This thesis has been submitted in fulfilment of the requirements for a postgraduate degree (e.g. PhD, MPhil, DClinPsychol) at the University of Edinburgh. Please note the following terms and conditions of use:

- This work is protected by copyright and other intellectual property rights, which are retained by the thesis author, unless otherwise stated.
- A copy can be downloaded for personal non-commercial research or study, without prior permission or charge.
- This thesis cannot be reproduced or quoted extensively from without first obtaining permission in writing from the author.
- The content must not be changed in any way or sold commercially in any format or medium without the formal permission of the author.
- When referring to this work, full bibliographic details including the author, title, awarding institution and date of the thesis must be given.
Taking a ‘leap of faith’ to migrate: Exploring UK approaches to anti-human trafficking

Mahlea Babjak
International Development PhD
University of Edinburgh
2021
Declaration

I declare that this thesis has been composed solely by myself and that it has not been submitted, in whole or in part, in any previous application for a degree. Except where stated otherwise by reference or acknowledgement, the work presented is entirely my own.

30/07/2021

Mahlea Babjak

Date
Human trafficking is an international phenomenon that has been given more attention by governments, law enforcement, and NGOs as the world has continued to globalise. As a result, numerous combative human trafficking programmes have been developed to address the issue. Documenting trafficking is particularly challenging. The actual process of human trafficking and exploitation remains hidden, despite there being public awareness of the phenomenon. This has presented challenges for anti-human trafficking practitioners, especially regarding victim identification processes. International charities and NGOs perceive the UK government as a global leader in responding to human trafficking, mainly because of the passing of the Modern Slavery Act 2015, which was seen as ‘ground-breaking’ legislation. Likewise, the UK government views itself as a global leader and regularly announces its commitment to preventing modern slavery and human trafficking in Parliament and international forums. At the same time, the UK introduced what has come to be known as the ‘hostile environment’ in 2012, a set of policies that demonstrated a commitment to reducing migration, to make life in the UK as difficult as possible for migrants. As a result, potential victims of trafficking and victims of trafficking have been criminalised and denied fundamental human rights.

A primary goal of this thesis is to explore the relationship between the UK’s commitments to restrictive migration and the reduction of human trafficking and exploitation. Despite the UK’s commitments to anti-human trafficking and exploitation, the immigration system is not only flawed but has been purposefully designed to make migrants and potential victims of trafficking vulnerable...
to harm. The UK’s environment for migrants and how this has impacted anti-human trafficking approaches has demonstrated that there is not only a ‘right kind’ of migrant but also a ‘right kind’ of victim. The thesis focuses particularly on the role of migrant decision-making in informing understandings of human trafficking as they relate to anti-human trafficking approaches. In doing so, the thesis draws upon understandings of structural inequality through the lens of risk to examine four anti-human trafficking approaches used in the UK: the organised crime approach, the ‘illegal’ migration approach, the moral side of the human rights approach, and the labour side of the human rights approach.
Abstract

Human trafficking is an international phenomenon that has been given more attention by governments, law enforcement, and NGOs as the world has continued to globalise. As a result, numerous combative human trafficking programmes have been developed to address the issue. Documenting trafficking is particularly challenging. The actual process of human trafficking and exploitation remains hidden, despite there being public awareness of the phenomenon. This has presented challenges for anti-human trafficking practitioners, especially regarding victim identification processes. International charities and NGOs perceive the UK government as a global leader in responding to human trafficking, mainly because of the passing of the Modern Slavery Act 2015, which was seen as ‘ground-breaking’ legislation. Likewise, the UK government views itself as a global leader and regularly announces its commitment to preventing modern slavery and human trafficking in Parliament and international forums. At the same time, the UK introduced what has come to be known as the ‘hostile environment’ in 2012, a set of policies that demonstrated a commitment to reducing migration, to make life in the UK as difficult as possible for migrants. As a result, potential victims of trafficking and victims of trafficking have been criminalised and denied fundamental human rights.

A primary goal of this thesis is to explore the relationship between the UK’s commitments to restrictive migration and the reduction of human trafficking and exploitation. Despite the UK’s commitments to anti-human trafficking and exploitation, the immigration system is not only flawed but has been purposefully designed to make migrants and potential victims of trafficking vulnerable to harm. The UK’s environment for migrants and how this has impacted anti-human trafficking approaches has demonstrated that there is not only a ‘right kind’ of migrant but also a ‘right kind’ of victim. The thesis focuses particularly on the role of migrant decision-making in informing understandings of human trafficking as they relate to anti-human trafficking approaches. In doing so, the thesis draws upon structural violence theory through the lens of risk to examine four anti-human trafficking approaches used in the UK: the organised crime approach, the ‘illegal’ migration approach, the moral side of the human rights approach, and the labour side of the human rights approach.

Based on semi-structured interviews with practitioners and hopeful migrants, as well as non-participant observation, the overall argument is that the organised crime, ‘illegal’ migration, and the moral side of the human rights approaches to anti-human trafficking enable the criminalisation of victims and potential victims of trafficking. Thus, this thesis
deems these approaches to be ineffective as anti-human trafficking approaches. The thesis argues that the labour side of the human rights approach is the most suitable approach for engaging with the lived experience of potential victims and victims of trafficking, as well as the structural factors that contribute to exploitation. The thesis further argues that all anti-human trafficking approaches would benefit from the knowledge of the role of a ‘leap of faith’ in migrant decision-making when considering victim identification processes.

This research has revealed new findings regarding how risk is understood and acted upon by hopeful migrants in their decision-making processes and has contributed unique insight into how the narrative of the ‘ideal victim’ interacts with the UK’s hostile environment. In particular, the thesis’ engagement with the notion of a ‘leap of faith’ contributes to how ‘grey zone’ decision-making plays out in reality, which are decisions that people are forced into due to their experiences of structural violence. This thesis fills a gap within the existing body of literature on anti-human trafficking regarding how definitional discrepancies are practically applied through anti-human trafficking approaches, such as the impact of the coercion/consent debate in practice.
# Table of Contents

**Abbreviations**

Introduction 11

Key actors 15

## Chapter 1: Methodology

1.1 Introduction 19

1.2 Personal reflections: positionality and reflexivity 19

1.3 Ontology and epistemology 21

1.4 Research design 22

1.4.1 Principles of research design 22

1.4.2 Research questions 23

1.4.3 Timing, site selection and access 24

1.4.4 Sampling and recruitment: Practitioners 25

1.4.5 Sampling and recruitment: Hopeful migrants 27

1.5 Ethics and data collection 32

1.5.1 Semi-structured interviews 33

1.5.2 Social media interviews 33

1.5.3 Non-participant observation 35

1.6 Methods 37

1.6.1 Rationale for method selection 37

1.6.2 Library-based data 38

1.6.3 Practitioner interviews 38

1.6.4 Social media interviews 39

1.6.5 Non-participant observation 40

1.7 Data analysis 41

1.7.1 Becoming familiar with the data 42

1.7.2 Coding 43

1.7.3 Identifying themes 44

1.8 Key contribution made by this thesis 48

1.9 Conclusion 49

## Chapter 2: Human trafficking legislative and definitional frameworks

2.1 Introduction 51

2.2 Legislative context 52

2.2.1 Modern Slavery Act 2015 57

2.2.2 Nationality and Borders Act 2022 60

2.3 Defining key terms 62

2.3.1 The term ‘modern slavery’ 69

2.4 Conclusion 72

## Chapter 3: Theoretical framework

3.1 Introduction 74

3.2 Structural violence 75

3.3 Critical discussion of risk 82

3.3.1 Risk and a ‘leap of faith’ 87

3.4 Conclusion 93
**Abbreviations**

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPG</td>
<td>All-Party Parliamentary Group</td>
</tr>
<tr>
<td>BAME</td>
<td>Black, Asian, and minority ethnic BFO Border Force officer</td>
</tr>
<tr>
<td>BLM</td>
<td>Black Lives Matter</td>
</tr>
<tr>
<td>BTP</td>
<td>British Transport Police</td>
</tr>
<tr>
<td>CSJ</td>
<td>Centre for Social Justice</td>
</tr>
<tr>
<td>EEA</td>
<td>European Economic Area</td>
</tr>
<tr>
<td>FLEX</td>
<td>Focus on Labour Exploitation</td>
</tr>
<tr>
<td>FOI</td>
<td>Freedom of Information</td>
</tr>
<tr>
<td>GLAA</td>
<td>Gangmasters and Labour Abuse Authority</td>
</tr>
<tr>
<td>HM</td>
<td>Hopeful migrant</td>
</tr>
<tr>
<td>HSM</td>
<td>Highly skilled migrant</td>
</tr>
<tr>
<td>ILR</td>
<td>Indefinite leave to remain</td>
</tr>
<tr>
<td>IMF</td>
<td>International Monetary Fund</td>
</tr>
<tr>
<td>IOM</td>
<td>International Office of Migration</td>
</tr>
<tr>
<td>JCWI</td>
<td>Joint Council for the Welfare of Immigrants</td>
</tr>
<tr>
<td>MP</td>
<td>Member of Parliament</td>
</tr>
<tr>
<td>MSA</td>
<td>Modern Slavery Act</td>
</tr>
<tr>
<td>MSHTU</td>
<td>The Modern Slavery Human Trafficking Unit NCA National Crime Agency</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-governmental organisation</td>
</tr>
<tr>
<td>NRM</td>
<td>National Referral Mechanism</td>
</tr>
<tr>
<td>PVOT</td>
<td>Potential victim of trafficking</td>
</tr>
<tr>
<td>RSSS</td>
<td>Rough Sleeping Support Service</td>
</tr>
<tr>
<td>SAT</td>
<td>Safeguarding and anti-trafficking</td>
</tr>
<tr>
<td>TIP</td>
<td>Trafficking in persons</td>
</tr>
<tr>
<td>UK</td>
<td>United Kingdom</td>
</tr>
<tr>
<td>UKBF</td>
<td>United Kingdom Border Force</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
</tr>
<tr>
<td>UNODC</td>
<td>United Nations Office of Drugs and Crime</td>
</tr>
<tr>
<td>VOT</td>
<td>Victim of trafficking</td>
</tr>
</tbody>
</table>
Introduction

If you have ever been to an event that is raising awareness about human trafficking, you have likely heard the line that “there are more slaves today than ever before”, with an estimate that 30-40 million adults and children are trapped in what has come to be known as ‘modern slavery’. Whether this is true or not, hearing this for the first time would disturb anyone. Issues of social justice that people and organisations focus on tend to come in waves, where specific problems take root and are flooded with funding. The issue of ‘modern slavery’ and human trafficking quickly became one of those issues. As Kenway (2021, p. 5) has helpfully pointed out, William Wilberforce became a celebrated hero in the UK for his role in abolition and continues to be celebrated by ‘modern abolitionists’ today. While Wilberforce’s efforts were certainly instrumental in ‘abolition,’ this abolition only “overturned [the] legal trade in human beings and the right to own someone else by law. It did not abolish ‘situations of exploitation in which a person cannot refuse or leave an exploitative situation due to threats, violence, coercion, deception or abuse of power’” (Kenway, 2021, p. 5). Nothing had changed in the demand for cheap services, whether that be labour or sexual. In the early 2000s, this exploitation, which never went away, was again branded as slavery – this time being ‘modern slavery’ and human trafficking – and it gripped the public’s attention.

In response to human trafficking, many global anti-human trafficking programmes have been introduced to address the phenomenon. However, the problem, and the fundamental rationale for this research, is that despite the best intentions of anti-human trafficking programmes and practitioners, individuals continue to be exploited. Further, under systems deeply affected by structural violence, vulnerabilities created in various socio-economic contexts become cyclical. However, how an individual responds differs based on how they react to the violence experienced. To move past experiences of structural violence, potential victims of trafficking (PVOTs), victims of trafficking (VOTs), and human traffickers are forced into making challenging decisions, otherwise known as ‘grey zone’ decision-making (Levi, 1988). As a result of these decisions, as well as how these decisions are interpreted by the UK state and anti-human trafficking practitioners, individuals that are identified as PVOTs or VOTs in the UK are being criminalised and denied fundamental human rights (After Exploitation, 2021; Ewins, 2015; Kenway, 2021; Marks, 2019).

