

**KALAYAAN**  
justice for migrant domestic workers

## ANNUAL REPORT AND FINANCIAL STATEMENTS

APRIL 2013-MARCH 2014

St. Francis Centre, 13 Hippodrome Place, LONDON, W11 4SF

Tel: + 44 (0)20 7243 2942

Fax: +44 (0)20 7792 3060

[www.kalayaan.org.uk](http://www.kalayaan.org.uk) email: [info@kalayaan.org.uk](mailto:info@kalayaan.org.uk)

Charity n. 1146596

Company n. 7968872

OISC n. N200100457

<b>Contents</b>	<b>Page</b>
<b>Chair's Report</b>	3
<b>Kalayaan's aims and objectives</b>	5
<b>Kalayaan's beneficiaries</b>	5
<b>Migrant domestic workers' working conditions</b>	7
<b>Case study</b>	10
<b>Services at Kalayaan</b>	11
Immigration and employment advice	11
Employment cases	12
Emergency accommodation	13
English classes	14
The Kalayaan Community	17
<b>Campaign</b>	18
<b>Media work</b>	21
<b>Trafficking</b>	22
<b>Treasurer's Report</b>	24
<b>Thanks</b>	25
<b>Financial statements</b>	Appendix

## Chair's Report

Kalayaan has had a stable and productive year despite considerable challenges. We continue to assist some of the most vulnerable people in society, enabling them to access support and where possible, their rights. Under the current administration, the rights of domestic workers have been systematically undermined and reduced through changes to legal aid, immigration, employment and, of course, the changes in the new visa. Despite this, the clients, volunteers and staff at Kalayaan remain motivated and optimistic and continue to work hard to ensure that the new visa will be reversed. Following consultation and focus groups with our clients they told us they wanted to campaign for long term changes in the system and so we are working strategically across party political lines to do this.

In May 2013, we organised an event jointly with our valued sister organisations J4DW and Unite the Union. This event, sponsored by Fiona MacTaggart, marked the one year anniversary of changes to the visa and drew attention to the huge difficulties domestic migrant workers are facing. Kalayaan is rightly seen as an organisation that can integrate policy and practice. Throughout the year Kate Roberts continued to build the evidence base about the impact of the new visa effectively demonstrating that the treatment of people on this visa has deteriorated, as was expected.

Alongside the campaigning and parliamentary work, Kalayaan continues to offer high quality, free, independent advice to people that need it the most. In February 2014, we successfully completed the OISC (Office of the Immigration Service Commissioner) audit, which is a legal requirement for us to be able to give immigration advice. The staff are to be congratulated for their hard work in preparing for the audit. The English classes continue to run successfully, offering people the chance to not only to learn the language but also form social networks. All our classes are run by volunteers and ably and enthusiastically supported by Karan Singh.

The increase of people contacting Kalayaan who have been trafficked is extremely concerning. This impacts on the staff emotionally, as well as creating a significant work load. We have also been working with the committee looking at the Modern Slavery Bill, which is currently in parliament. We have given evidence twice to the bill committee and been actively lobbying for changes to the legislation to include domestic migrant workers.

It is always a challenge to balance resources and capacity and Kalayaan runs on a very tight budget. However, we are fortunate to be financially secure. This is due mainly to Rita Gava's and David Ould's excellent efforts and we are very grateful to them. The organisation is successful largely due to the efforts and commitment of the core staff team. I would like to thank the staff for their hard work and energy throughout the year.

We were very sorry to lose Jenny Moss in January who made such a huge contribution to the organisation. However, we were very pleased that this allowed us to keep Catherine Kenny, who is extremely knowledgeable in working with domestic migrant workers.

Kalayaan could not achieve all that it does without its volunteers and so finally, I would like to thank the impressive commitment and contribution of all our volunteers, including those teaching the English classes, providing office support advocacy and interpreting as well as my colleagues on the management committee.

Francesca Cooney

## **Kalayaan's aims and objectives**

Since 1987 Kalayaan has worked with and supported migrant domestic workers (MDWs) in the UK, with the **overall aim** of improving 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.

Kalayaan's **specific aims** are:

- to increase MDWs' knowledge of their rights
- to increase access to justice
- to increase access to emergency support for victims of abuse
- to raise awareness among policy makers on issues affecting MDWs
- to reduce MDWs' isolation

Our **main objectives** are:

- to provide 1:1 advice on immigration and employment rights
- to refer MDWs to immigration and employment solicitors for free representation
- to refer victims of trafficking to the National Referral Mechanism for assistance and support
- to lobby the UK government on MDWs' rights
- to offer English classes and further training to MDWs

## **Kalayaan's beneficiaries**

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.

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.

