

September 2016

Anti-Slavery International and Kalayaan: Submission for the Universal Periodic Review of the United Kingdom - 3rd cycle. 27th Session (May 2017)

I. INTRODUCTION

1. This is a joint submission by the UK-based non-governmental organisations Anti-Slavery International¹ and Kalayaan².
2. This submission focuses on **modern slavery** in the United Kingdom. Specifically, **A) the identification and protection of victims of modern slavery, including trafficking, B) the loophole in the Transparency in Supply Chains provision of the Modern Slavery Act, and C) abuse, exploitation and forced labour of migrant domestic workers, and the policy framework that facilitates this abuse.**
3. This information is structured in line with the Thematic list of recommendations provided by the OHCHR in the NGO Submission Matrix United Kingdom³, with **concerns A and B** submitted under ‘Theme 12.7 Prohibition of slavery, trafficking’, and **concern C** submitted under ‘Theme 34 Migrants’. However, the submitting organisations consider that the information provided on **concern C**: the abuse, exploitation and forced labour of migrant domestic workers and the existence of a policy framework that increases their vulnerability to these abuses, is also directly relevant to Theme 12.7 Prohibition of slavery, trafficking. Each section provides commentary on the progress of the United Kingdom in implementing the second cycle Universal Periodic Review (UPR) recommendations it supported on these thematic areas. Please note that this submission treats supported recommendations on trafficking as inclusive of the UK governments’ action to tackle all forms of modern slavery (a term that encompasses forced labour, slavery and servitude as well as trafficking).

II. EXECUTIVE SUMMARY

4. In 2013, the UK Government estimated that there were up to 13,000 victims of modern slavery.

¹ Anti-Slavery International, established in 1839 and in consultative status with ECOSOC since 1950, works to eradicate all contemporary forms of slavery

² Kalayaan, established in 1987, provides advice, support and advocacy services to migrant domestic workers in the United Kingdom (UK)

³ As outlined in NGO Submission Matrix United Kingdom, Thematic list of recommendations. Accessed at http://www.upr-info.org/sites/default/files/document/united_kingdom/session_27_-_may_2017/upr_ngo_submission_matrix_unitedkingdom_3rdcycle.doc

5. The Government supported second cycle UPR recommendations on increasing its efforts to combat trafficking⁴ and implementation of its anti-trafficking strategy⁵, and partially supported two others⁶. Since the last UPR there have been a number of significant and positive improvements to the legislative and policy framework addressing modern slavery, including trafficking⁷, and an increased focus on tackling modern slavery by the Government. Including, the establishment of the Modern Slavery Act 2015; the creation of an Anti-Slavery Commissioner; and the recent announcement by the Prime Minister of a range of new anti-slavery measures, including a new Task Force on modern slavery, more training for police and other judicial system actors, and strengthened support for victims.
6. However, despite notable efforts and improvements, obstacles persist in ensuring the effective identification and protection of victims of modern slavery. Victims report difficulties in accessing the services they are entitled to, including accommodation, medical services, counselling and legal assistance. Levels of prosecutions and convictions have been low, and the majority of victims never see their abusers brought to justice. Finally, given the relative novelty of the new legislation and recently announced anti-slavery measures by the Prime Minister, it is yet to be seen what the impact of these measures will have in practice. There are pilots underway relating to identification and protection of victims of modern slavery, which alongside the measures recently announced by the Prime Minister, have the potential to address some of the obstacles noted. The Government should reform the National Referral Mechanism (NRM) based on a human rights approach, that is non-discriminatory, and has the best interests of victims at its heart.
7. The ‘Transparency in Supply Chains’ (TISC) provision of the Modern Slavery Act was a welcome step forwards. However, there is a loop-hole in the provision, which should be removed to bring wholly owned subsidiaries of UK companies and public authorities within the reporting requirements of the legislation.
8. Finally, migrant domestic workers in the UK continue to suffer from widespread abuse, exploitation and situations amounting to trafficking and forced labour. The policy framework in place in the UK, the Overseas Domestic Worker visa (ODW visa), increases their vulnerability to these abuses as migrant domestic workers are restricted to a non-renewable six month visa, which renders the recently reinstated right to change employer inaccessible and meaningless in practice. The UK supported a second cycle UPR recommendation to “*Retain the Overseas Domestic Worker visa as a measure to safeguard against abuses of migrant workers*”⁸. Yet, the Government’s decision to reject the full recommendations of the independent review it commissioned, that the right to change employer be reinstated and the ODW visa be renewable for a total of up to two and a half years in order to make the right to change employer accessible in practice, is at odds with the intention of the supported