Thus, this thesis explores the role of decision-making as it relates to prominent anti-human trafficking approaches. While the issue of human trafficking and its surrounding
themes have significant breadth, this thesis focuses on the UK as the primary case study to explore these themes, mainly because the UK government perceives itself to be both a leader in anti-human trafficking and a country committed to reducing net migration (Kirkup and Winnett, 2012; May, 2016; The Conservative Party, 2010). The thesis primarily focuses on the issue of labour exploitation rather than other forms of exploitation, such as sexual or organ trafficking. Further, the thesis concentrates predominantly on cross-border trafficking rather than internal trafficking. However, some instances of exploitation are highlighted that could be considered examples of internal trafficking.

In the initial chapter, the methods of the thesis are depicted in further detail, including how thematic analysis has been used to structure the thesis. This research is based on qualitative interviews with twenty anti-human trafficking practitioners, social media interviews with forty-two hopeful migrants, and non-participant observation case studies. Data was collected between January 2017-April 2019. Of the twenty practitioners, fifteen worked for charities/NGOs. Of the fifteen that worked for charities/NGOs, five were first responders. Additionally, four of the practitioners were law enforcement officers and one worked in an anti-human trafficking role for a prominent social media company. The twenty practitioner interviews are drawn upon in Chapters 4-7, whereas the social media interviews with hopeful migrants are only incorporated in Chapter 7 due to the differing content of the interviews. Four approaches were identified in this thesis that dominate the work of anti-human trafficking practitioners in the UK: the organised crime approach, the ‘illegal’ migration approach, the moral side of the human rights approach, and the labour side of the human rights approach. As each of these approaches emerged as themes in the data analysis stage of this research, the approaches are explored in further detail throughout this thesis and provide the structure for the empirical chapters.

In Chapter 2, a definitional and legislative framework for the thesis is provided to explore core terms within anti-human trafficking, which was necessitated due to discrepancies with how terms have been interpreted and applied by key actors. As such, the definitional and legislative framework helps to demonstrate how and why different anti-human trafficking approaches have developed, thus building context for the empirical chapters. The four approaches are depicted as incohesive and contradictory with each other as well as with the supposed aims of the UK state regarding the elimination of human trafficking, exploitation, and ‘modern slavery’. Exploring how definitional discrepancies are practically applied through anti-human trafficking approaches likewise addresses a gap within the body of anti-human trafficking literature and speaks to core challenges in anti-
human trafficking regarding ineffective victim identification (Wijers, 2015). Through exploring the impact of terminology on victim identification, several other core challenges in anti-human trafficking are introduced, such as how power holders have defined terms (Davidson, 2010), how human trafficking has been problematically represented to the public and stakeholders (O’Brien, 2016), how human trafficking is perceived as an issue with political consensus (Nicola, 2007), how human trafficking research has been shaped through moral frames (Stolz, 2007), and how terms relate to the consent/coercion debate (Anderson, 2007).

Building upon the definitional and legislative framework, Chapter 3 provides a theoretical framework for the thesis to offer critique and improvement opportunities in the four anti-human trafficking approaches highlighted in the thesis. As the name would suggest, classic debates on structural violence theory attend to the role of state institutions, ideologies, and histories in embedding inequality, thus necessitating structural reform to address injustices (Bourgois and Scheper-Hughes, 2003; Dilts, 2012; Farmer, 2004; Galtung, 1969; Monde-Anumihe, 2013). Though structural violence theory should help actors to understand their position of privilege, knowledge of structural violence in the anti-human trafficking sector has, at times, been applied inappropriately, such as through the use of implicit bias in victim identification processes. As a result, the PVOTs and VOTs have been left powerless and oppressed; this depiction has additionally been used to justify Western interventions that continually cause more harm than good. While the thesis does not suggest that this is the intent of individuals involved in anti-human trafficking programmes, this is the unintended consequence created by the desire to ‘save the innocent’. That said, the chapter introduces the notion that applying structural violence theory through the lens of risk can offer improvements to anti-human trafficking approaches. Incorporating a critical discussion of risk is addressed through Beck’s (2013) concept of a ‘risk society,’ as well as through Kierkegaard’s (1980) notion of a ‘leap of faith,’ which was included to address the issue of ‘individualisation’ posed by Beck. Within the matter of ‘individualisation,’ people are forced to take risks due to their state or structural institutions inability to prevent harm for its citizens; thus, a direct link is established to the issue of ‘grey zone’ decision-making that this thesis has identified as a core issue to explore in relation to anti-human trafficking approaches. By focusing on ‘grey zone’ decision-making through the thesis’ theoretical framework, the thesis addresses a gap in the body of literature regarding the impact of the consent/coercion debate in practice (Doezema, 2005; Haag, 1999; Levi, 1988; Wijers, 2015).
Data is introduced in Chapter 4 by exploring the organised crime approach to anti-human trafficking. To be clear, when referring to the ‘organised crime approach’ throughout this thesis, this refers to the approach to anti-human trafficking that addresses human trafficking as an issue of crime rather than as an issue of criminal justice as understood by the discipline of criminology. Criminologists would likewise push back on the notion that prominent anti-human trafficking approaches use legitimate organised crime approaches anyway, despite the insistence by practitioners who follow this approach that this is the method they use. The organised crime approach focuses anti-human trafficking efforts on identifying perpetrators and potential victims, making arrests, and putting traffickers in prison. Politically, the approach progresses through the language and imagery of victimhood that perceives victims as helpless and traffickers as evil (Augustín, 2005; Baumeister, 1997; Choi-Fitzpatrick, 2017; Doezema, 1998). The chapter engages with how the criminalising language and criminal lens of analysis used in the organised crime approach have contributed to a lack of engagement by the UK state with structural factors that enable exploitation and human trafficking. The chapter likewise addresses practitioner perspectives of human traffickers to demonstrate how the organised crime approach has led to specific understandings of what human trafficking constitutes through the victim versus perpetrator dichotomy. In doing so, the chapter adds to the debates of Anderson and Davidson (2003) regarding how human trafficking terminology has contributed to a binary opposition of slavery and freedom, as well as to literature regarding the narrative of the ‘ideal victim’ (Kleinman and Kleinman, 1996; Greer, 2017).

Closely linked to the organised crime approach, the thesis progresses to examine the ‘illegal’ migration approach to anti-human trafficking in Chapter 5. The chapter discusses how the UK’s hostile environment policies and increasingly restrictive immigration practices have enabled susceptibility to exploitation and human trafficking, thus undermining the UK’s ‘modern slavery’ agenda. Through a discussion on how hostile environment policies have created ‘everyday borders’ and a climate of fear for migrants, the chapter adds evidence to literature on nationalism and the politicisation of the border regarding how the UK’s current border policies institutionalise structural violence and racism, thus enabling vulnerability to exploitation (Anderson and O’Dowd, 1999; Pickering, 2011; Vaidya, 2018). The chapter progresses to discuss the impact of these policies in practice, thus adding new insight into the literature on the ‘ideal victim’ narrative by depicting how the narrative interacts with the hostile environment (Christie, 1986; Davidson, 2010; Hoyle et al., 2011; Kapur, 2002;
Morgan, 2002; Munro, 2008; Walklate, 2006). Further, data presented in the chapter reveals how definitional issues have led to ineffective victim identification processes.

Though distinct in the intended application of the approaches, Chapter 6 engages with the moral side of the human rights approach in anti-human trafficking and its relationship with the organised crime and ‘illegal’ migration approach. The chapter demonstrates this link by engaging with how practitioners perceive the consent/coercion debate in relation to how vulnerability indicators inform victim identification processes. Through this assessment, the chapter addresses core flaws in the moral side of the human rights approach, such as the role of agency and the challenges of being led by a moral lens or with what the chapter refers to as ‘saviourism.’ Three case studies identified through non-participant observation are used from Nepal, South Africa, and Kenya to ground the practitioner data further and introduce the role of ‘leap of faith’ decision-making for hopeful migrants.

The final chapter engages with the labour side of the human rights approach, which is deemed to be the most functionally distinct from the other three approaches presented in the thesis. Chapter 7 examines how the labour side of the human rights approach engages with structural factors that contribute to exploitation, highlighting positive ways practitioners can draw upon structural violence theory through the lens of risk. Data from the interviews with hopeful migrants are used in this chapter to depict the suitability of the labour side of the human rights approach to anti-human trafficking and offer a further critique of the other three approaches. In doing so, the chapter further problematises how freedom is understood and acted upon within anti-human trafficking approaches, adding to the arguments of Anderson (2007) and Davidson (2010) especially. The chapter offers new insight regarding migrant decision-making by depicting how the notion of a ‘leap of faith’ emerges for hopeful migrants.

**Key actors**

To bring further understanding to non-practitioners regarding who key actors in the UK are and how they relate to one another, a chart is provided below (Table 1). Additionally, a comprehensive chart is provided in Appendix 1 that includes further information about key actors and their role in victim identification processes.
<table>
<thead>
<tr>
<th>Name of actor</th>
<th>Type of actor</th>
<th>Role of actor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Office</td>
<td>Government, policymaker, law enforcement</td>
<td>The Home Office is a government department that creates and enforces policies related to anti-human trafficking and migration in the UK.</td>
</tr>
<tr>
<td>Border Force</td>
<td>Law enforcement</td>
<td>Border Force is a law-enforcement command in the Home Office that is responsible for frontline border control.</td>
</tr>
<tr>
<td>Safeguarding and anti-trafficking team (SAT) and Safeguarding and Modern Slavery officers (SAMS)</td>
<td>Law enforcement</td>
<td>These are frontline Border Force officers that are trained specifically in identifying potential victims of trafficking. Previously referred to as SAT officers, these officers have been renamed SAMS officers.</td>
</tr>
<tr>
<td>UK Visas and Immigration (UKVI)</td>
<td>Law enforcement</td>
<td>UKVI is part of the Home Office and manages the UK visa system.</td>
</tr>
<tr>
<td>Police</td>
<td>Law enforcement</td>
<td>The police are first responders and can refer PVOTs to the National Referral Mechanism (NRM). The police work closely with other law enforcement agencies to investigate potential human trafficking and exploitation.</td>
</tr>
</tbody>
</table>
cases and also to arrest perpetrators. The police also investigate referrals to the Modern Slavery Helpline

<table>
<thead>
<tr>
<th>British Transport Police (BTP)</th>
<th>Law enforcement</th>
<th>The BTP is part of the police force but only polices railways. The BTP is involved in operations that seek to identify PVOTs</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Crime Agency (NCA)</td>
<td>Law enforcement</td>
<td>The NCA is the leading law enforcement agency working to identify organised crime networks and cases of human trafficking. The NCA works closely with other law enforcement agencies, such as regional police</td>
</tr>
<tr>
<td>Gangmasters and Labour Abuse Agency (GLAA)</td>
<td>Law enforcement</td>
<td>The GLAA is a non-departmental public body and is an investigative and intelligence agency that seeks to protect and identify exploited workers. The GLAA works closely with other law enforcement agencies, such as the NCA</td>
</tr>
<tr>
<td>First responders</td>
<td>Charities/NGOs, local authorities, police, UKVI, parts of the Home Office, GLAA, Immigration Enforcement</td>
<td>First responders is a broad category to refer to organisations and statutory bodies that are authorised to refer potential victims of trafficking to the NRM</td>
</tr>
<tr>
<td>Practitioners</td>
<td>Charities/NGOs, some academics and lawyers</td>
<td>Practitioners are involved in a range of functions based on their charitable purpose or area of expertise, such as awareness-raising, advocacy, legal support, prevention programmes, and identifying and supporting PVOTs and VOTs</td>
</tr>
<tr>
<td>---------------</td>
<td>------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Hopeful migrants</td>
<td>Individuals based outside of the UK that are looking to migrate to the UK</td>
<td>Migrants are subject to UK immigration law and those that are ‘vulnerable’ are considered PVOTs by other key actors</td>
</tr>
<tr>
<td>General public</td>
<td>Individuals based in the UK that are not directly involved in anti-human trafficking</td>
<td>Opinions of the general public influence migration and anti-human trafficking policy. The general public is also involved in supporting charities/NGOs in raising awareness of human trafficking. The public is increasingly being trained by practitioners to ‘spot the signs’ of potential human trafficking</td>
</tr>
</tbody>
</table>
Chapter 1: Methodology

1.1 Introduction

This chapter will introduce the qualitative research methods used throughout this thesis and to give further details about how data will be analysed through thematic analysis, relying primarily on the work of Braun and Clarke (2021). The key research questions this thesis will seek to address will be presented. In doing so, the chapter will create an initial baseline for this study to clarify my decisions and thought processes as a researcher. Though this chapter provides an initial context to this research, the topic of research methods will be continually discussed in subsequent chapters where further detail would be beneficial to the discussion.