Since 6<sup>th</sup> April 2012, MDWs have been affected by the changes in legislation regarding the domestic worker visa. MDWs applying to enter the UK since that date, are only granted a 6-month non-renewable visa, tied to the employer they accompany. They are no longer allowed to change employer: if they experience abuse and exploitation they face the choice of continuing to suffer or fleeing and becoming undocumented and at risk of deportation. The short period of their stay also means that it is impossible in practice to access justice through an employment tribunal, due to the length of the process.

Kalayaan continues to oppose these changes and to campaign for the rights given by the previous system to be reinstated, in particular the right to change employer and remain in the UK legally. In terms of services, Kalayaan will continue to meet the demand of domestic workers already in the UK, not affected by these changes, while also welcoming and supporting newcomers

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 answer 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.

As well as continuing to provide advice and support to existing service users, during this financial year Kalayaan has **registered 221 new migrant domestic workers**. Of these, **87% were women**.

The highest number of new service users continue to come from the **Philippines** (44%), followed by **India** (22%), **Indonesia** (7%) and **Nigeria** (5%). Overall, 84% of our service users came from Asian countries, 15% from African countries and only 1% from Latin American countries.

The table below shows the complete breakdown of newly registered clients by nationality:

Nationality	N. of client
Filipino	98
Indian	48
Indonesian	15
Nigerian	12
Sri Lankan	9
Nepalese	9
Kenyan	6
Moroccan	4
Egyptian	3
Pakistani	3
Ghanaian	2
South African	2
Colombian	1
Ethiopian	1
Hong Kong	1
Mexican	1
Peruvian	1
Senegalese	1
Tanzanian	1
Ugandan	1
Yemeni	1
Zimbabwe	1

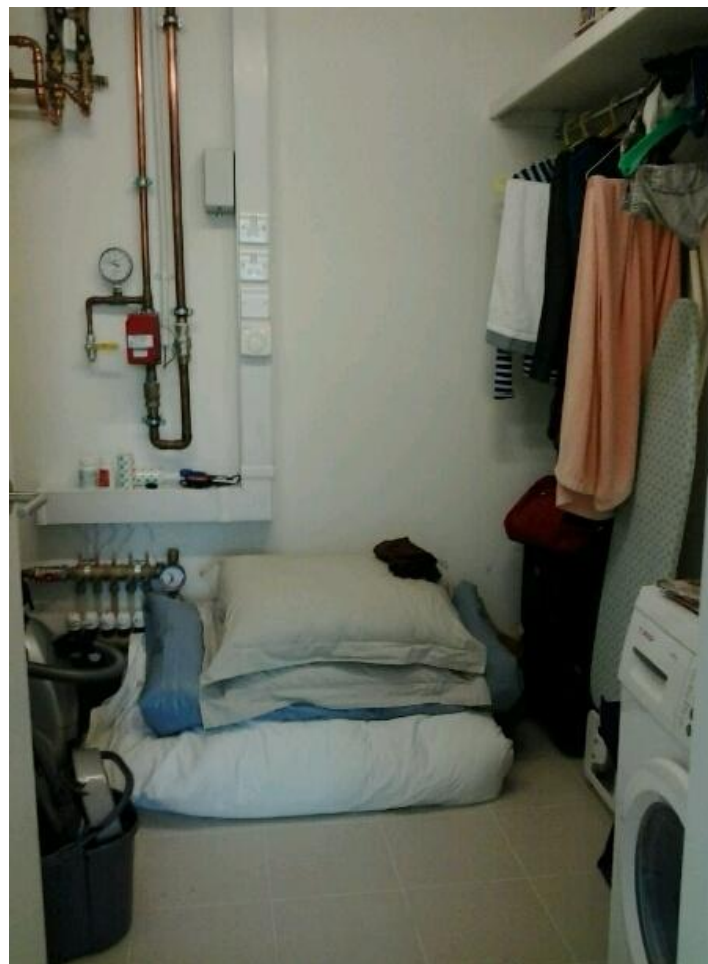
Out of the 221 new domestic workers registered, **62** entered the UK after April 2012 and **were on a visa tied to the employer**, and **18** had an **overseas domestic worker visa to accompany a diplomatic employer**. This type of visa also restricts a domestic worker to work only within a diplomatic mission, effectively tying them to their employer. Kalayaan is pleased to see that more MDWs on the tied visa are coming to our organisation. We are committed to confidentiality and we are glad to see that the trust in our organisation continues to remain solid within the community.

### **Migrant domestic workers' working conditions**

As part of the registration process, the caseworkers collect information about the service users' working conditions and experience. These data are collected as part of the registration process, at a time when MDWs may not feel confident to disclose the full extent of their treatment. Taboos mean that sexual abuse is especially likely to be under reported.