⁴ Recommendation 110.72 (Spain), A/HRC/21/9 para 110 and A/HRC/21/9/Add.1 para 16, second cycle UPR of the UK

⁵ Recommendation 110.73 (Colombia), A/HRC/21/9 para 110 and A/HRC/21/9/Add.1, second cycle UPR of the UK

⁶ Recommendation 110.75 (United States of America), A/HRC/21/9 para 110 and A/HRC/21/9/Add.1 para 17, and Recommendation 110.76 (Greece), A/HRC/21/9 para 110 and A/HRC/21/9/Add.1 para 17, second cycle UPR of the UK

⁷ This submission treats second cycle recommendations on trafficking as inclusive of the UK government’s action to tackle all forms of modern slavery, a term that encompasses forced labour, slavery and servitude as well as trafficking

⁸ Recommendation 110.109 (Thailand), A/HRC/21/9 para 100 and A/HRC/21/9/Add.1 para 16, second cycle UPR of the UK

recommendation. Migrant domestic workers remain highly vulnerable to abuse, exploitation, trafficking and forced labour, with the terms of the ODW visa increasing the risk of abuse rather than acting as a safeguard against it.

III. THEME 12.7: PROHIBITION OF SLAVERY, TRAFFICKING

A. IDENTIFICATION AND PROTECTION OF VICTIMS OF SLAVERY, INCLUDING TRAFFICKING

1. Implementation of second cycle recommendations

9. The UK has made welcome progress in implementing two second cycle recommendations it supported to increase its efforts to combat trafficking⁹ and to implement its anti-trafficking strategy¹⁰. Since the last UPR in 2012, there have been a number of significant and positive improvements to the legislative and policy framework addressing modern slavery including trafficking. Most notably, the introduction of the Modern Slavery Act (2015) as well as separate targeted legislation in Scotland and Northern Ireland; the creation of an Anti-Slavery Commissioner; and the recent announcement by the Prime Minister of a range of new anti-slavery measures including a new Government Task Force on modern slavery, more training for police and other judicial system actors, strengthened support for victims, and more inter-agency cooperation. The increased focus on modern slavery is very positive and to be welcomed.
10. However, there continues to be obstacles in ensuring the effective identification and protection of victims of modern slavery, which the Government should take further action to address. Victims report difficulties in accessing the services they are entitled to, including accommodation, medical services, counselling and legal assistance. Levels of prosecutions and convictions have been low, and the majority of victims never see their abusers brought to justice. In theory, mechanisms to provide remedy, including compensation, to victims of modern slavery and exploited workers are in place in the UK, but the experience of Anti-Slavery International and other organisations show that, in practice, those remain largely inaccessible. There are pilots underway, which alongside recently announced measures by the Prime Minister, have the potential to improve identification and protection of victims. We therefore consider that the Government has made some progress in implementing the partially supported recommendation by Greece, “*to take all measures to ensure that all trafficked people are able to access the support and services they are entitled to, including free legal aid and access their right to compensation.*”¹¹, but further action is required to address the obstacles highlighted and to ensure the full implementation of this recommendation.
11. Finally, the UK supported in part a recommendation by the United States, to “*standardize anti-trafficking responses across the UK insofar as possible given the devolution of powers, and appoint a rapporteur in each devolved authority to make critical assessments and improve the UK’s overall anti-trafficking response*”¹². It should be noted that there is a