1.2 Personal reflections: positionality and reflexivity

To reflect on my positionality as a researcher, it’s important to discuss how challenging I have found writing this thesis, as my views on human trafficking have changed dramatically over the years. Positionality can often be described in static ways, but, in my experience, alignment was found in critiques that have identified positionality as fluid and complex (De Koning et al., 2012; Hopkins, 2007; Kohl and McCutcheon, 2015). My early research developed through my professional work with a prominent international charity. I had intended for this research to take a much more active partnership at the start but became increasingly frustrated over time with the organisation’s methods. The charity is a Christian, American, international NGO that was occasionally evangelical with potential victims of trafficking. By allowing positionality to be fluid, this research adopted “double vision” as both insider and outsider, as depicted through standpoint theory (Crasnow, 2014, p. 148). Thus, there was some recognition of an epistemic benefit to my experiences as a practitioner and the type of knowledge this generated. At the same time, this research also sought to identify the impacts of this privilege (Crasnow, 2014).

While I personally still identify as a person of faith, the harm of the conservative Evangelical community became increasingly worrisome. In particular, I was especially concerned with the embedment of institutional racism within ‘mission’ practices. In my observations, these ‘mission’ practices seemed just as colonising now as in the 18th-20th century, demonstrating an approach that was not ‘good news’ for most people. As self-reflexivity requires researchers to “dig deep into who/what we are,” these questions were considered throughout the research process, particularly in shaping the research design early on (Miled, 2019, p. 5). It became clear that there was personal hesitancy to being critical of
the charity through a lens of Christianity, as my faith was still evolving and was a crucial part of my identity. However, as the relationship with the charity changed, bringing a shift to social location, awareness was given that this did not necessarily enable a personal understanding of the possible dynamics of forms of power and oppression throughout the research process (Harding, 2004). Thus, continual self-reflexivity was critical to negotiating my positionality regarding power and identity. Throughout the research process, this involved continually re-examining my connection to the research context, as well as to the participants and the data that was being produced (Corlett and Mavin, 2018, p. 380).

As I worked in a professional capacity for the charity for years before beginning my thesis, I believed in many of the views of the charity regarding human trafficking. As a result, their perceptions of human trafficking and exploitation were the angle that I sought to take with my thesis. The charity emphasised border control, as they acted as ‘experts’ of potential cases of trafficking by acting as border guards alongside border enforcement. If I asked them whether this would cut off a legitimate migration decision for someone, they would say that exploitation would be a much worse outcome for the individual. Therefore, they were okay with being ‘wrong’ about potential trafficking. They would have also said they had no right to stop someone at a border but only suggested that someone should not travel further. There was little engagement with the possibility of power imbalances or class/caste dynamics.

While I had an in-depth look at how anti-trafficking organisations operate from years of this experience, I do not believe including much of this information would be ethical. The charity knew I was a PhD researcher as this was always communicated. Still, I was also engaging in research and partnership development work on behalf of this organisation, which, at the time, I believed in. As further evidence was collected, my views changed. While not abnormal for researchers to shift opinions, this shift was challenging to incorporate into the thesis as they were so tied to my professional work experiences.

Early in the research process, these pre-existing beliefs shaped many of my initial interview questions to key actors, making much of that data painfully unusable due to the leading nature of my questions. As part of the reflexivity being practised, I continually interrogated what was considered useable research (Corlett and Mavin, 2018, p. 380). As a result of this process, though my role as a researcher was made extremely clear, I decided to remove all data related to my professional experience apart from a handful of case studies in which consent was received to act as a non-participant observer outside of my professional working hours. Eventually, this led me to quitting my job in 2019 without having a new job lined up, as I became increasingly confident of the need to work in protecting migrants’
rights. This also led to many rewrites. At times, these fluctuating views may be apparent in how I’ve threaded arguments together in this thesis. Still, I hope the reader will acknowledge how these experiences have given me a unique voice within this academic space.

At the heart of this work, I have always desired the outcome to be activism and external engagement rather than the traditional pathway to further academia. The reason I did a PhD was to inform my advocacy and international development work better so that I could ensure that the best impact was being achieved. In depicting the relationship between activism and research, Maxey (1999, p. 201) argued that “everything we do, every thought we have, contributes to the production of the social world…activism [is] the process of reflecting and acting upon this condition. We are in a sense all activists, as we are all engaged in producing the world.” Though Maxey’s (1999) depiction of activism blurs the boundary with research, this is not a notion that I identify with. Thus, to be clear, I do not consider myself an ‘activist researcher’ but rather an activist and a researcher. As an example of how the boundary between research and activism was maintained, I could not, nor did I try to, support migrant interviewees on their journey to the UK. However, I hope this research will further the debate on migrants’ rights. Another term that may align better with my positionality as a researcher in this instance is “cognitive activist,” a positionality depicted by Earl (2017, p. 129) in which the researcher “work[s] in solidarity with social movements for socially just change in order to reconnect academic knowledge work to the wider struggles for social change.” Similarly, Earl (2017) referred to this notion as “research as an ally.” Moreover, I would argue that cognitive activism is the goal of universities – not only to add to knowledge but to find ways to apply the knowledge we have acquired to make the world a better place. It was through conducting this thesis research that I was able to problematise much of my previous professional work, as well as the work of the anti-trafficking community.

1.3 Ontology and epistemology

As the influence of reflexivity is dependent on ontological and epistemological underpinnings, addressing these baseline approaches will further support an understanding of how reflexivity has been practised throughout the research process (Day, 2012). This research was based ontologically on a constructivist approach in which what is being researched has been considered socially constructed. Social contexts shift, evolve, and are continually re-negotiated (Grix, 2004). Within this stance is a rejection of positivism, whereby reality is believed to be measurable, fixed, and objective (Cohen et al., 2000, p. 6). Thus, this research embraces the idea that meanings and experiences for people should be
positioned within their historical and social circumstances (Kamal, 2019, p. 1390). Throughout this thesis, importance will be given to contextualising the phenomenon of human trafficking, as this will support understanding how meaning is constructed through key actors.

Similarly, the epistemological position adopted throughout this thesis was based on interpretivism, in which interactions with the world are seen as socially constructed (Grix, 2004). Within this perspective, self-reflexivity within the research process is prioritised as there is a recognition of how research positionality impacts informants and data analysis. Reflexivity is presumed to be adopted by the informants themselves, as people are perceived to be dynamic through self-reflection (Kindon et al., 2010, p. 13). These epistemological underpinnings find a connection to ‘cognitive activism’ in that findings are presumed to be open to differing interpretations, bringing an intention of humility to how the research may or may not be used in new, creative ways by activists or other researchers (Earl, 2017, p. 134). In turn, there is a hope that this research will bring about new questions for activists to answer within the migrants’ rights movement (Earl, 2017). Thus, the epistemological underpinnings of this work “embraces this risk, this boundary work” for this work to be utilised in ways that were not previously imagined through the separate commitments to research and activism (Earl, 2017, p. 134).

1.4 Research design

1.4.1 Principles of research design

In addition to what has been noted in the previous section regarding the lens for the data analysis, grounded theory has been applied as the means of analytical induction to theorise from the data (Glaser and Strauss, 1967). As grounded theory has developed considerably since it first emerged, with some considering it a unique iteration for each researcher, a range of its versions and principles were borrowed and drawn upon (Cowley and Heath, 2004; Dey, 1999). Dey (1999) has similarly argued that grounded theory encourages researchers to interpret it as they’d like, including using plural approaches to grounded theory. Most clearly, this research design was influenced by the constructivist approach to grounded theory, where, as depicted in the previous section, acknowledgement is given to the fact that, as a researcher, I bring my own bias based on how I interact with the social world (Charmaz, 2006). Moreover, the feminist lens has influenced how power relations and privilege have informed the data and interpretations of the data (Kushner and Morrow, 2003).
Applying grounded theory has ensured that explanations have been developed from the findings to systematise the analysis (Charmaz, 2006). In using grounded theory, concerns regarding how qualitative research can generalise the findings are addressed, as opposed to quantitative research where the observation process is guided by theory (Draper, 2004, p. 643). In applying grounded theory, open-ended questions were asked during the data collection stage instead of a deductive approach whereby a hypothesis is being tested (Harris, 2014). Grounded theory was additionally applied in the data collection and analysis stage by regularly referring back to the literature to shape and refine future data collection and coding. Finally, grounded theory was broadly used as a foundation for the research design due to its ability to inform future practice through seeking explanation and “understanding of what is happening,” which was found to be a suitable approach when considering my positionality as a researcher (Harris, 2014, p. 39). Moreover, fundamental to grounded theory is that the analysis is grounded in the voice of the informants (Denscombe, 2014). This makes grounded theory fitting for this study, as this thesis will engage with interactions in practice and human behaviour.

1.4.2 Research questions

This thesis was informed by two research questions and four sub-questions which sought to build awareness and understanding of anti-human trafficking in the UK. The research questions include the following:

1. How has the UK’s increasingly restrictive and hostile migration policy impacted the identification and protection of victims of trafficking?
   a. How does the concept of consent relate to migration and human trafficking?

2. How do understandings of human trafficking relate to anti-human trafficking approaches?
   a. How does the concept of risk relate to understandings of human trafficking?
   b. How can approaches to anti-human trafficking be understood through structural violence?
   c. How can the human rights approach to anti-human trafficking be improved?

Throughout the data collection, interview processes, and data analysis, this thesis sought to build possible answers to these research questions so as to focus and guide the discussion. In the following two chapters, these questions will be further explored and grounded through the legislative and definitional framework, as well as through the
theoretical framework. The questions have also been unpacked further through the themes revealed in the data analysis process.

1.4.3 Timing, site selection and access

Data was collected between January 2017 and April 2019, and fieldwork for this project began in January 2018. Most of the data was collected in the UK, though significant field notes were also collected on research trips through my professional work as a practitioner. On these research trips, I was both working in a practitioner and researcher capacity and the ‘in-field’ work provided valuable insight into my understanding of human trafficking on a global scale, which I would not have been able to achieve without this experience. Locations in these instances included Nepal, Malawi, Tanzania, Kenya, Mozambique, Romania, and South Africa. However, as mentioned previously in this chapter, an ethical decision was made for the bulk of this data to be discarded, apart from a handful of case studies in which data was collected as an observer outside of professional working hours, whereby my identity was only known to be that of a researcher. Thus, case studies from Nepal, South Africa, and Kenya have been included. The field sites included are at border sites within the countries. In Nepal, the field sites were Indian border crossings, where people cross the border by foot, car, motorcycle, rickshaw, or bus. In South Africa and Kenya, the border site is an airport. I was given access to these locations to observe the process of border monitoring as a researcher. These border sites are where anti-human trafficking practitioners seek to identify potential victims of trafficking crossing the border. Interviews with practitioners were either conducted on video calls, phone calls, or in-person and were all based across the UK. Informants in these instances were offered each option, allowing them to select what was easiest or preferred. Interviews with hopeful migrants were conducted via social media messaging from a sample across various geographic regions outside the UK.

