent opportunities for review, growth and improvements of our operating systems and services. The training received so far in several areas, including how to build, maintain and support a good board of Trustees, staff and volunteer management, fundraising, monitoring and evaluation, has been full of practical ideas for immediate application.

Staff members were also able to receive professional advice on media strategy at a crucial time for our campaign for the rights of migrant domestic workers, and we are in the process of organising training for the service users, so that they are better equipped to have their voice heard by the general public.

Throughout the period Kalayaan was quite successful at raising public awareness on issues affecting migrant domestic workers through media work.

In June 2010, Kalayaan helped 4 domestic workers to tell their stories to the media which resulted in one 40 minute documentary on Radio 4's "File on 4" and a 5 minute piece on a Radio 4 magazine style show.

The programme "Britain's Secret Slaves" was aired as a 'Dispatches' on Channel 4 on 30th August 2010. Kalayaan put a great deal of time and energy into the programme and it met with considerable success. Viewing figures were high (2 million), Lily Allen tweeted about the programme to her followers, reaching a further 3 million. There was tremendous feedback from the public but one of the best outcomes for Kalayaan has been the number of domestic workers who saw the programme and approached Kalayaan for the first time.

Other media work included:

[Domestic 'slave' girls sue Met for failing to save them from abuse](#) Evening Standard, 10 March 2011

[African woman kept as slave, London court hears](#) CNN, 8 March 2011

[African woman kept as slave by retired Harrow doctor](#) BBC, 8 March 2011

[Hidden Voices, stories from behind closed doors](#) Domestic Worker Action Group, Migrant Rights Centre Ireland, 21 October 2010

[Think slavery is a thing of the past? Think again](#) Independent on Sunday, 17 October 2010

[Law centre wins over a quarter of a million pounds for Sudanese domestic workers](#) Law Centres Federation, 11 October 2010

[Council worker says employers should be able to slap their maids](#) Telegraph, 3 September 2010

['Servants sometimes need a slap and we don't let ours out of the house': Council worker provokes storm with outrageous twitter comments](#) Daily Mail, 3 September 2010

[Fury at consultant who said servants 'need a good slap'](#) Evening Standard, 3 September 2010

[Does diplomatic immunity breach a victims human rights?](#) Guardian, 30 August 2010

[Foreign diplomats abusing immunity to keep domestic slaves in Britain](#) Telegraph, 30 August 2010

[Exploited worker 'went four years without being paid'](#) BBC Asian Network, 11 August 2010

[How domestic workers become slaves](#) G2, Guardian, 6 August 2010

[Spotlight on Marissa Begonia](#) ITUC, 2 August 2010

[Saturday Live: Fi Glover](#) BBC Radio 4, 17 July 2010

[Anti-trafficking measures "not fit for purpose"](#) BBC News, 15 June 2010

[UK breaking European convention against trafficking, report finds](#)[UK breaking European convention against trafficking](#) Guardian, 16 June 2010

[Maid 'drank acid to escape life as wealthy couple's slave'](#) Daily Mail, 22 April 2010



Justice 4 Domestic Workers
Company Limited by Guarantee
Registered Company No. 7430987
justice4_dw@yahoo.co.uk

Justice 4 Domestic Workers (J4DW) Summarized Activities April 10 - March 11

April 2010

- Classes: UMWEP's Alternative Education Model, Long Life Learning Project of Unite the Union; ESOL Beginner and Advanced; ICT Beginner and Advanced; Arts and special courses with MRC and Action Aid.
- National and International campaign coordination on ILO Convention, Decent work for domestic workers.
- J4DW to represent UK's workers' Group in ILC , June 2010at the invitation of Trades Union Congress(TUC) and Unite the Union.

May 2010

- J4DW and Unite launched campaign including signature petition for UK Government to support the ILO Convention/Recommendation, decent work for Domestic Workers in the May Day Rally.
- DVD Film with Anti-slavery International, "Hidden Hope" for ILO Convention on Domestic workers campaign to be shown in International Slavery Museum, Liverpool and for campaigning.

June 2010

- J4DW as delegate to the international Labour Conference, Decent Work for Domestic Workers at the invitation of Trades Union Congress and Unite the Union.
- UK Government supported the ILO Convention/Recommendation on Domestic workers
- Historic Victory of the ILO Convention supplemented by Recommendation for Domestic Workers.

July 2010

- J4DW in ITUC spotlight <http://www.ituc-csi.org/spotlight-on-marissa-begonia-j4dw.html>
- Unite's women's week in Easbourne
- J4DW was selected as delegate to Global Forum on migration and Development(GFMD)

August 2010

- Filming with Hardcash production for "Britain Secret Slaves", shown in Channel 4.
- Employment Rights research with Nick Clark and Leena Kumarappan, Working Live Institute

-Training for J4DW members to fight its own employment case in Tribunal Court without the help of an expert for unfair treatment in wages and dismissal.

September 2010

- J4DW to United Nation, Geneva, on Domestic worker Servitude with the special Rapporteur on slavery at the invitation of Anti-slavery International
- RESPECT Network General Assembly in UK
- Women Chain makers, 100 years
- DVD Film with Migrants Rights Network, "Migrants For London".
- J4DW response to Brown report, ILO Convention on decent work for domestic workers.

October 2010

-Participation in SOLIDAR Conference on Migration and Development in EU Parliament, Brussels.