The information collected shows that levels of abuse and exploitation continue to remain high. There have been cases of sexual harassment and even assault and rape. Physical

assault reported included being beaten or slapped by the employer, being pushed down stairs, kicked, or being grabbed by the hair. Many clients have also told us how regular psychological abuse, such as always being called 'stupid' or 'useless', being threatened to be 'taught a lesson' or 'sent back to your country in a coffin', has severely affected their mental health and wellbeing. Lack of privacy is another problem for many MDWs. The majority live in the employer's household and many have no private space to which they can retire. They sleep in public areas such as the kitchen, the living-room or the children's bedroom. This lack of a safe, private space increases the risk of sexual abuse. 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, such as 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.



A migrant domestic worker's bed in the utility room

Significantly, a higher proportion of domestic workers who were tied to their employers reported abuse and exploitation compared to those who are allowed to change employer. Unfortunately the new legislation has increased the vulnerability of MDWs: knowing that a worker is completely dependent on them for their immigration status might lead the



employers to take advantage of the imbalance of power. For every single indicator of abuse or exploitation, the proportion of MDWs who have experienced it is higher amongst those tied to an employer. In particular, the proportion of workers who suffered **passport retention, physical abuse, long working hours** and **lack of payment** was at least double amongst those tied to their employer. The following table shows the abuse reported by our service users in 13-14:

	<b>MDWs on original visa</b>	<b>Total answers</b>	<b>Visa Tied to employer</b>	<b>Total answers</b>
<b>Passport kept by employer</b>	<b>23%</b>	(n=137)	<b>54%</b>	(n=80)
<b>Physical abuse</b>	<b>6%</b>	(n=110)	<b>20%</b>	(n=59)
<b>Psychological abuse</b>	<b>43%</b>	(n=126)	<b>63%</b>	(n=78)
<b>Never allowed out</b>	<b>56%</b>	(n=134)	<b>63%</b>	(n=76)
<b>Sexual harassment</b>	<b>6%</b>	(n=88)	<b>9%</b>	(n=46)
<b>No private room/space</b>	<b>37%</b>	(n=131)	<b>63%</b>	(n=76)
<b>No day off</b>	<b>50%</b>	(n=133)	<b>76%</b>	(n=75)
<b>Hours/day worked</b>				
<b>16 or more</b>	<b>32%</b>	(n=126)	<b>58%</b>	(n=65)
<b>between 13 and 15</b>	<b>33%</b>	(n=126)	<b>20%</b>	(n=65)
<b>between 9 and 12</b>	<b>25%</b>	(n=126)	<b>14%</b>	(n=65)
<b>8 or less</b>	<b>10%</b>	(n=126)	<b>8%</b>	(n=65)
<b>Always on call</b>	<b>43%</b>	(n=126)	<b>61%</b>	(n=69)
<b>Salary</b>				
no salary at all	<b>11%</b>	(n=85)	<b>39%</b>	(n=41)
up to £50/week	<b>29%</b>	(n=85)	<b>39%</b>	(n=41)
Between £51 and £100/week	<b>22%</b>	(n=85)	<b>10%</b>	(n=41)
between £101 and £150	<b>7%</b>	(n=85)	<b>7%</b>	(n=41)
between £151 and £200	<b>15%</b>	(n=85)	<b>0%</b>	(n=41)
over £200	<b>15%</b>	(n=85)	<b>5%</b>	(n=41)

## Case study

*Some details have been changed to ensure the clients anonymity*

G. worked for her employer for three months in India. Her employer told her that she would be coming to the UK with them to look after their children, cooking, cleaning, doing the laundry and ironing.

G. explained that she went to the British embassy in Mumbai to get her domestic worker visa. Her employer's driver accompanied her to the embassy. G. explained that her employer told her to say "I am happy and going to the UK on my own free will".

G.'s employer held her passport when they travelled. G.'s passport was kept with her employer for the whole time she worked for them. G. explained that her male employer told her that "domestic workers are not allowed to keep papers in the UK".

G. worked 7 days a week from 7am to 11pm and sometimes until 2am if there was a party in the house. G. explained that in the whole day, she had about half an hour to eat her meals.

G. explained that she thought she was being paid 15,000 rupees per month (equivalent to about £153) as agreed. G.'s employer kept hold of her passbook and she has not seen this since and therefore she does not know if she was actually paid this amount.

G. slept on the floor of the male employer's office on a mattress. G. was constantly taunted by the female employer who said she was eating too much. G. said she never had enough food to eat. G. ate separately in the kitchen as she was expressly forbidden from eating with the family.

G. was not permitted to leave the house apart from on Thursday afternoons to run errands. She was literally trapped indoors the rest of the time.