I had hoped to gain access to prisons in the UK and had a minimum of seven prisoners interested in participating in research. Yet, gaining research access was highly bureaucratic, time-consuming, and ultimately denied. Submitting a proposal for prison research involved multiple application processes to individual prisons and a more comprehensive research body. Basic information about the project was presented to individual prisons, who then gave that information to these individuals to accept/decline, which is why I was able to identify seven interested persons. This process was separate from the research body process, and the two application processes did not seem to work in
conjunction with one another, but approval from both was required. In Scotland, prison research access was denied because the traffickers imprisoned were high-level, so the prison system thought that anonymity would be challenging to achieve. In England and Wales, the prison system did not see enough benefit to the prison system to grant research access. Not being able to use the prisons as a research site was disappointing. Still, I could read the legal case files, a previous imprisoned trafficker study, and news reports of those imprisoned in the UK, which gave a good level of insight, though it was not the primary research I had hoped for.

1.4.4 Sampling and recruitment: Practitioners

To determine who would be appropriate informants for this research, I began by mapping the key stakeholders in the UK to decide whom I would contact. After a few initial practitioners agreed to be interviewed, informants made recommendations of individuals or other organisations to interview, as it was proving difficult to find practitioners with the time/capacity to participate in an interview. Thus, snowball sampling was my primary method of identifying informants due to the challenges with access or due to a lack of trust that had not been built extensively over time, as many informants acted initially with a degree of suspicion due to the sensitive nature of the topic (Atkinson and Flint, 2001). In addition to the mapping exercise, I selected individuals to contact who had co-authored government papers, were listed on organisation websites as key members, and who I repeatedly saw cited in news articles, for instance. I began by charting the actors involved in victim identification throughout the UK, including why their role is significant for victim identification and the main objectives of the actor. Victim identification is mentioned explicitly in this charting as this is the crucial element of anti-human trafficking that will concern every actor. The mapping of UK stakeholders was non-exhaustive, though it sought to include as many key actors as possible (Appendix 1). The mapping process showed me that the key stakeholders to include were the following: law enforcement, NGOs and charities, traffickers, PVOTs or hopeful migrants, VOTs, and government officials. After the mapping was completed, I contacted multitudes of these actors and requested an interview, which most did not have time to participate in.

I chose not to include VOTs within the recruitment process for two reasons. For one, while perhaps not unethical, interviewing VOTs did feel wrong. Due to my familiarity with the legislative context in the UK for VOTs, I knew that many VOTs had limited leave to remain in the UK at an approximate length of time of one year. As a result, VOTs are in
incredibly insecure positions. VOTs in the UK would be vulnerable and would likely be processing significantly traumatic events. Additionally, VOTs would be actively working through legal issues, and some would be facing further challenges with the asylum system. While I acknowledge that there are ethical ways in which these interviews could have been conducted and that the lived experience of VOTs would have been valuable and insightful, I determined that I did not feel comfortable interviewing VOTs actively recovering from the harms and abuse they had experienced. Secondly, when I was doing the mapping exercise to identify key stakeholders, I noticed that many of the organisations that work directly with VOTs had written that they cannot accommodate or support PhD research. Thus, even if interviewing VOTs would have been feasible and ethical, it seemed it would have been unlikely that a sufficient number of participants would have been identified.

Twenty interviews were held with practitioners, including representatives from anti-human trafficking charities, first responders or ‘frontline workers’ involved directly in victim identification, and law enforcement officers. There were ten representatives from charities or NGOs, four law enforcement officers and five first responders. One practitioner worked for a business in an anti-human trafficking role but came from a charity/NGO background. Participants were not compensated for their time. Table 2 below shows the type of actors that were interviewed and the name that will refer to them throughout this thesis, excluding any demographic information that could potentially make a person identifiable.

Table 2. Overview of Practitioner Interviewees

<table>
<thead>
<tr>
<th>Name</th>
<th>Type of Informant</th>
<th>Name</th>
<th>Type of Informant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Practitioner 1</td>
<td>Charity/NGO</td>
<td>Practitioner 11</td>
<td>Charity/NGO</td>
</tr>
<tr>
<td>Practitioner 2</td>
<td>Charity/NGO</td>
<td>Practitioner 12</td>
<td>First responder</td>
</tr>
<tr>
<td>Practitioner 3</td>
<td>First responder</td>
<td>Practitioner 13</td>
<td>First responder</td>
</tr>
<tr>
<td>Practitioner 4</td>
<td>Law enforcement</td>
<td>Practitioner 14</td>
<td>Law enforcement</td>
</tr>
<tr>
<td>Practitioner 5</td>
<td>Law enforcement</td>
<td>Practitioner 15</td>
<td>Business</td>
</tr>
<tr>
<td>Practitioner 6</td>
<td>Charity/NGO</td>
<td>Practitioner 16</td>
<td>Charity/NGO</td>
</tr>
<tr>
<td>Practitioner 7</td>
<td>Charity/NGO</td>
<td>Practitioner 17</td>
<td>Charity/NGO</td>
</tr>
<tr>
<td>Practitioner 8</td>
<td>First responder</td>
<td>Practitioner 18</td>
<td>First responder</td>
</tr>
<tr>
<td>Practitioner 9</td>
<td>Charity/NGO</td>
<td>Practitioner 19</td>
<td>Charity/NGO</td>
</tr>
<tr>
<td>Practitioner 10</td>
<td>Law enforcement</td>
<td>Practitioner 20</td>
<td>Charity/NGO</td>
</tr>
</tbody>
</table>
1.4.5 Sampling and recruitment: Hopeful migrants

The second group of informants in this research were potential economic or voluntary migrants selected through the social media site Facebook. To identify individuals actively seeking to migrate to the UK, ‘urgent job abroad’ Facebook groups were used. On these Facebook groups, job listings with a low threshold for recruitment were posted. The actual posts from these groups are included in screenshots that I took while using the groups (Figures 1-11). Jobs were advertised through images of the type of work being recruited for, such as in the hotel industry or agricultural work. The job listing post would then say something like “Housekeeping 5000/month pay. Comment YES for job.” Each group had around 10-40 responses, and dozens were posted in each group daily. On several of these groups, individuals advertised other similar Facebook groups that could be joined, which is how I identified additional groups. Group names included ‘legit agency job order’, ‘urgent jobs work abroad 2018’, ‘hiring urgent work abroad’, and ‘abroad jobs – USA, UK, Canada, Singapore, Australia’, among numerous other similarly titled groups. In all, 8 Facebook ‘job abroad’ groups were joined.

If a person was a member of multiple Facebook job advert groups, which many individuals were, the person could be seeing anywhere from 15-30 new adverts daily. The sheer volume of adverts posted would make it somewhat difficult for Facebook to monitor their legitimacy and the potential for exploitation that the adverts presented. Moreover, from Facebook’s point of view, the adverts are not overtly breaking the network’s ‘Community Standards’ (e.g. every user must agree to the Community Standards to have an account on the site), so there is not an apparent reason that would justify a Facebook or law enforcement intervention (Facebook, 2022). Additionally, some ‘employers’ will respond to individuals’ comments or posts with their mobile number and ask the individuals to contact them via their mobile number instead, which presents further challenges in tracing a potentially vulnerable migration situation.

Figure 1. Example job advert

Figure 2. Example job advert
Figure 8. Example post by a hopeful migrant on Facebook group

Figure 9. Example post by a hopeful migrant on Facebook group

Figure 10. Example post by a hopeful migrant on Facebook group

Figure 11. Example post by a hopeful migrant in a Facebook group
Much of the adverts that were identified offered multitudes of available jobs with a seemingly unlimited number of individuals that the ‘employers’ were able to hire for each role. In this scenario, the broker and employer act as exploiters, as brokers may be exploiting both the applicants and the employer, demonstrating the complexities of assessing exploitation. Among other possible job options, individuals were recruited to be factory workers, bar staff, hotel staff, construction workers, fruit pickers, housekeepers, and cleaners.

In selecting participants, two non-probability sampling methods were used, including convenience sampling and snowball sampling. Though probability sampling would have been preferred, identifying a sample would not have been feasible due to the population being unknown and, in some ways, hidden (Blaikie, 2000). Initially, convenience sampling was used as participants had the opportunity to ‘opt-in’ or self-select if they wished to participate in an interview. When a job listing was posted, I ‘liked’ the comments that people posted below the advert and wrote a reply stating that I was a researcher and asking whether I could send them a private message; further information about this process is included in the Ethics section. Hundreds of individuals were messaged, which mostly led to a non-response or a one-sentence interaction. Once several interviewees were initially selected by agreeing to be interviewed, snowball sampling was used to identify further participants. In the end, 42 hopeful migrants agreed to an interview. To be clear, the term ‘interview’ for this group is used to depict social media messaging. Participants were aware that the interviews would take place via social media messages rather than a phone or video call.

Due to time and budget constraints, both convenience and snowball sampling were deemed appropriate methods of identifying subjects from what could be perceived as a ‘hard-to-reach’ population (Dusek et al., 2015). Though achieving a representative and non-biased sample would have been preferred, it was also recognised that trust could be difficult to build through social media when there is not a pre-existing mutual connection (Dusk et al., 2015). As migration and exploitation are more sensitive topics, a request for an interview from an unknown researcher was unlikely to be successful without a link to another trusted person (Atkinson and Flint, 2001). In numerous cases, suggestions of whom to interview were based on social connections rather than in-person relationships (i.e., the people were only known to each other through social media/online interactions instead of through an in-person friendship).

To ensure that our conversation would be clearly understood, I only selected individuals with at least a conversational level of English language abilities. I realised that the condition for the participant to be English-speaking was incredibly limiting. However, I
assessed this to be the most ethical method as it would help to avoid conversations with highly vulnerable subjects (i.e., individuals that may be more prone to deception due to having to translate the conversations with job recruiters and the job recruitment adverts on Facebook). I was surprised by the extent of countries represented throughout the Facebook groups that I could connect with online. I had initially expected only to find informants from a few countries and expected the Facebook groups to target specific ethnic groups or geographic regions. While there were several non-English, Facebook groups that were specific to certain ethnic groups or geographic areas, the majority that I found attracted group members from all over the world, though primarily non-Western countries with individuals seeking to migrate to Western countries; the Philippines and India had the most significant number of representatives in this research. To demonstrate the varied representation, the breakdown of their country of origin and sex are graphed below in Figures 12 and 13.