⁹ Recommendation 110.72 (Spain), A/HRC/21/9 para 110 and A/HRC/21/9/Add.1 para 16, second cycle UPR of the UK

¹⁰ Recommendation 110.73 (Colombia), A/HRC/21/9 para 110 and A/HRC/21/9/Add.1, second cycle UPR of the UK

¹¹ Recommendation 110.76 (Greece), A/HRC/21/9 para 110 and A/HRC/21/9/Add.1 para 17, second cycle UPR of the UK

¹² Recommendation 110.75 (United States of America), A/HRC/21/9 para 110 and A/HRC/21/9/Add.1 para 17, second cycle UPR of the UK. Anti-Slavery International understands that this recommendation was partially accepted, with the UK noting the part of the recommendation which called on the Government to “...appoint a

disparity in legal protection for victims of modern slavery across the countries which make up the UK. The majority of the provisions of the Modern Slavery Act apply to England and Wales only; and some also extend to Scotland and Northern Ireland. Separate legislation has been introduced in Scotland and Northern Ireland, which contain the same offences as those in the Modern Slavery Act, yet are significantly more progressive in terms of support for victims. As mentioned previously, there are pilots underway relating to identification and protection of victims of modern slavery in the UK. The evaluations should also consider the impact of the pilots on devolved nations and potential clashes with the Scottish and Northern Ireland legislation.

2. The legal and policy framework on modern slavery

12. Since the second cycle UPR of the UK, there have been a number of positive developments in the legislative framework addressing modern slavery including trafficking. The UK's ratification of the 2014 Protocol to the Forced Labour Convention, in January 2016, was also welcome.
13. The Modern Slavery Act was passed in March 2015. The majority of its provisions apply to England and Wales only; some also extend to Scotland and Northern Ireland. The Act consolidates the existing offences related to human trafficking, forced labour and slavery and servitude, increases sentences for these offences, and introduces new risk orders and prevention orders. The victim-focused provisions include a statutory defence for victims who were compelled to commit crimes as a result of their slavery or relevant exploitation, and the introduction of 'Independent child trafficking advocates'. The Act also established an Anti-Slavery Commissioner. While the establishment of this role is welcome, the mandate of the UK's Commissioner does not extend to independent monitoring of the government's performance. Similar appointments in the Netherlands and Finland are able to perform this function.
14. Some of the Act's provisions came into force in July and October 2015, including the Anti-Slavery Commissioner. However a number of provisions are yet to do so, including the introduction of independent child trafficking advocates. In December 2015, the Home Office published the results of the independent evaluation into a year-long trial of the child advocates scheme, and announced that more testing of the advocates model was needed before it could be rolled out.
15. Separate legislation has also been introduced in Scotland (the Human Trafficking and Exploitation (Scotland) Act 2015), and in Northern Ireland (the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act 2015). As outlined previously, these contain the same offences as those in the Modern Slavery Act, yet are significantly more progressive in terms of support for victims. For example, unlike the Modern Slavery Act, the Northern Ireland Act clearly sets out the statutory support and assistance measures to be provided to adult victims of trafficking from the point of referral to the Competent Authority for formal identification, for a minimum period for 45 days, and longer if required. Both countries go beyond the minimum obligations for support set out in the Council of Europe Convention on Action against Trafficking in Human Beings, and the EU Directive on Preventing and Combating Trafficking in Human Beings and Protecting Victims.

rapporteur in each devolved authority to make critical assessments and improve the UK's overall anti-trafficking response".