The female employer used to shout at G. and criticize her constantly. The lady used to tell her to 'listen and not answer back'. G. explained that the lady used to grab her, shake her and grab/pinch her ears.

G. was referred to Kalayaan by a member of the public. G. escaped with the assistance of this lady.

Since leaving, G. was accompanied to her employers' house to retrieve her passport and visa card (biometric residence permit) by Kalayaan's volunteers. G. has also taken a case against her employers and won £14,000 in the employment tribunal for failure to pay the national minimum wage.

G. is now back in gainful employment and regularly attends Kalayaan's volunteer-run English classes. She understands the law and her rights in the UK and is optimistic about the future.

## Services at Kalayaan

### Immigration and Employment Advice

Kalayaan has continued to provide one-to-one advice sessions to 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, (except on national holidays). Sunday is the only day off for the majority of MDWs, and the most popular choice for appointment time. We have also provided advice sessions in the evening.

Kalayaan has given at least **20 sessions of advice to domestic workers each week**,

Advice sessions are normally one hour long and they are strictly confidential.

At the registration, caseworkers assess the client's immigration status, working conditions and overall situation. MDWs receive information on their immigration and employment rights. Because of the isolated nature of their work, the lack of knowledge of the English language and the often exploitative relationship MDWs have with their employers, for many this is the first time they learn about their rights and also about the entitlements and limitations of their visa. This initial session often represents a breakthrough towards regaining control of their lives. While the information they receive may not always be good news, particularly now that the domestic worker visa has been restricted to a 6-months visa, people gain confidence by knowing where they stand, and are offered the opportunity to discuss options and make decision about any possible legal action in an informed manner.

If we identify that the individual has had their employment rights violated or is a potential victim of trafficking we discuss this with the domestic worker and make referrals where desired and appropriate.

If they have immigration issues that are beyond our level of expertise and exemption, we refer domestic workers into the Kalayaan legal surgeries for advice or directly to legal aid or private immigration lawyers depending on the person's means.

In addition to the new registrations, another 500 existing service users received further advice through follow-up sessions.

Additionally there are many domestic workers who pop in to ask quick questions about their situation and to seek advice. Where these questions are straightforward, we endeavour to answer them immediately, rather than requiring people to return for an appointment. On average, at least **2-3 people a day dropped in with general enquiries**.

We also provided **advice by telephone** to domestic workers, and to employers. On average we deal with at least **10 general enquiries on immigration and employment matters a day**. We are often called by employers in situations where we have not met their domestic employee. In these cases, although our purpose is not to serve employers, we do assist with general advice and information as for instance on what documents they need to provide to assist a domestic worker to renew their visa, as we consider that this will be in the interest of the domestic worker concerned.

Kalayaan also continued to run free legal surgeries on immigration thanks to immigration solicitors and barristers who give their time as volunteers on Sundays or in the evening.

This year over 180 domestic workers received free immigration advice from a volunteer lawyer or barrister. Unfortunately this service has now been stopped as our regulating body, the Office of the Immigration Services Commissioner (OISC), recommended that clients are referred to solicitors' firms instead of consulting with solicitors through Kalayaan.

Kalayaan has recruited and managed a number of volunteers to support our advice and advocacy work. Kalayaan is indebted to the volunteers who have provided support to staff and service users in the following areas:

- providing office help and assisted with general inquiries,
- acting as interpreters,
- helping MDWs write their CVs, reading job adverts, booking appointments, reading correspondence
- managing a job system whereby employers can advertise their job at Kalayaan providing it meets statutory requirements
- accompanying workers to appointments with lawyers, the Home Office, police stations and embassies.

### **Employment cases**

Unfortunately, Kalayaan has noticed a significant reduction in referrals for employment cases since the legal aid cuts in April 2013. Employment law has been completely removed from the Legal Aid scope, again meaning that only trafficked clients are able to access a solicitor or those with a potential discrimination complaint. As the vast majority of domestic workers do not meet the definition of trafficking and we therefore cannot refer them, they are unable to access Legal Aid. Most domestic workers are earning a very small salary and therefore cannot pay for legal representation themselves. We have therefore continued to try and increase our pool of pro bono solicitors as well as referring to CFA (Conditional Fees Agreement – also known as 'No Win No Fee') lawyers.

During the period April 2013 to March 2014, we have had five clients' cases settling against their employers. The cases settled for £1,000, £3,500, £4,000, £5,000 and the final for £18,000. All clients have received payment. One client won £14,000 after being successful at hearing at the employment tribunal but she is still trying to enforce this award.