---

**Figure 12.** Breakdown of countries represented in the 42 social media interviews

---

**Figure 13.** Breakdown of sexes represented in the 42 social media interviews
Table 3 below shows how this research will refer to the person throughout this thesis and the country they were located in at the time of the interview:

<table>
<thead>
<tr>
<th>Name</th>
<th>Country</th>
<th>Name</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>HM 1</td>
<td>Kenya</td>
<td>HM 22</td>
<td>Pakistan</td>
</tr>
<tr>
<td>HM 2</td>
<td>Albania</td>
<td>HM 23</td>
<td>Hong Kong</td>
</tr>
<tr>
<td>HM 3</td>
<td>Nigeria</td>
<td>HM 24</td>
<td>India</td>
</tr>
<tr>
<td>HM 4</td>
<td>Albania</td>
<td>HM 25</td>
<td>Bulgaria</td>
</tr>
<tr>
<td>HM 5</td>
<td>Ghana</td>
<td>HM 26</td>
<td>Kenya</td>
</tr>
<tr>
<td>HM 6</td>
<td>Philippines</td>
<td>HM 27</td>
<td>Unknown</td>
</tr>
<tr>
<td>HM 7</td>
<td>Albania</td>
<td>HM 28</td>
<td>India</td>
</tr>
<tr>
<td>HM 8</td>
<td>Morocco</td>
<td>HM 29</td>
<td>Vietnam</td>
</tr>
<tr>
<td>HM 9</td>
<td>Indonesia</td>
<td>HM 30</td>
<td>Kuwait</td>
</tr>
<tr>
<td>HM 10</td>
<td>Unknown</td>
<td>HM 31</td>
<td>Ghana</td>
</tr>
<tr>
<td>HM 11</td>
<td>Uganda</td>
<td>HM 32</td>
<td>Vietnam</td>
</tr>
<tr>
<td>HM 12</td>
<td>India</td>
<td>HM 33</td>
<td>Philippines</td>
</tr>
<tr>
<td>HM 13</td>
<td>Philippines</td>
<td>HM 34</td>
<td>Nigeria</td>
</tr>
<tr>
<td>HM 14</td>
<td>Pakistan</td>
<td>HM 35</td>
<td>Vietnam</td>
</tr>
<tr>
<td>HM 15</td>
<td>Philippines</td>
<td>HM 36</td>
<td>Oman</td>
</tr>
<tr>
<td>HM 16</td>
<td>India</td>
<td>HM 37</td>
<td>South Korea</td>
</tr>
<tr>
<td>HM 17</td>
<td>Pakistan</td>
<td>HM 38</td>
<td>Philippines</td>
</tr>
<tr>
<td>HM 18</td>
<td>Tanzania</td>
<td>HM 39</td>
<td>Thailand</td>
</tr>
<tr>
<td>HM 19</td>
<td>Philippines</td>
<td>HM 40</td>
<td>Romania</td>
</tr>
<tr>
<td>HM 20</td>
<td>Hong Kong</td>
<td>HM 41</td>
<td>Iran</td>
</tr>
<tr>
<td>HM 21</td>
<td>India</td>
<td>HM 42</td>
<td>Greece</td>
</tr>
</tbody>
</table>

1.5 Ethics and data collection

Due to the nature of this subject, ethical responsibilities were central to the design and implementation of this research. The norms and standards of actors involved needed to be fully and critically understood before interviews and non-participant observation (Brannick and Coghlan, 2005, p. 12). All research methods were cleared at Level 1 under the University of Edinburgh’s School of Social and Political Sciences (SSPS). I had an ethical review
process for each element of data collection. Methods assessed included semi-structured interviews with practitioners, social media interviews with hopeful migrants, and participant observation.

1.5.1 Semi-structured interviews

For the semi-structured interviews, an information sheet and consent form were sent to potential participants (Appendices 3 and 4). In these cases, verbal or written agreement via email was deemed sufficient for consent. Organisations were typically quick to agree without asking further questions, besides a few asking to ensure their name would not be included anywhere. Due to the sensitive nature of the topic of trafficking, anonymity was a primary concern for any individuals involved to ensure their protection (O’Reilly, 2012). Therefore, though some interviewees agreed to include their name or organisation’s name, all names and organisation names were anonymised as participants' privacy could not be ensured without anonymity (Allmark et al., 2009, p. 49). Additionally, a practice of seeking continual consent throughout the interview process was used in instances in which information shared was more sensitive or personal, a method recommended by numerous authors (Byrne, 2001; Nunkoosing, 2005; Richards and Schwartz, 2002). This process was used in one instance with Practitioner 15 by asking the person, “Are you comfortable talking more about that? Please say no if you’d prefer not to” when the person revealed very personal information. I was also conscious that by asking this question, there was a chance that the person would agree to continue only because they’d already consented to the interview, despite the content direction being different to what was shared on the interview information sheet (Allmark, 2003). Thus, using judgment was critical. In this instance, judgement was based on further verbal agreement in which the interviewee stated, “Oh yeah, that’s not a problem. Carry on”, in addition to body language cues, in which the person smiled and nodded reassuringly.

1.5.2 Social media interviews

In the case of the Facebook interviews with potential economic migrants, a different approach to ethics was used based on the nature of the interviews taking place via social media messaging. Regarding selecting the Facebook groups, only public groups were joined rather than private groups where an invite would be required or where certain information is only visible to members. Though some would still consider private groups on Facebook to be public data, I did not want to presume that using this information would be ethical just because the information was accessible through joining the group (Boyd and Crawford, 2012,
p. 672). For that reason, the data analysed only included the data collected through informed consent via the interviews.

It was determined that any potential participant with a mutual friend would not be contacted to avoid blurring the boundaries of the researcher-participant relationship, which could happen on a site meant for social engagement (Townsend and Wallace, 2016). There was never an instance in which a potential participant had a mutual friend, so this was not an issue that arose. Once participants were selected through the method described in the sampling and recruitment section, participants were contacted without sending a ‘friend request.’ By contacting individuals this way on Facebook, the person can read the message sent to them and can then ‘accept’ or ‘deny’ the message request or even ‘block’ me so that I am unable to contact them in the future. The initial message shared information about my role as a researcher and about the project itself (Appendix 5). The project information differed from the practitioner interviews and the non-participant observation as the proposed content of the interviews differed. The initial message was adapted from the information sheet but was not included as a PDF attachment to the message as this was not possible. A participant’s message acceptance and response were viewed as the consent given, as it was impractical to expect these participants to print off and sign a consent document. This form of consent was also deemed adequate as it would have been straightforward for individuals to ignore the message entirely, which is what most of those I contacted did. Participants were also told they could end the conversation by not responding, which would be interpreted as consent being removed. This occurred multiple times throughout the research process, but typically after only one or two questions were asked; in these instances, this was likely because the person did not feel like participating anymore or simply forgot to respond.

In terms of ethics and selecting interviewees, the initial question that I asked once an individual accepted the message request was to ask how old the person was, as I wanted to ensure I was not interviewing anyone below the age of 18, which is the age of an adult in the UK. It can be challenging to identify whether someone on social media is a child or not, as people do not always use profile pictures or age can be difficult to estimate from a picture. I wanted to make sure precaution was taken to rule out individuals that would be considered children and therefore were likely to be vulnerable (Townsend and Wallace, 2016, p. 11). There were a few instances where the person was 17 and still wanted to participate, but I explained that this was not possible and no further interaction occurred.

In addition to considerations around anonymity and privacy, which were shared considerations with the semi-structured interviews and non-participant observation, particular
concern was given to the potential issue of power dynamics in my relationship with the participants (O’Reilly, 2012). As I was based in the UK and individuals in these Facebook groups were especially keen to migrate to the UK or to Europe, there was a concern that individuals could think that I might be able to help them in the migration process and that they would only participate in the research due to this misconception. To address this concern, the information about the project given to participants also made it clear that this would not be something that I was able to help with.

Furthermore, several additional steps were taken due to the potential that some individuals may have some level of vulnerability that would be difficult to determine before starting a conversation due to the context of the interviews being online. I was aware that, as a researcher, I had a responsibility to avoid harm and to minimise risks to harm wherever possible (Davison, 2004; Richards and Schwartz 2002). If someone disclosed personal information suggesting vulnerability, I decided with my primary supervisor that I would send further information about where the person could receive support in their home country. A list of these support options was prepared in advance based on the person’s location listed in the Facebook profile. Though information on further support was available, using this information was not necessary at any stage of the interviews. While using the Facebook groups and reading through different posts on the groups, I also paid attention to potential instances of threatening behaviour. If I had seen this behaviour, I would have reported this abuse through the appropriate channels built into Facebook’s platform. However, I never observed anything near this threshold where reporting would be necessary. Moreover, through my experience as a practitioner, I had been given extensive training on safeguarding vulnerable persons and identifying signs of vulnerability, which was necessary experience for this type of research.

1.5.3 Non-participant observation

Self-reflexivity was extremely important in addressing the issue of bias in collecting data, which also assisted in avoiding the potentiality of a relationship based on power dynamics (Holian and Smyth, 2008). As mentioned in the reflexivity section, though I originally intended to include significantly more data from my experience as a practitioner through participant observation rather than non-participant, an ethical decision was made to remove all data related to this experience. This was due primarily to concerns regarding the issue of confidentiality, as I was known to participants through a practitioner lens before the research (Allmark et al., 2009, p. 51). When reading through notes and transcripts, questions
early on to these practitioners were leading and, therefore, would have been inappropriate to include—additionally, balancing my role as a researcher that also worked as a practitioner was particularly difficult early on in the research process.

However, as the research progressed and this data was discarded, a key ethical consideration was to determine whether to be covert or overt in observations where case studies were sought and the extent of structuring to be implemented (O’Reilly, 2012, p. 63). Upon deliberation, covert observations rarely seemed appropriate, due to the potentiality of deception (Crow et al., 2006). Thus, the individuals involved were given information sheets, and my role as a researcher was clarified. Verbal consent was deemed adequate in these instances, as without consent, access to the research site would have not been possible. Practitioners were also informed that I would be taking observational notes. The practitioners were told that they could ask me to leave at any time if they felt my presence was disrupting their work, which would be considered removal of consent for that specific situation. Ensuring my presence was not regarded as intrusive was important throughout the observation process (Sanjari et al., 2014). Approaching consent in this way allowed for a continual process of consent being affirmed, as described in the semi-structured interview section (Byrne, 2001; Nunkoosing 2005; Richards and Schwartz, 2002). Additionally, the practitioners informed the individuals being questioned that I was a researcher and that they could ask me to leave if they wanted. This happened in three instances, so I stepped out of the private room and excluded this data.

Working in a culturally appropriate way was crucial, which varied slightly for each field site or research scenario. Because some of the research allowed for collecting sensitive data, a trust established with my informants was significant. Further information regarding ethics is included throughout this thesis where relevant, as different procedures were used based on the specific scenario, making it challenging to address an all-encompassing strategy. Overall, my background as a practitioner provided me with insight into much of the ‘ins and outs’ of human trafficking, so there was very little, if anything, that shocked me throughout this research process. In each aspect of research I conducted, I felt prepared and well-aware of the potential risks, which was greatly beneficial in considering and implementing research ethics. At every stage of this research process, I was aware that the ethics of this work was very sensitive, and I sought to strictly follow the guidelines provided by the University of Edinburgh’s School of Social and Political Science concerning research with human subjects.
1.6 Methods

1.6.1 Rationale for method selection

Initially, when considering qualitative versus quantitative methods, a list of pros and cons was created to assess which type of research was better for this study. A quantitative approach was ruled out due to the need for a larger sample size, which was assessed as unrealistic to obtain due to financial barriers and the specificity of the research topic. Furthermore, a mixed methods approach would have been necessary to develop meaning as it pertained to the research questions. Even so, the need for a large sample size was predicted to be a potential barrier to this approach. Thus, qualitative methods were selected early on as smaller sample sizes would allow for meaning to develop in-depth, as well as for the ability of qualitative methods to cultivate new knowledge. After considering various qualitative methods, semi-structured interviews in varying formats and non-participant observation were selected for this research.

Additionally, library-based data provided case studies whereby interviews were not possible. Semi-structured interviews were selected for their ability to allow for open-ended questions to be answered candidly; questions can be answered without the pressure of, for instance, a focus group where individuals may be reluctant to share their thoughts or may be swayed to respond in particular ways based on other members of the focus group (Adams, 2015, p. 494). Semi-structured interviews likewise allow for flexibility in how questions are asked and framed based on the interviewee’s area of expertise and priorities. Semi-structured interviews also allow for experiences and ideas regarding how meaning is ascribed to be developed in-depth (Rabionet, 2011, p. 563). As mentioned in the sampling and recruitment section, a decision was made not to interview VOTs. However, non-participant observation was selected as an additional method to bolster the semi-structured interviews and provide a lens of the PVOT through practitioner observation. As is the case in participant observation, looking on through observation and not having an active role was deemed the most ethical method considering that individuals observed could have been PVOTs or could have been otherwise vulnerable.