16. On 31 July 2016, the Prime Minister announced the establishment of the first ever Government Task Force on modern slavery. The Task Force will coordinate the government's anti-slavery measures across the various relevant government departments, improve training on modern slavery for those in the criminal justice system, and strengthen support for victims.
17. In summary, the legislative and policy landscape on slavery has changed greatly in the UK over the past two years. The increased focus on trafficking and other forms of slavery, and the introduction of targeted legislation to tackle it, is to be welcomed. However, given the relative novelty of the legislation, it is yet to be seen what the impact of the enactment of its provisions will have in practice. The parliamentary scrutiny processes on the Modern Slavery Act triggered a number of policy reviews and pilots and trials, which will impact on the support provided to victims, and may or may not improve standards. The recently-announced establishment of a Government Task Force on modern slavery, more training for police and other criminal justice system actors on victim identification and protection, and more inter-agency co-operation are all very positive and much needed measures. It is crucial that the new Task Force work closely with expert civil society organisations and trade unions. It is also important that the government look beyond intervention and focus also on long-term outcomes for victims.
18. Finally, it remains a concern that the UK Government continues to bring in legislation that is likely to contradict or undermine existing legislation. For example, while the intention behind the Modern Slavery Act was to ensure prosecution of those who perpetrate it and protect the victims, provisions in the Immigration Act 2016 are likely to directly undermine it by creating the offence of illegal working, despite ample evidence presented that many victims of forced labour in the UK are made illegal by their traffickers, which makes it easier for them to control the victims and to detract the attention of law enforcement from the perpetrators.

3. Obstacles to tackling slavery

Problems with the National Referral Mechanism (NRM)

19. The NRM remains highly problematic. It has no formal appeals process, fails to make timely decisions, and often makes decisions showing a flawed understanding of the internationally-accepted definitions of trafficking. Of particular concern is that there appears to be discriminatory and differential decision making based on the nationality of the person applying. Despite non-EU nationals representing the largest proportion of victims referred into the system, positive identification was extremely low, around 20% in 2013. There are also a significant number of victims who do not consent to being referred into the NRM, often through fears about the involvement of immigration services which they fear may lead to their detention and subsequent removal from the UK.
20. In 2014, the Government began a review of the NRM, which recommended a complete overhaul of the system, both in terms of the decision-making process and provision of support. The recommendations from the review were accepted and formed the basis for the development of 'NRM pilots', which are currently taking place in two regions in England only: West Yorkshire and the South West. The pilots are under way, but evaluations are unlikely to be finalised until late 2016.

21. Some of the recommended changes proposed in the NRM review could, in principle, improve decision-making and support provision. For instance, the review recommends multi-disciplinary decision-making panels at the conclusive grounds decision stage at a regional level (currently being piloted) and ‘providing support based on an assessment of the individual needs of the victim’. However other recommendations are of concern, such as the removal of ‘First Responder’ role for NGOs and the recommendation that the NRM for children mirrors that for adults. The evaluation of the NRM pilots and the ramifications for the NRM as a whole, therefore need to be comprehensive and robust to ensure that any revisions made to the existing NRM will be in the best interests of victims. The evaluation should also consider the impact of the pilots on devolved nations and potential clashes with the Scottish and Northern Ireland legislation.
22. The growing numbers of NRM referrals annually in the past few years (3,266 people in 2015 compared to 2,340 in 2014 and 1,746 in 2013)¹³ suggest improvements in awareness of trafficking and other modern forms of slavery amongst statutory authorities. It is likely that an increased focus and training on human trafficking and modern slavery has contributed to this, as has the creation of lead staff and specialised units within certain statutory bodies. However, despite notable improvements, the knowledge levels remain inconsistent across public authorities and there are continued concerns about the number of victims that go unidentified.