Kalayaan in conjunction with ATLEU have been working on an employment case with a very novel point of law. ATLEU are arguing that caste should be considered a protected characteristic under anti-discrimination legislation. A domestic worker was discriminated against and treated appallingly based on her lower caste than that of her employers, so we are hoping that the court will accept this argument. Issues of caste have affected many domestic workers from parts of Asia where they are of the same race and religion as their employer but are discriminated against based on their perceived lower caste, which currently is not recognised under law. This case is due to be heard in early 2015.

### **Emergency Accommodation**

Finding accommodation has always been one of the most challenging area of our work, as MDWs are not entitled to public funds and therefore the majority of refugees in London, being government-funded, won't accept them. The changes to the visa have made our task even more difficult. Under the previous system, the best way out of homelessness was to find another live-in job, so temporary accommodation was just a stepping stone towards moving on, but for people on the new tied visa homelessness is unfortunately a much more long-term prospect, as they are not permitted to work for anyone else. It therefore makes it harder for Kalayaan to rely on former service users, as they cannot be expected to house someone indefinitely. At the same time, Kalayaan is still committed to provide at least temporary, emergency accommodation to any MDW who finds herself/himself homeless after escaping an abusive employer, so they can have a safe place where they can start considering their options for the future.

Kalayaan is indebted to Sr. Leela, Sr. Shalini and Sr. Rosary who have opened the door of their house so many times to our vulnerable service users, providing not just a safe space but comfort, practical and emotional support.

During the reporting period, we prevented 12 women from becoming homeless. They were supported into emergency accommodation either with another domestic worker/former service user or for those that we identified as victims of trafficking for domestic servitude, we were able to refer them to appropriate housing organisations, such as the Salvation Army.

## English classes

### Accredited ESOL Classes

Kalayaan continued to work in partnership with the Workers Education Association and Kalayaan to provide English for Speakers of Other Languages (ESOL) classes for migrant domestic workers. These classes are partly funded by Kalayaan, partly by the Learning Skills Council and partly by the domestic worker learners themselves.

From the 28 October 2013, applicants for Indefinite Leave to Remain (ILR) are required to pass both ESOL Entry Level 3 (E3) and the Life in the UK test. These changes have made it considerably more onerous for many domestic workers to fulfil the ILR requirements as the standard of English now required is much higher. Entry Level 3 is an Intermediate standard of English and the student must speak with some fluency and understand the basics in a variety of situations. Many domestic workers have poor standards of formal education and have limited opportunities for learning and practicing English in the UK and many will now struggle to pass Entry Level 3 and the computerised 'life in the UK test' which requires a high standard of literacy in English.

ILR dramatically reduces the vulnerability of domestic workers as they are longer dependent on an employer to renew their visa. However these new requirements have effectively put ILR out of reach of many. The same requirements apply for people applying for British citizenship.

The changes to the ILR requirements means that the type of course being offered by the WEA has also changed. The ESOL courses no longer require a 'citizenship component' as was the case before the changes as applications must now pass the Life in the UK Test. For 2013/2014 6 classes per week have been delivered by WEA:

- 1 ESOL with Maths Entry Level 1 (E1)
- 1 ESOL with Maths Entry Level 2 (E2)
- 1 ESOL with Maths Entry Level 3 (E3)
- 1 Functional English class
- 2 Basic Literacy classes

In June 2013, 90 domestic workers received certificates on successful completion of their course at WEA. These were at various levels and many returned to a higher level class in September, when 135 students enrolled for English classes.

The WEA informed Kalayaan in early 2014 that due to rent increases, in the next academic year they would no longer be able to afford their Clifton Street premises where the ESOL

classes have been held. Kalayaan has worked with the WEA to find a suitable venue for our classes to continue in 2014-5.

### Volunteer English Classes

Kalayaan has continued to operate its very popular volunteer-run English classes which take place every Sunday at Kalayaan's premises. In 2013-2014, we registered 79 new students into these classes. These classes were split into four levels, from pre entry to an intermediate level.

Kalayaan also recruited a domestic worker, who is a previous client of Kalayaan's, as a classroom assistant. Herdriana Karjanti is now training to be a teacher herself and we welcomed the opportunity to be able to help her gain teaching experience.

We have had an excellent set of volunteers during this teaching year who have been instrumental in ensuring students were able to gain a more in depth and interactive experience of the material they have learnt by taking students on trips to museums, galleries and an excursion to the seaside in Brighton!