While I have separated the methods into different sections below, there was a significant cross-over in how I engaged with these methods in practice. Data was collected as it became available or as an opportunity arose, for instance, whether an opportunity to interview someone or to visit a field site presented itself. Additionally, though I began
collecting library-based data, I returned and referred to this data collection method after completing interviews or field site visits.

1.6.2 Library-based data

Library-based data collection was used as the initial point of data collection, which assisted in preparing me for interviews and non-participant observation. In this initial fieldwork stage, data was collected from documents such as human trafficking court cases in the UK and law enforcement training materials. The human trafficking case law database available through a public UNODC knowledge portal was specifically referred to, as well as publicly archived UK court cases. Publicly available documents were additionally used, such as Home Office documents on ‘frontline staff guidance’ for dealing with victims of modern slavery. Access was also gained to training materials used by UKBF through police contacts. Moreover, statistics on human trafficking that look at VOT demographics, the frontline actor that identified the VOT, and where/how the VOT was identified were publicly available and updated periodically through the NCA’s website. In addition, this data was used to identify relevant case studies throughout the thesis. Finally, information identified through browsing the Freedom of Information Act requests database was used to improve my contextual understanding of interview content during the data analysis stage.

1.6.3 Practitioner interviews

As mentioned, qualitative research used an interpretivist lens, rather than positivist, to better understand the ‘how’ and ‘why’ of social processes, and to comprehend the meaning that individuals attach to these processes (Creswell, 2009). In conducting qualitative interviews, I sought to identify key themes presented by the participants that demonstrate how the participants give meaning and value to themselves (in terms of their unique personhoods) and their work (Kvale, 1995). I intended to emphasise the participants’ subjective experiences whilst being reflexive through a social constructivist approach that understood that participant identities are not fixed but modified based on their dynamic contexts (Cunliffe, 2008). The specific questions that I asked participants are included throughout the empirical chapters but typically started with broad questions and were followed by more specific questions that were based on what the participants chose to highlight in their answers.

With the semi-structured interviews, a significant amount of questions were prepared in advance, though questions were added, removed, or changed based on the participants’ responses. Questions were always open-ended to not inadvertently cause steering or
researcher bias (Creswell, 2009). In the cases of interviews that were not conducted in person, increased attention was given to verbal cues, such as pauses or changes in tone; it was easier than anticipated to notice tonal shifts during the interview process. While I would have preferred every interaction to have been in-person, telephone or video call interviews were the most cost-effective research method, as I did not have to pay for transport or accommodation. Participants could re-arrange the call more easily if something urgent arose, which often happened when attempting to speak with law enforcement practitioners.

In terms of preparation for the interviews, familiarity with key terminology related to my research questions was already known due to my practitioner experience. Not having to learn new terminology was very helpful when considering how to phrase interview questions and how terms may be interpreted differently based on the practitioner. For example, using the term ‘victim of trafficking’ would be more common amongst law enforcement practitioners. In contrast, the term ‘survivor of trafficking’ was often more common amongst charity/NGO practitioners in cases where the person had already been identified as a VOT. Thus, an effort was made to adjust terminology when differences were known in advance to support the development of rapport.

1.6.4 Social media interviews

Social media research remains a developing method, especially for conducting online interviews through a platform’s messaging system. More prominent forms of data collection on social media would include content or document analysis, in which engagement with users would not necessarily be required (Allan and Calvert, 1991; Kavoura and Tomaras, 2014). However, online interviews can be beneficial in their ability to find participants from a range of geographic locations, which addresses financial and accessibility barriers that can arise from in-person interviews. The use of messaging likewise allows for flexibility for the participant, whereby time differences and schedules are not a factor (Salmons, 2012). Additionally, social media interviews allow for immediate transcription.

Social media interviews certainly have their flaws. In particular, the interviews are asynchronous in their nature, which presents challenges for developing rapport with participants and for in-depth discussion (Salmons, 2012). However, these interviews allowed for contact with a community (i.e., hopeful migrants) that would have otherwise been difficult to identify and access. Online interviews also provided safety when interacting with strangers from around the world with whom I did not have a previous relationship or mutual connection.
Like the semi-structured interviews, questions were prepared in advance, with questions added, removed, or modified based on how the discussion developed. Unlike the interviews with the practitioners, there was far less variance in the questions asked. This was likely because the answers to questions were less developed and also due to the removal of body cues, tone, and so forth, which would have allowed for more judgment regarding what direction to take the interview. Even with differences in how answers were worded, it was not easy at times to interpret how an interviewee was interpreting the interview due to the vast range of cultural differences. As a reminder, 22 countries were reached through these interviews, which made it impossible to pick up on every online communication difference. In terms of terminology, there were likewise some differences from the practitioner interviews. After reviewing the language used by individuals in the Facebook group, I chose not to use the phrase ‘human trafficking’ specifically when speaking with my informants. I found several people in the groups warned of ‘bad situations’ or ‘scammers.’ In a few cases, people were forewarned of human trafficking recruitment to others in the group, but the majority of people appeared to be unfamiliar with this specific language.

1.6.5 Non-participant observation

Non-participant observation, selected as a method to bolster the semi-structured interviews through case studies, has provided an opportunity in this research to observe anti-human trafficking practitioners at border sites. Border sites were selected as the site locations as this is where anti-trafficking practitioners are involved in potential victim identification processes. Where relevant, further details of each site are included in the empirical chapters. Due to the sensitivity of the research topic and the potential vulnerability of the individuals involved, non-participant observation allowed for further detail of ‘real life’ contexts to emerge without interference in people’s lives or the activities being observed (Alder and Alder, 2000). As this kind of data would have been otherwise inaccessible, non-participant observation has enabled a topic to be investigated that is largely unknown to non-practitioners (Rallis and Rossman, 2003). Further, in addition to providing a lens to PVOTs or hopeful migrants, non-participant observation predominantly allowed for disparities to be revealed between what was communicated in semi-structured interviews by anti-human trafficking practitioners versus what practitioners actually do. As this observational method is non-participant, a distant ‘fly on the wall’ role was taken. Interactions with research subjects did not occur, apart from receiving logistical information from the anti-trafficking practitioners regarding the sites. While there is a risk that people may change their everyday
behaviours when they are aware that they’re being observed, covert observation, with its ethical issues aside, would not have been feasible or appropriate due to issues with site access.

In cases where English was not being spoken, a translator was often present as the practitioners required this due to the number of languages spoken at the field sites, including South Africa, Nepal, and Kenya. Thus, translation often occurred in real-time. However, in several instances in Nepal, translation occurred after the situation concluded. In these instances, the translator was likewise acting as an observer and was not involved in the interaction or asked for translation support in real time but would share details of the interaction with me once everyone had left the room or situation. During observations, the majority of field notes were taken immediately after an instance occurred rather than during the observation so as to avoid drawing attention to myself as a researcher. Notes about the interaction were quickly jotted down once this was possible, paying attention to body language and tone and what people were not doing, such as attempting to leave the situation.

In terms of preparation for the observations, familiarity with key victim identification processes and how these varied at different types of border sites was essential for understanding the context of the observed situations. Due to my practitioner background, these processes were already familiar to me. However, time was taken to read further information about the country’s context, its policies on human trafficking and migration, and the estimated prevalence of human trafficking and exploitation. Time was also taken to read further into the background of the country’s migration history with the UK to better understand the UK’s openness to each particular country.

1.7 Data analysis

Semi-structured interviews were recorded by audio with the consent of the participants. If the interview was in-person, I always met the participant in a public place, which was challenging due to the number of surrounding noises and distractions that could be heard in many of the recordings. At points, this meant that I could not understand the recording clearly. Still, in these cases, I wrote ‘could not understand recording’ in the transcription, and participants were thankfully able to fill in the blanks when relevant, though this was only required a few times. I wrote the transcriptions myself instead of through an external company or software. Interviewees were sent the full transcript from their interview and could omit, modify their quotes, or remove their consent. Once the transcript was
approved, the audio recording was deleted from my hard drive, phone, and iCloud storage. No changes were requested from the interviewees.

For the social media interviews, the transcript was already provided through the conversation, so it was copied and pasted into a separate document, which was a reasonably straightforward process. In the case of the field notes from the non-participant observation, all initial notes were handwritten. At the end of the observation period, the notes were typed to have everything in one place.

1.7.1 Becoming familiar with the data

When I had initially interviewed a person or observed a situation, quick notes were written down, which included recurrent ideas that the individual had mentioned and a mini summary of what had stood out, which became very helpful in the formal data analysis phase. Transcribing the interviews immediately after they occurred, rather than waiting until a later stage, was an added factor that proved very useful for my ability to process the data. In addition to the mini summary, I wrote notes about the person’s overall demeanour, tone, general atmosphere, and early impressions so that I could recall the meeting or conversation better upon further reflection. These notes were especially significant for data analysis due to the extent to which the notes were handwritten, which meant that I was re-reading my notes and transcripts numerous times. As an example, here are some initial rough notes that I made from the Nepal field site:

The practitioners are very focused on providing ‘what if’ scenarios when speaking with hopeful migrants as a way to convince the migrants not to cross the border. Possible risks are focused on intensely and seem to be used as a way to instil fear in the migrants. There is a sense that the practitioners are making assumptions about the hopeful migrant’s background and situation. There are clear feelings of anger, confusion, and misunderstanding being portrayed by both the practitioners and the migrants.

To begin the process of data analysis, I compiled all the data I had from transcripts and field notes, which involved re-listening to recorded interviews and re-reading the field notes to see if particular aspects were highlighted. The process of re-listening to recorded interviews and re-reading written notes allowed specific contexts to be recalled, including details of the site.
or setting. Additionally, this process allowed initial patterns in the data to emerge, which were then referred to and refined in the formal coding process.

1.7.2 Coding

After the data familiarisation phase, the process of beginning to organise and interpret the data in a systematic way began. As this thesis is focused on addressing particular research questions, theoretical thematic analysis was used as opposed to inductive, line-by-line coding (Delahunt and Maguire, 2017). In the coding process, interpreting the data was viewed as a “process of meaning-making rather than truth-seeking or discovery” (Braun and Clarke, 2021, p. 55). Pre-set codes were not used, so open coding was relied upon to develop the codes throughout the data analysis process (Delahunt and Maguire, 2017, p. 3355). The data familiarisation phase did provide initial ideas about what the codes could be, which were considered, as trends were noted during this process. Formalising the coding process involved printing hard copies of the transcripts and typed field notes and then handwriting code labels in the margins of these documents. Initially, the codes I used were too fragmented and specific, making repetition more challenging to identify immediately. The coding process required evolvement to broaden the code labels (Braune and Clarke, 2021, p. 69).

Data related to consent directly related to the research questions; thus, coding this topic was more straightforward as the data often explicitly referred to the issue of consent. For instance, different codes were initially used to express ideas about consent: migration is the result of poverty and circumstances; migration is a result of a person’s environment; exploitation is avoidable; migrants are to blame; migrants consent to exploitation; illegal decision-making; no agency; informed decision-making; criminalisation of victims; role of deception; and, trust victims. Though these initial codes were helpful in identifying a range of meanings around how the concept of consent is considered concerning migration and human trafficking, further refinement was required, which involved reviewing the data again several times. For instance, the codes ‘migration is the result of poverty and circumstances’ and ‘migration is a result of a person’s environment’ were combined with the code ‘linked to migration push and pull factors’. In re-coding this example, the code more clearly indicated why the person was interested in consent as an issue, thereby more strongly indicating meaning (Braune and Clarke, 2021, p. 71). Additionally, changing this code allowed me to identify a link with common anti-human trafficking approaches, which proved more useful in the theme identification stage.
1.7.3 Identifying themes

To capture patterns of meaning across the data, the final process of data analysis involved identifying themes (Braune and Clarke, 2021, p. 76). The themes sought to unify the codes under shared ideas. During this process, intentionality was given to ensure that themes were not generated as a way to encompass everything that was said around a particular topic to avoid creating topic summaries rather than themes (Braune and Clarke, 2021, p. 77). For instance, codes generated around the issue of consent primarily indicated a range of views on how consent relates to migration and human trafficking. When digging deeper to identify how these codes emerged contextually, it became clear that discussions on consent appeared in relation to discussions on the ineffectiveness of victim identification processes and the impact of restrictive immigration. Table 4 shows how themes were initially constructed before a review process. The figure is not exhaustive and does not demonstrate the process of discarding and reviewing codes but provides an example of the theme-making process. Codes that fit into multiple themes are highlighted in yellow.