Inadequate services for victims

23. Victims of trafficking and other forms of slavery also report difficulties in accessing the services they are entitled to, including accommodation, medical services, counselling and legal assistance. The level and quality of assistance varies widely depending on the type of exploitation someone has been subjected to and the capacity of support providers. Around 40% of victims of trafficking being supported under the NRM are being housed in National Asylum Support Service (NASS) accommodation, which can often be unsuitable in terms of the location of dispersal accommodation; far from the victim’s established network and often without outreach support. It is an ongoing concern that a high proportion of child victims of trafficking who are removed from exploitative situations subsequently go missing from the accommodation in which they have been placed.
24. In theory, mechanisms to provide remedy, including compensation, to victims of modern slavery and exploited workers are in place in the UK, but the experience of Anti-Slavery International and other organisations show that, in practice, those remain largely inaccessible. For example, victims are unlikely to be able to obtain legal aid to take their case to an Employment Tribunal, because their status (be it immigration status or their status as a worker) might prevent them from bringing a case. Threats and intimidation by employers is also a known barrier. There is also little evidence that the existing mechanisms that are available for workers to report concerns, such as the National Minimum Wage Helpline or the Modern Slavery Helpline, have been effective or led to changes. Further, helplines can only work if they are linked with a robust response mechanism. In most instances, workers are either left without recourse to justice, or in exceptional cases might be able to seek help from lawyers that are able to take on their cases. The first successful civil claim of trafficked workers against their exploiters was granted by the High Court in June 2016.¹⁴

¹³ See NRM statistics here: <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics>

¹⁴[2016] EWHC 1376 (QB), Case No: HQ14P05429, [http://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/QB/2016/1376.html&query=\(Houghton\)](http://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWHC/QB/2016/1376.html&query=(Houghton))

Inadequate response of the Criminal Justice System to trafficking and other forms of slavery

25. In recent years, the level of prosecutions and convictions for trafficking, forced labour and other slavery offences, have been low. An important causal factor is insufficient police capacity and resources to undertake what are costly investigations. This situation is compounded by the fact that a number of important tasks and responsibilities for implementing the Modern Slavery Act are assigned to the police, for which they do not have the capacity to deliver. As a consequence, the majority of victims of modern slavery in the UK never see their abusers brought to justice. This is an issue that has also been repeatedly highlighted by the UK's Anti-Slavery Commissioner¹⁵.
26. On 31 July, the Prime Minister announced that an independent review into the implementation of the Modern Slavery Act in its first year, conducted by Caroline Haughey, found that 289 modern slavery offences¹⁶ had been prosecuted in 2015, which is to be welcomed. However the independent review also found that the response of local police forces was patchy; for example, between April 2015 and March 2016, six of the 43 territorial police forces did not record a single modern slavery crime. The Prime Minister is commissioning an HMIC¹⁷ Inspection to make sure that all police forces treat this crime with the priority it deserves.¹⁸
27. Finally, despite existing guidance from the Crown Prosecution Service, trafficked people are often not identified as such and are instead routinely prosecuted for offences that they committed while coerced.
28. **RECOMMENDATIONS**
- Reform the National Referral Mechanism based on a human-rights based approach, ensuring that the system of identification and protection in place is non-discriminatory and has the best interests of victims at its heart.
 - Implement fully the provisions of the Modern Slavery Act and respective legislation in Scotland and Northern Ireland, in line with the UK's international obligations under the Council of Europe Trafficking Convention and EU Trafficking Directive.
 - Ensure that the newly announced Task Force on modern slavery works with expert civil society organisations and trade unions.

B. THE LOOP HOLE IN THE TRANSPARENCY IN SUPPLY CHAINS

29. The 'Transparency in Supply Chains' (TISC) provision of the Modern Slavery Act was a welcome step forwards, requiring all UK business with a global turnover in excess of £36 million and trading in the UK, to publish an annual Modern Slavery Statement, disclosing what they are doing to identify, address and prevent modern slavery in their supply chains.