Students of a volunteer-run English class at work



Below are some quotes from students from the classes as to their experiences:

*"I liked it when we went outside. I liked it when we spoke on the phone. I liked it when we read Monkey's Paw and other stories".*

*"I learnt a lot about life in the UK. I liked the English classes at Kalayaan very much because they helped me so much and I learnt a lot".*

*"I learned to speak on the phone"*

*"I think it helps me a lot in my workplace, talking to sir and madam. Also whenever I go out, it helps me to talk with other people nicely"*

*"We enjoyed going out with our teachers to learn more about Art"*

Quotes from teachers when asked what aspect of teaching the classes the most:

*"I enjoyed interacting with the students and noticing their progression"*

*"The flexibility to teach according to the needs of the students"*



English students on a trip to the Museum of London



## The Kalayaan Community

Kalayaan is aware that live-in MDWs may not have a space where they can relax outside of their employer's home, and is keen to provide a welcoming, safe space where service users can spend time, meet people with similar experiences 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 on Mondays, clients who come to the centre on its busiest days are received by a warm welcome. All service users are encouraged to join the volunteers at the table and share hot drinks and food. Sharing food and drinks also help people talk to each other, share experiences and start new friendships.

In addition to the trips for the English students, we also had an 'End of Year' party for the members of the Kalayaan community, with multi-ethnic music and dance performances and many games. Over 100 service users attended the party.



English students on a trip to Brighton

## **Campaign**

One year since the introduction of the tied visa Kalayaan has continued to campaign hard against the injustice and hypocrisy of removing a system which provided important protections to migrant domestic workers in the UK and replacing it with a tied visa system, shown to facilitate abuse.

The campaign has been gaining traction, particularly in the context of the Government's stated commitments to combat slavery and we are hopeful that as we continue to build up evidence of the dangers of the tied visa system to the basic rights of migrant domestic workers in the UK we will be successful in reinstating the vital rights of migrant domestic workers allowing them once again to change employers, renew their visas and be recognized as workers.

We have been heartened by the Labour Party commitment, given in September 2013 by the then Shadow Immigration Minister Chris Bryant MP that Labour will reinstate the original visa protections if they win power.

In contrast, in July 2013, together with our allies in Justice for Domestic Workers and Unite, we had a discouraging meeting with the then immigration Minister Mark Harper in which he was clear that the Government would not change the tied visa. The then Minister's position was that there was not sufficient evidence of abuse and that a criminal approach could be taken where abuse occurred. We obviously disagreed strongly with this approach which ignores the fact that the current rules facilitate abuse and that people made vulnerable and criminalized by the immigration rules are unlikely to go to the police about crimes committed against them. There remains no conviction for trafficking an adult for domestic servitude and unless victims are protected this is unlikely to change.

In April 2013 Kalayaan was invited to participate in an exhibition in Parliament organized by the Human Trafficking Foundation to highlight to MPs the hidden nature of slavery in the UK. Kalayaan submitted two case studies, one showing a worker who entered the UK on the original ODW visa and who has been able to move on and rebuild her life, the other on the tied visa, now criminalized as a result of escaping abuse. The Prime Minister David Cameron opened the exhibition and met one of the domestic workers featured in the exhibition together with a Kalayaan staff member who highlighted to the Prime Minister the contradictions between preventing slavery and implementing a tied visa system.



A migrant domestic worker meets the Prime Minister

In May Kalayaan held an event in parliament sponsored by Fiona MacTaggart to highlight the situation of migrant domestic workers one year following the introduction of the tied ODW visa.

We also produced a briefing 'Slavery by another name' which detailed a dramatic increase in abuse reported to Kalayaan by workers registering with us who entered on the tied visa in comparison with those who registered having entered prior to the rule change. In addition numbers on the tied visa registering with Kalayaan dropped, in spite of visas issued being constant. In the context of the reports from those who did come to Kalayaan the concern is that workers on the tied visa are being either physically locked in or otherwise prevented from leaving their employer and that the employer sees the tying of the worker to them as a de facto invitation to prevent them from leaving. For those who do leave there is little that can be done for them within the law so they are more likely to disappear underground (often to be exploited again) than to come to an organization like Kalayaan for help.



Highlighting the problems of the new tied visa in Parliament

During the year Kalayaan gave evidence to inform two important reports which covered and were extremely critical of the effects of the tied visa; Shadow City by Andrew Boff, Conservative Leader of the GLA and Hidden Away by Human Rights Watch. Both call for the reinstatement of MDWs rights.

Baroness Cox, Lord Hylton and Lord Avebury asked Parliamentary Questions on the issue.