November 2010

- J4DW in Global Forum on Migration and Development, Mexico.
- People's Global Action in Mexico

December 2010

-Christmas Party Celebration

January 2011

-Strategic Plan for J4DW (Registering as Company Limited by Guarantee)

February 2011

-Publication, Plight of migrant women in the global economy

<http://www.migrantsrights.org.uk/migration-pulse/2011/plight-migrant-women-service-global-economy>

March 2011

A Day in Our Lives, J4DW's 2nd Anniversary Presentation

-UMWEP's Alternative Education Model (J4DW class learner) wins Individual adult learner award regional category Campaign for UK Government to support the adoption of the ILO Convention/recommendation in International Labour Conference in Geneva June 2011.

J4DW wish to thank the Kalayaan staff for the ongoing updates and other support given when needed.

Staff and Volunteers

Staff

Rita Gava – Projects Co-ordinator

Camilla Brown - Community Advocate

Jenny Moss- Community Advocate

Kate Roberts – Community Advocate (back from maternity leave in September 09)

Marcus Harry - Community Advocate (maternity cover until August 10)

Mumtaz Lalani – Community Researcher (June- November 2010)

Volunteers

Kalayaan wishes to thank all the volunteers that helped us deliver our services to migrant domestic workers:

Sr Hilda, Sr Leela and **Sr Shalini** for their community support work

Jennifer Makin for her support running the job service and her advocacy work

Edurne Mananes Goni, Janaki Allen, Devina Vanderpoorten, Tabitha Ettienne and **Anja Müller**, for their reception and administration work

Dilara Gurpina and **Emile Dirks** for their help with research work

Akila Tounsi, Asma Munir, Anna Cundall, Alessandra Sulzer, Caroline Lawrey, Dilara Gurpinar, Elizabeth Rhoads, Divya Chandran, Emily Jones, Gareth Thomas, Jason Chester, Jason Kingery, Karima Salway, Karanvir Singh, Lisa Inceldon, Michelle Thornton, Naomi Innocent, Payoshni Mitra, Raji Sidhu, Rathi Ambarwati, Reina Theresia, Samantha Breedneld, Sameerah Mirza, Sophie Crocker, Thaier Mokhef and **Tamara Anthony** for their advocacy and interpreting work

Our popular English classes could not run without the following volunteer teachers, who give their time on Sundays and in the evenings to ensure that workers not eligible for college classes can learn English: **Sarah Kinsella, Polly Gant, Richard Gallen, Anslem Vaz, Marion Sharp, Michael English, Simon Ryan, Daniel Wolfson, Jane Falconer, Angela Archbold, Corinne Descroizilles, Caroline Lawrey, Sarah Weatherley, Ewa Czarnecka, Rachel Cooper Steph Linsdale, Emma Livingston-Jones, Sab Jeganathan, Adi(tya) Kapil, Petia Georgieva, Neha Mansinghka, Ivona Assenova**

Treasurer's Report

Kalayaan Year 2010-11

Income for the year of £216,988 was 2% below the previous year. Restricted grant income was lower than 2009/10 mainly due to timing differences on the renewal of grants, but unrestricted income was significantly higher than previously. This was mainly the result of the donations received following the broadcasting of a documentary highlighting the problems faced by migrant domestic workers and featuring Kalayaan's work. Total expenditure of £215,131 for the year was 4% below the previous year. This was a result of the end of the Carers Project in 2009/10. In consequence Kalayaan's accounts for the financial year 201/110 showed a surplus of £1,857, made up of a deficit of £23,641 on restricted funds and a surplus of £25,520 on unrestricted funds. As a result the organisation's free reserves have increased to £69,358 close to four months of core costs compared to the three months that is the policy of the Management Committee.

The Management Committee would like to extend its thanks to all the donors and funders who have enabled Kalayaan to continue to provide support and services to migrant domestic workers throughout the year. Such support comes not only as financial contributions, but also in the voluntary support so freely given by members, volunteers, solicitors, trade unions and religious organisations. In the financial year 2010/11 we would particularly like to thank the following:

Barrow Cadbury Trust
The Bromley Trust
Trust for London
The Henry Smith Charity
The Lush Charity Pot
The Oak Foundation
Oxfam
The Royal Borough of Kensington and Chelsea
The Tudor Trust

We are also grateful for the many other generous donations that we have received. A full picture of Kalayaan's accounts for the year may be found in the figures provided in the financial statements at the end of this annual report.

Kalayaan wishes to thank all those that made our work possible

April 2010- March 2011

Thanks to our fantastic Management Committee members (past and present) for their constant support:

Francesca Cooney - Chair

David Ould - Treasurer

Margaret Healy – Deputy Chair

Dr Bridget Anderson - Confidentiality Officer

Khadija Najlaoui

Maria Gonzalez Dardagan

Melanie Vilano

Myriam Cherti

Ruby Lopes

Saaida El Yafrid

Thanks to our 10-11 staff team and committed and inspirational volunteers.

Thanks to Margaret Joojo Richards, Maria Zur, Richard Bell and Jill Walters from our partner organisation Workers Education Association (WEA) which runs accredited English classes and further training at times accessible to MDWs:

In addition to the solicitors who run free legal advice surgeries at Kalayaan, we would like to thank the lawyers who take on so many of our referrals, in particular North Kensington Law Centre, Hogan Lovells and Russell & Jones Walker pro bono teams.

Thanks to our generous Funders and Donors, who make our work possible