Table 4. Initial themes

<table>
<thead>
<tr>
<th>Theme: Restrictive immigration</th>
<th>Theme: How victim identification works</th>
</tr>
</thead>
<tbody>
<tr>
<td>Codes</td>
<td>Codes</td>
</tr>
<tr>
<td>- Migrants as ‘illegals’</td>
<td>- Monitoring borders</td>
</tr>
<tr>
<td>- Hostile environment</td>
<td>- Indicators of vulnerability</td>
</tr>
<tr>
<td>- Good versus bad migrant</td>
<td>- ‘What if’ scenarios</td>
</tr>
<tr>
<td>+ Criminalisation of PVOTs/VOTs</td>
<td>- Knowing the signs of exploitation</td>
</tr>
<tr>
<td>- Vulnerability of migrants</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Theme: Consent</th>
<th>Theme: Risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>Codes</td>
<td>Codes</td>
</tr>
<tr>
<td>- Linked to migration push and pull factors</td>
<td>- Better life outcomes</td>
</tr>
<tr>
<td>- Victims have no agency</td>
<td>- Taking risks as freedom/enacting agency</td>
</tr>
<tr>
<td>- Migrants make informed decisions</td>
<td>- Taking risks as personhood development</td>
</tr>
<tr>
<td>- The role of deception in decision-making is important</td>
<td>- Risks as acts of hope</td>
</tr>
<tr>
<td>- Trust victims</td>
<td>- Informed risk</td>
</tr>
</tbody>
</table>
- Migrants are to blame
- Potential danger is embraced

### Theme: Morality

**Codes**

- Traffickers as evil
- Good versus evil
- Traffickers as informed decision-makers

**Theme: Importance of victim identification**

**Codes**

- Proactive solutions
- Everyone has a role to play
- Exploitation is less likely

### Theme: Criminalisation

**Codes**

- Prosecutions as the solution
- Organised crime networks
- Smugglers equated to traffickers
- Victim versus perpetrator
- Criminalisation of PVOTS/VOTs

### Theme: Saviourism

**Codes**

- Practitioners driven by morality
- PVOTs as ‘Other’
- Emphasis on rescue narratives and strategies
- The West as saviours to the Global South

The review stage then began, revealing several issues with the initial themes that needed to be addressed. For instance, contradictory codes were initially included under themes such as ‘traffickers as evil’ and ‘traffickers as informed decision-makers’ under the theme of Morality. To change this, sub-themes were added in the finalisation stage of thememaking. Further, literature was returned to in order to identify similar patterns to the themes that were initially conceptualised.

As a result, for instance, it became clear that ‘morality’ was better suited as a sub-theme; this emerged after reviewing the discussions on anti-human trafficking approaches and how morality was discussed in the relevant literature. When ‘morality’ was identified as a sub-theme, it became clear that much of the early themes fit more neatly as sub-themes or could be re-framed as their related anti-human trafficking approach. Table 5 illustrates the final themes, which also includes quotes from the data. The codes included are not exhaustive but are used as examples.
<table>
<thead>
<tr>
<th>Theme: The organised crime approach</th>
<th>Theme: The ‘illegal’ migration approach</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sub-themes: Criminalising traffickers</strong></td>
<td><strong>Sub-themes: The climate for migrants</strong></td>
</tr>
<tr>
<td>- Prosecutions as the solution</td>
<td>- Nationalism and politicisation of the border</td>
</tr>
<tr>
<td>- Organised crime networks</td>
<td>- Debt bondage</td>
</tr>
<tr>
<td>- Victim versus perpetrator</td>
<td>- Everyday borders</td>
</tr>
<tr>
<td>- Traffickers as evil</td>
<td></td>
</tr>
<tr>
<td>- Criminalising VOTs</td>
<td></td>
</tr>
</tbody>
</table>

**Example:**
Practitioner 19: The only way we will stop this horror is by breaking down the [organised crime] network. We need to take down these evil, evil people starting from the top, get those ones in prison.

**Sub-themes: Traffickers as informed decision-makers**
- Structural determinants to crime
- Trafficking as a business

**Example:**
Practitioner 11: These decisions are not from nowhere. Harm is multi-faceted and yet we want clear cut answers. There is this middle ground where we must allow for traffickers to be both people with personhood and so forth…but people that have made decisions that we must question.

<table>
<thead>
<tr>
<th>Theme: The ‘illegal’ migration approach</th>
<th>Theme: The labour side of the human rights approach</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sub-themes: The climate for migrants</strong></td>
<td><strong>Theme: The labour side of the human rights approach</strong></td>
</tr>
<tr>
<td>- Nationalism and politicisation of the border</td>
<td></td>
</tr>
<tr>
<td>- Debt bondage</td>
<td></td>
</tr>
<tr>
<td>- Everyday borders</td>
<td></td>
</tr>
</tbody>
</table>

**Examples:**
Practitioner 14: You know, not even finding a job but looking for a job, charged money for that, charged money for all sorts of different things and debt is built that way.

Practitioner 10: Monitoring borders is about keeping everyone in our country safe.

**Sub-themes: Direct policymaking**
- Good versus bad migrants
- Undermining the ‘modern slavery’ agenda

**Example:**
Practitioner 2: Victims of trafficking are criminalised in the process unless they are the type of victim that the government wants.
### Sub-themes: Linked consent issues due to migrant decision-making
- ‘What if’ scenarios
- Definitional issues
- Indicators of vulnerability

**Example:**
Practitioner 6: It’s very important to understand the decisions that were made on the whole trafficking route because this helps with identifying whether someone is a victim or an illegal migrant.

### Sub-themes: Victims cannot consent
- Proactive solutions to victim identification
- The role of deception in decision-making is important
- Linked to migration push and pull factors
- Victims have no agency

**Example:**
Practitioner 1: Usually when incidents are occurring, it isn’t about somebody saying, ‘I am a victim.’

### Sub-themes: Saviourism
- The West as saviours to the Global South
- Emphasis on rescue narratives and strategies
- PVOTs as ‘Other’

### Sub-themes: Promoting labour rights
- Decriminalise sex work
- Labour standards
- Labour abuse versus trafficking

**Example:**
Practitioner 12: We need to look at the example of places like New Zealand and learn from them. New Zealand has focused on improving labour standards…not arresting sex workers.

### Sub-themes: Risk
- Better life outcomes
- Informed risk
- Potential danger is embraced

**Examples:**
HM 3: Honestly, it is worth the risks. Even a low-paying job in the UK will go so far in my country…and so far for my family.

HM 4: Money is better, jobs are better. I want to provide for my family so they can have a better life…so I will do what I need to do to get there.

### Sub-themes: Freedom and becoming
- Taking risks as freedom/enacting agency
- Taking risks as personhood development
- Practitioners driven by morality
- The role of the practitioner

Example:

Practitioner 7: If I get hit by a bus on the way home and I'm dead, it's like okay, cool things have happened and things have really worked, and people are coming to freedom.

- Risks as acts of hope

Examples:

HM 14: Migrating will allow me to claim what I have lost in my country. And I can be who I want to be.

HM 35: If I leave, it will be hard but I will be strong. It is in my blood and so I must do what is right for me.

When literature was identified as having similarities to this research and the final themes, the literature was used to support the framework of how the data was presented in the thesis. Moreover, the final themes have been used to frame the empirical chapters as the chapter titles with the sub-themes as the sub-sections within these chapters.

1.8 Key contribution made by this thesis

While this thesis will touch upon the topics highlighted in the legislative and definitional framework in Chapter 2 in various ways, the primary way this thesis will provide academic contribution is by adding to the critical research on human trafficking. The lens provided by the theoretical framework in Chapter 3 is what primarily contributes to this thesis' originality, which engages in particular with risk as is relates to structural violence. Applying the concept of a ‘leap of faith’ to how risk is approached in anti-human trafficking, and how this relates to key human trafficking terminology, is especially unique. Through the thesis’ discussion of how the theoretical framework shapes and offers critique to UK anti-human trafficking approaches, the thesis offers new insight regarding the decision-making processes of hopeful migrants. In doing so, the thesis contributes unique knowledge regarding how decision-making processes contribute to the effectiveness and ineffectiveness of victim identification processes. Numerous academic writers have problematised how human trafficking has been researched and discussed, largely due to flawed data or under-researched assumptions. This thesis will add to Davidson's (2010) and Anderson’s (2007) arguments regarding varying experiences and levels of exploitation, presented in the following chapter. Definitional issues are revealed through challenging blanket statements.
about freedom and slavery, thus further developing debates regarding the complexities that provoke migration decisions.

The politics surrounding ideas about ‘whom the migrant is’ have led to immigration measures that inappropriately categorise trafficked victims, which has an unintended consequence on all migrants. Ideas about ‘who the migrant is’ impact the reintegration of trafficked survivors, create challenges for proactive human trafficking victim identification, and complicate discussions around a specific point of victimhood; all these aspects can negatively affect the rights of survivors and all migrants. Thus, this thesis will add to debates highlighted by Kenway (2021), Goodfellow (2019), Griffiths and Yeo (2021) and will argue that UK responses to human trafficking have inadequately addressed human trafficking within its more comprehensive framework of migration, which is a contention that can be better understood through knowledge on risk in practice. This thesis also contributes to an analysis of the intersection of humanitarian engagement with national security and demonstrates the interface between development studies, grassroots development work, and policymaking. Moreover, the research adds to debates in the anthropology of development and sociology, especially with discussions related to meaning, the constraints and challenges to development work in practice, and the central place of human agency.

This research will also add to the critique of authors such as Crenshaw (1991) and Choi-Fitzpatrick (2017) by using Kierkegaard’s (2000 [1978]) basis of self-actualisation and will argue that perceptions of morality and hope are significant motivators in decision-making that has largely been unaddressed in critical human trafficking studies. Authors such as Weitzer (2007) have discussed issues with anti-human trafficking work as being a ‘moral crusade,’ which has problematised common anti-human trafficking approaches. This thesis will add to these debates by taking the discussion a step further, arguing that the way we understand and operationalise ideas of ‘consent’ as it relates to decision-making directly impacts how anti-human trafficking programmes are implemented.