Kalayaan also responded to the following Consultations:

- Legal Aid
- A supplementary response with ASI and J4DW to CEDAW
- NHS Charging
- Landlords
- with the AIRE centre; The Joint Commission for Human Rights. Human Rights Judgments call for evidence on the State's positive obligation to investigate allegations of slavery, servitude, forced or compulsory labour (CN v UK)
- APPG Inquiry on Data; written and oral evidence

- Anti Slavery Bill Evidence Review chaired by Frank Field MP: written and oral Evidence
- The Joint Committee on the Modern Slavery Bill; written and oral evidence

## **Media Work**

There has been significant media coverage of the tied visa. We continue to work to publicise the issues experienced by domestic workers while supporting workers to only participate with the media in a way which is safe for them and with which they feel comfortable. We were particularly pleased with the excellent BBC Asian network TV and online report and radio documentary by Divya Talwar on the 31 March 2014 which was picked up across the BBC and other networks including the Today Programme, Radio 1, Five Live and significant coverage on local radio. TV coverage included BBC Breakfast. Other radio coverage included a live interview on the tied visa with staff member Kate Roberts on the Martha Kearney World at One show in May 2013 as well as the Adam Boulton Show on Sky, Sky News and BBC World Have your say in November 2013.

Other coverage during 2013 – 2014 includes the following:

- How the Home Office traps domestic workers in slavery Alastair Sloan, 13 March 2014
- Chris Grayling launches court battle over EU rights charter The Telegraph, 25 January 2014
- Diplomats who commit crimes shouldn't get a free pass, The Washington Post, 2 January 2014
- Equality investigation will expose the plight of low-paid cleaners The Observer, 29 December 2013
- Modern slavery bill set to streamline human trafficking cases The Guardian, 22 November 2013
- Tighter visa rules 'increase risk of slavery for migrant workers' The Times, 22 November 2013
- Never mind human rights law, EU law is much more powerful The Guardian, 9 October 2013
- Labour vows to bring back overseas domestic worker visas, The Guardian, 23 September 2013
- Britain turns back the clock on domestic workers. The New Internationalist, 2 July 2013
- A huge percentage of the population without redress – that is dangerous The Social Issue, 2 July 2013
- When a job becomes a jail The Tablet 8 June 2013
- Migrant domestic worker labour rights under fire Free movement 24 May 2013

- Man jailed for abuse of 'enslaved' woman in London BBC.co.uk 16 May 2013
- Legally Trapped: UK legislation Concerning Migrant Domestic Workers Regresses Whilst Middle Eastern Initiatives look Progressive Spit it Out, 14 May 2013
- The Noise on immigration is drowning out real problems The Guardian, 13 May 2013
- Three guilty of abuse of 'enslaved' woman in London BBC.co.uk 19 April 2013
- Raped, beaten, and enslaved for years – and handed back to her tormentors when she went to beg police for help The Independent 19 April 2013

## **Trafficking**

Kalayaan continues to support domestic workers who have been trafficked to the UK for the purposes of domestic servitude. Kalayaan remains a named 'First Responder' which means that we are able to make referrals (if domestic workers consent to this) in to the Government's National Referral Mechanism (NRM); the system which identifies whether or not someone has been trafficked.

Kalayaan identified 89 workers that registered with us in 13-14 as having been trafficked. We only make a referral to the NRM if the worker involved gives their active consent. Of the workers identified as trafficked by Kalayaan, 16 were referred to the NRM. Many choose not to be referred to the NRM as it often does not meet their support needs and they are keen to move on with their lives.

Once a referral has been made, the Competent Authorities will assess the referral; and make a decision on whether an individual is a victim of trafficking. There are several steps in this process: a person who is referred to the NRM and receives a positive 'Reasonable Grounds' decision is allocated accommodation provided by the Salvation Army through its subcontractors and is also granted a recovery and reflection period of 45 days.

The take up of accommodation among Kalayaan clients continues to remain low although it has increased somewhat in the last year. This is principally because accommodation is usually outside London and domestic workers fear losing contact with the support networks and organisations they have developed since escaping their traffickers. In Kalayaan's experience there are differences in standards in accommodation and support offered to victims of trafficking

Other than the 45 days reflection there is no additional practical statutory support or residence entitlement for victims of trafficking, including those who have a positive conclusive grounds decision (i.e. The Competent Authority has decided conclusively that the individual was trafficked). Some victims are granted a residence permit for one year in certain cases including if there is a continuing police investigation or on account of the victim's particular circumstances.



Since the changes to Legal Aid introduced in April 2013 under the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012, it is proving very difficult to find a solicitor to represent these and other Kalayaan clients

In September 2014 the National Crime Agency published its 'Strategic Assessment on the Nature and Scale of Human Trafficking in 2013', which reported that there was increase in reports of trafficking for domestic servitude from 90 in 2012 to 280 in 2013. Although this was a significant increase, the numbers were in line with 2011 statistics. The UKHTC previously confirmed to Kalayaan that they did not receive any data from Kalayaan in 2012, which explains in part the low numbers in 2012. 86% of those trafficked for domestic servitude were woman and the two most prevalent countries of origin were Nigeria (21%) and the Philippines (19%).