¹⁵ <https://www.theguardian.com/world/2015/oct/16/too-few-victims-of-slavery-in-uk-identified-warns-commissioner>

¹⁶ In England and Wales

¹⁷ Her Majesty's Inspectorate of Constabulary

¹⁸ <http://www.telegraph.co.uk/news/2016/07/30/we-will-lead-the-way-in-defeating-modern-slavery/> Accessed 1 August 2016

30. However, the provision leaves a number of key aspects unclear and open to interpretation. At present, it is not clear which businesses (and there is an assumption that between 12-20,000 businesses operating in the UK) are covered by the provision. Without clarity on who is required to report, the public, investors, parliamentarians and the Government itself cannot effectively monitor compliance with the Modern Slavery Act requirements.
31. Further, there is a loop-hole in the legislation, whereby wholly owned subsidiaries of UK companies based overseas are not covered, and nor are public authorities. This loop-hole should be removed, bringing wholly owned overseas subsidiaries of UK companies and public authorities within the remit of the TISC provision.
32. In July 2016, a private members bill on Modern Slavery (Transparency in Supply Chains) was introduced before Parliament by Baroness Young of Hornsey. If passed, this measure would strengthen the Modern Slavery Act, by including public authorities in the requirement to produce Modern Slavery Statements, and by requiring the Government to publish the list of companies bound by the disclosure requirements, improving the ability to monitor compliance.
33. **RECOMMENDATIONS**
- Remove the loop-hole in the ‘Transparency in Supply Chains’ provision of the 2015 Modern Slavery Act and bring wholly-owned overseas subsidiaries of UK companies and public authorities within the reporting requirements of the legislation.
 - Ensure that public authorities are held to the same standard as businesses and required to comply with the disclosure duty under the Modern Slavery Act.

IV. THEME 34: MIGRANTS¹⁹

A. A POLICY FRAMEWORK THAT FACILITATES THE ABUSE, EXPLOITATION AND FORCED LABOUR OF MIGRANT DOMESTIC WORKERS

1. Implementation of second cycle recommendations

34. The UK Government supported the recommendation by Thailand to “*Retain the Overseas Domestic Worker visa as a measure to safeguard against abuses of migrant workers*”²⁰. Shortly before the second cycle UPR, the Government removed fundamental protections from the visa, namely removing the right to change employer and renew the visa beyond a six month stay. As a consequence, abuse, exploitation and forced labour increased among migrant domestic workers on the tied visa. Since the second cycle UPR took place, the Government has had several opportunities to reverse its damaging policy and reinstate vital protections for migrant domestic workers. Most notably, in 2015 it commissioned an independent review of the Overseas Domestic Worker visa (ODW visa) by James Ewins QC, and stated that it intended to implement the review’s findings. The review recommended that

¹⁹ Please note that while the information in this section is put under theme 34, Migrants, as this is where the recommendation on migrant domestic workers is situated in the NGO Submission Matrix, the submitting organisations believe it is also directly relevant to Theme 12.7 Protection from Slavery and Trafficking, since migrant domestic workers are particularly vulnerable to slavery, and the information submitted details how the UK’s legal and policy framework regulating migrant domestic works increases their vulnerability

²⁰ Recommendation 110.109 (Thailand), A/HRC/21/9 para 100 and A/HRC/21/9/Add.1 para 16, second cycle UPR of the UK

all migrant domestic workers be granted the right to change employer, and to be allowed to renew their visa for a period totalling two and a half years, concluding that "...the current terms of the overseas domestic workers visa are incompatible with the necessary protection of overseas domestic workers' fundamental rights while in the UK."²¹ It is deeply regrettable that the Government decided not to implement the reviews' recommendations in full, by reinstating the right to change employer but not allowing any extensions of the visa beyond the original six month term. The inability to renew the visa makes it extremely difficult, if not impossible, to find alternative employment, and in effect renders the reinstated right to change employer meaningless.

35. We therefore consider that this recommendation has not been implemented. In the absence of the ability to renew their ODW visa, the right to change employer is obsolete, and therefore migrant domestic workers in the UK remain highly vulnerable to abuse, exploitation and forced labour. The policy framework on migrant domestic workers increases the risk of abuse, rather than acting as a safeguard against abuse.