## Treasurer's Report

### Kalayaan Year 2013-14

Income for the year of **£183,116** was 9% below the previous year, mainly as a result of timing of some grants. Although most income came from restricted fund grants, unrestricted income was £26,850 slightly above the previous year. Total expenditure of **£197,840** for the year was 15% down on the previous year, mainly due to the conclusion of a project to help fund legal centres to assist clients with taking employment tribunal cases against their employers.

In consequence Kalayaan's accounts for the financial year 2013/14 showed a total deficit of **£14,724**, made up of a deficit of **£24,574** on restricted funds, and a surplus of **£9,850** on unrestricted funds. The main reason for the deficit on restricted funds was the timing of some grants, which do not coincide with the organisation's financial year. The organisation's free (unrestricted) reserves have increased to **£84,304** in line with the Board's target of 3-4 months of core expenditure. Overall the financial situation remains healthy and will allow Kalayaan to continue its work at the current level

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 2013/14 we would particularly like to thank the following:

Barrow Cadbury Trust

The Bromley Trust

The Esmée Fairbairn Foundation

The Oak Foundation

The Royal Borough of Kensington and Chelsea

Trust for London

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.

David Ould



***Kalayaan wishes to thank all those that made our work possible***

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

**Francesca Cooney** – Chair

**Margaret Healy** – Vice Chair (stepped down Oct 13)

**Mumtaz Lalani** – Secretary

**David Ould** (stepped down Oct 13, now acting Treasurer)

**Dr Bridget Anderson-** (stepped down Oct 13)

**Jibrail Hogan**

**Khadija Najlaoui**

**Myriam Cherti**

**Rob Fink**

**Ruby Lopes** (stepped down Oct 13)

**Dr Virginia Mantouvalou**

**Staff**

Thanks to our dedicated staff:

**Rita Gava** – Projects Co-ordinator

**Kate Roberts** – Community Advocate

**Karanvir Singh** - Community Advocate

**Catherine Kenny** - Community Advocate

**Jenny Moss** - Community Advocate (on maternity leave, resigned January 14)

## Volunteers

Thanks to **Sr. Shalini, Sr. Leela** and **Sr. Rosary** for their community support, especially with accommodation.

Thanks to **Anna Weedon, Basia Giezek, Betiel Baraki, Jennifer Makin, Lloyd Durbin, Paddie Walters, Panagiota Toumazou, Richa Sandill, Rosie Boggis, Sylvia Sundstrom, and Zivile Tamasauskaite** for their support to clients and their administrative work.

Thanks to **Asiya Islam, Cinta Nuanza Adita, Gilbert Babida, Grace Ayson, Janice Babida, Krishnah, Maria Fahmi, Mouna Moussaoui, Nelly Andon, Ratih Ambarwati, Rizky Ranny Andayani, Rob Moore, Siti Ahmad, and Tuti** for their interpreting work.

Our popular English classes could not run without the following volunteer teachers, who give their time on Sundays to ensure that workers not eligible for college classes can learn English: **Angela Michel, Chitra Mogul, Cordelia Mayfield, Denise Brown-Branch, Emily Reid, Gareth Barnes, Harriet Ayles, Harriet Maltby, Jibrail Hogan, Lynda-Rose Onwordil, Moulid Ahmed, Natalie Sew, Natilly McCartney, Simon Ryan, Susan Toft and Yomna Nasr**

Thanks to **Margaret Joojo Richards, Dominic Clarke, Richard Bell** and **Sarah Kinsella** from our partner organisation **Workers Education Association (WEA)** which runs accredited English classes and further training at times accessible to MDWs.

Kalayaan wishes to thank the following lawyers for giving us their time and expertise: **Adrian Seelhoff** at A. Seelhoff Solicitors, **Camilla Graham Wood** and **Sumiya Hems** at Birnberg Peirce & Partners, **Clara Connolly** at ATLEU, and **Priya Solanki** at 10 King's Bench Walk

We would also like to thank the lawyers who support us and take on so many referrals pro bono, in particular: **ATLEU, Birnberg Pierce, Bruckhaus Deringer, Freshfields, Hogan Lovells, and Russell Jones and Walker.**

Thanks to **Divya Talwar**, BBC Asian network for her work on the March 2014 Documentary highlighting issues of the tied visa

Thanks to **Marissa Begonia** and **everyone at J4DW** for their collaboration and support

Thanks to our generous Funders and Donors, who make our work possible: **the Barrow Cadbury Trust, The Bromley Trust, The Esmée Fairbairn Foundation, Freshfields, The Oak Foundation, The Royal Borough of Kensington and Chelsea, Trust for London, the Tudor Trust** and all the individuals who support us with their kind donations.