2. Increased abuse, exploitation and forced labour as a consequence of the 'tied' Overseas Domestic Work visa introduced in 2012

36. Approximately 17,000 ODW visas are issued annually to migrant domestic workers from non-EU countries to accompany their employers to the UK. ODWs, the vast majority of whom are women and predominantly live in their employer's household, are particularly vulnerable to abuse, exploitation, trafficking, and forced labour.

37. In 2012, the government removed the right of migrant domestic workers to change employer, thus making the ODW visa a 'tied' visa. This decision was deeply damaging for the protection of migrant domestic workers, leaving them to face abuse, exploitation and forced labour with no escape route.

38. A comparison of Kalayaan's records under the tied visa with those collected from workers on the original visa shows clearly that abuse has increased profoundly since migrant domestic workers lost the right to change employer and renew their visa:

Those on the tied visa were twice as likely to report having been physically abused as those who were not tied. Almost three quarters of those tied reported never being allowed out unsupervised from the house where they lived and worked, compared to less than half on the pre-2012 visa. Sixty per cent of those on the tied visa report pay of less than £50 per week compared to 36% on the pre-2012 visa. Working hours of more than 16 hours were reported by 53% of those on the tied visa compared to 32% on the pre-2012 visa. Finally, 65% on the tied visa did not have their own room and were forced to share with the children or sleep in the kitchen or lounge, compared to 34% of those who entered the UK before the tied visa came into force.

3. Recent changes to the ODW visa perpetuate protection gaps

39. In 2015, the Government commissioned an independent review of the ODW visa by James Ewins QC and stated that it intended to implement the review's findings. The independent

²¹ Independent Review of the Overseas Domestic Workers Visa, by James Ewins, 16 December 2015. Paragraph 116. Available at <https://www.gov.uk/government/publications/overseas-domestic-workers-visa-independent-review>

review recommended that all ODWs be granted the right to change employer, and to be allowed to renew their visa for a period totalling two and a half years. It concluded that visa extensions allowing a period of stay in the UK totalling two and half years equalled “the minimum required to give effective protection to those overseas domestic workers who are being abused while in the UK”.²²

40. Regrettably, the Government decided not to implement the review’s recommendations in full. It decided to reinstate the right to change employer, but not to allow any extensions of the visa beyond the current six month period. This decision renders the reinstated right to change employer practically meaningless. It will be extremely difficult, if not completely impossible, for an abused worker to find a new employer prepared to employ them when they can only stay in the UK for another couple of months. This conclusion is strongly supported in the review itself, which stated “In order to make the right to change employer effective in practice, the duration of any extensions must be of sufficient length to give the overseas domestic worker both sufficient incentive and reasonable prospects of finding such alternative employment.”²³

41. Although some of the changes implemented as a consequence of the independent review are positive, such as introducing compulsory meetings for migrant domestic workers with the authorities in a neutral space, where they can be given advice and an opportunity to report any abuse or exploitation, the ability to leave an abusive employer and seek a new one is fundamental. Yet, in the absence of the ability to renew the visa, the newly reinstated right to change employer is wholly inaccessible. Therefore, as a consequence, many migrant domestic workers will continue to suffer abuse and exploitation rather than lose their livelihood, accommodation and permission to stay in the UK. Migrant domestic workers in the UK remain highly vulnerable to abuse, exploitation and forced labour without an escape route.

42. **RECOMMENDATIONS**

- Fully implement the recommendations of the independent review of the Overseas Domestic Worker Visa by granting all migrant domestic workers the right to change employer and to renew their visa for a period that should total at least two and a half years.
- Information meetings to be made compulsory for all Domestic Workers, including those who arrived in the UK prior to April 2012.
- Ratify and implement ILO Convention No. 189 on Decent Work for Domestic Workers.

²² Independent Review of the Overseas Domestic Workers Visa, by James Ewins, 16 December 2015. Para 11

²³ *Ibid*, para 101