1.9 Conclusion

This chapter described the research design and methods used throughout this thesis. The chapter began by describing my personal reflections on this research topic for the purpose of transparency and self-reflexivity and to provide a foundation that gives the reader an initial view into my perspectives and background as a researcher. From this, key research questions were introduced that will be addressed in this thesis.
In terms of research design, this chapter examined the influence of grounded theory, how informants were identified, challenges with access, and site selection. In doing so, it addressed how ethics remained a critical aspect of the research throughout the entire process. The research design was intended to provide a solid basis for depicting the methods, in which further details were given about the interview processes and the use of non-participant observation; these methods were given additional weight through early, library-based data collection. The chapter finished by describing the process of data analysis that was used to identify emergent themes through thematic analysis to explain the data that is introduced in the subsequent chapters. The following chapter will develop the contextual framework that encompassed the thesis’ data analysis, focusing particularly on the legislative and definitional context of human trafficking and exploitation in the UK.
Chapter 2: Human trafficking legislative and definitional frameworks

2.1 Introduction

Numerous approaches have been used by states and key actors to frame the issue of human trafficking, with states focusing on one or two approaches in particular in their legislation and anti-human trafficking work. In the United States, for instance, the issue of human trafficking has emerged most prominently through the moral side of the human rights approach, whereby human trafficking is directly correlated to prostitution. This approach sees the core issue as a culture that permits prostitution to thrive. The issue of human trafficking and prostitution were initially linked legally as well, as in the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (OHCHR, 1949). While this is not the primary approach used by the UK government, its effects on how the issue of purity has been linked to victimhood are experienced in UK anti-trafficking programmes, and the language of morality is undoubtedly present. A related approach addresses human trafficking as a public health issue. However, this is rarely a core approach used by states (Wijers, 2015). Senegal is an example of the public health approach to anti-human trafficking being used. In Senegal, prostitution is legalised but sex workers must carry a sanitary card, regularly test negative for STIs, and the locations where prostitution can occur are strictly regulated by the government and law enforcement (National Legislative Bodies, 1965). Similarly, the Senegalese government has linked human trafficking to public health problems.

In the UK, two approaches have been dominant. One approach perceives human trafficking as a subset of ‘illegal’ migration, and the other approach depicts human trafficking as an issue of organised crime (Wijers, 2015). In taking the ‘illegal’ migration approach, the UK has created restrictive immigration policies designed to protect its borders from human traffickers. The organised crime approach is related to the ‘illegal’ migration approach, as the response to human trafficking in this approach focuses on securing the prosecutions of traffickers, heavy punishment, and heightening the role of law enforcement. The final approach to anti-human trafficking is the human rights or humanitarian approach, which has been pushed in recent years by NGOs and activists in the UK and globally in response to what has been perceived as consequential effects of the ‘illegal’ migration and organised crime approaches (Wijers, 2015). In the human rights approach, victims are put at the centre of any response to human trafficking, including the creation of relevant policies. In practice, there are numerous challenges related to how the human rights approach plays out, as the
approach itself lacks consensus, with some focused again on issues of morality and some on how labour is understood. Through critiquing the ‘illegal’ migration and organised crime approaches, this thesis aims to build upon the human rights approach through a theoretical lens that will be developed in the following chapter.

However, this chapter aims to position human trafficking and exploitation within its legislative context and aims to demonstrate the challenges found in its definitional frameworks. By doing so, how the ‘illegal’ migration and organised crime approach have developed in the UK will become more apparent. Initially, this chapter will review the UK’s legislative context to bring context to the thesis’ empirical chapters, where significance is given to the Modern Slavery Act 2015 being introduced during a time of substantial changes to the UK’s immigration system. In particular, emphasis will be given to the Palermo Protocol. This legislation has encouraged states to develop their own domestic anti-human trafficking laws, which supported the UK’s case for developing the Modern Slavery Act 2015. In addition, the Palermo Protocol has been used as a basis for the definition of human trafficking globally. Much of the definitional framework for human trafficking used today is rooted in interpretations of the Palermo Protocol definition. Other laws discussed included Immigration Act 2014 and 2016, the Modern Slavery Act 2015, and the Nationality and Borders Act 2022. In following, this chapter explores the definitional frameworks of human trafficking, exploitation, and modern slavery to root itself in relevant academic debates, such as how the definition and understandings of human trafficking relate to the issue of consent and freedom in particular (Anderson, 2007; Davidson, 2010; Kenway, 2021; Weitzer, 2007). In concluding, the chapter will discuss how the UK ended up focusing on the term ‘modern slavery.’

2.2 Legislative context

A global anti-trafficking framework began to materialise through the introduction of legislation specific to human trafficking. Most notable and influential of such legislation was the Palermo Protocol, fully known as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organised Crime which was ratified in 2000 and enacted in 2003 (OHCHR, 2000). As of 2022, the Palermo Protocol has been ratified by 178 states (UNTC, 1926). The Palermo Protocol is particularly important as its ratification required states to develop their own legislation and anti-human trafficking measures. Therefore, the creation of state-specific legislation has held the Palermo Protocol as a core foundation and has been a key indicator used to determine the impact of the Protocol. Within this section, the
Protocol will specifically be assessed in relation to the UK’s Modern Slavery Act 2015, as well as the Immigration Acts 2014 and 2016. Key understandings of human trafficking find roots within the Protocol, such as how the term is defined, approached, and understood as an issue. Numerous critiques can be made to the critical understandings drawn out in the Protocol, which have become increasingly apparent as states began enacting their own anti-human trafficking laws.

To give an initial example, this chapter would argue that the Protocol reinforces negative and unhelpful categorisations of VOTs, such as the idea that victims are helpless and lacking in agency. This is partially achieved through the intense focus within the Protocol on the ‘means’ by which human trafficking occurs (e.g., whether movement occurred as a result of coercion, deception, force, etc.). The image of a weak victim is paired with an emphasis given to women and girls as the primary victims of human trafficking throughout the Protocol. However, the refusal to appropriately address the issue of consent is particularly concerning, as this is identified as “irrelevant” (OHCHR, 2000, Article 3b). Consequently, the circumstances that enable exploitation are ignored, and victims are inadvertently branded as naïve. While the intent behind this omission is reasonable, it’s been interpreted by states in a wholly unhelpful way. The purpose behind the exclusion, arguably, is to make clear that a person cannot consent to human trafficking itself or the ‘means’ by which it occurs. For instance, a person may consent to sex work, but if that sex work were to become exploitative, the person could not consent to their exploitation. In reality, however, this thesis argues that consent has become an exceptionally relevant issue when considering the treatment and protection afforded to victims, despite this being inconsistent with the Protocol’s recommendations (OHCHR, 2000, Article 6). One such example is demonstrated through interviews conducted by Hoyle et al. (2011, p. 317) with caseworkers from the Poppy Project, a charity that supports VOTs in the UK, whereby most interviewees “represented their clients as women without agency.” Hoyle et al. (2011, p. 317) further indicated that the caseworkers seemed to be “far more influenced by the cultural language of slavery, coercion, and (ideal) victimhood, than by the legal language of the Protocol.”

Some theorists have referred to the issue as the coercion/consent dichotomy or the forced/voluntary dichotomy, whereby if a person ‘consented’ at any stage in their trafficking, then the person was not coerced (Doezema, 2005; Wijers, 2015). To emphasise again, this is not consent to exploitation but consent to a decision that led to exploitation. Before the Palermo Protocol, the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others abandoned the idea that coercion was a defining
aspect of human trafficking (OHCHR, 1949). However, this was not the end of the coercion requirement, and in the 1994 UN Resolution on Traffic in Women and Girls, an attempt was made to bring this condition back. While there may have been some benefits to making coercion a defining feature of human trafficking, such as bringing greater clarity on the definition’s breadth and limitations, uncertainty regarding how consent related to coercion would remain (Wijers, 2015). This thesis argues that the relationship between consent and coercion is significant, as to disregard victims that initially consented to the ‘means’ of their exploitation would ignore a vast category of abuses; this consent/coercion dichotomy exists because of the practical interpretation of the Palermo Protocol, despite consent being considered legally “irrelevant” (OHCHR, 2000). Varied depictions of consent are perhaps an initial example of how the ‘myth’ of trafficking emerges (Haag, 1999, p. 64). In this understanding of myth, differing or opposing ideologies can advance together because of the existence of the myth (Doezma, 2005, p. 66). Moreover, it could be argued that the myth of trafficking exists because of consent/coercion or voluntary/forced dichotomies (Doezma, 2005).

To give a specific example of how the myth of trafficking and its relationship to consent plays out, it’s helpful to examine a portrayal of the mythology of victimhood, which some theorists have characterised as the ‘Natasha story’ (Sanghera, 2005, p. 4; Zhang, 2009, p. 178). ‘Natasha’ is the name given to represent Eastern European prostitutes that are described around similar themes, which is repeated anecdotally through media, adverts, and reports describing human trafficking by charities, NGOs, and governments. A ‘Natasha’ is typically a “young woman, naïve and desperate to escape poverty or help her families, [who] answered an advertisement promising jobs in a foreign country – waitressing, modelling, or bartending” (Zhang, 2009, p. 181). Further, the ‘Natasha’ victim is often young, naïve, and helpless, and she is often portrayed as a sexual object or with an undertone of sexuality in her appearance. Yet, the empirical evidence to back up this thematic portrayal is lacking and what exists comes from a handful of sources (Zhang, 2009). With this depiction of victimhood in mind, it's pertinent to note how this image interacts with a victim’s ability to construct the right narrative to fit their experiences (Hoyle et al., 2011, p. 322). Victims perceived as ‘pure’ and ‘unwilling’ within their narratives are more likely to be perceived as genuine (Hoyle et al., 2011). It cannot be ignored that the perceptions of victims as needing to be ‘unwilling’ to all aspects of their exploitation and, by that nature, helpless, mirror the depiction of victimhood within the Protocol. Additionally, this mythology of victimhood is at odds with a human rights approach to anti-human trafficking. It is at odds with certain
feminist ideologies yet is driven forward powerfully through the relationship between myth and consent.

As an additional critique of the Protocol, the primary response to human trafficking is written in a way that puts undue responsibility on law enforcement. Pairing this focus with the context of victimhood within the Protocol has contributed to the criminalisation of victims, as interpreted by states. An example of this can be found in Article 11’s depiction of ‘Border measures’ as there is nothing within this Article that clarifies that victims are not to be faulted for their actions or decisions regarding state borders (OHCHR, 2000). Article 11, presumably, is to be read with reference to Article 3b’s sentence on consent. However, states' anti-human trafficking laws have not interpreted these Articles in conjunction with one another. Evidence for this in the UK is well-documented in the literature on the criminalisation of PVOTs and VOTs at borders (Ceneda, 2003; Gelsthorpe and Hales, 2012; Malloch and Stanley, 2005). Finally, besides what has been mentioned, other aspects of the Protocol include ensuring the protection of VOTs (Article 6), which includes suggestions for support services, repatriation guidance (Article 8), and information about prevention and international cooperation (Articles 9-13; OHCHR, 2000).

As required of signatories to the Palermo Protocol, states and regions began introducing their own legislation and guidance. The Council of Europe Convention on Action against Trafficking in Human Beings (2005) was brought forward, strengthening victim protection measures recommended in the Palermo Protocol. Though, measures in the Convention remained similar to the Palermo Protocol. Two newly introduced aspects to highlight are the ‘Recovery and reflection period’ and measures aimed to support the ‘Identification of victims’ (Council of Europe Convention on Action Against Trafficking in Human Beings, 2005, Article 13 and 10). These later became instrumental in the creation of the National Referral Mechanism (NRM) in 2009, which is the system that the UK established to support the identification of VOTs, thereby determining their future treatment and rights dependent on the outcome of their NRM claim. Though there was significant domestic and regional pressure to sign the Convention, the UK avoided becoming a signatory until 2007, stating that the Convention needed to be “harmonised with effective immigration controls” (Kenway, 2021, p. 21). While some of the UK’s early attempts at harmonising immigration controls with anti-human trafficking find justification within the Palermo Protocol, this emergent intersection of ideals must be observed in the UK’s increasingly stringent immigration legislation context.
To give a brief timeline of significant immigration policy developments, a legislative transition began as early as 1905, with the introduction of the Aliens Act of 1905, spurred by the alleged threat of Jewish immigration. The Act introduced the concept of immigration as an inherent burden to the UK state. It led to the widespread public understanding that a country had the right to restrict the immigration of individuals perceived as ‘unwanted,’ which particularly included those from ethnically marginalised backgrounds. Subsequent legislation was passed in the early-mid 1900s, introduced further restrictions and increased law enforcement authority, including the removal of certain labour rights from immigrants, such as employment in the civil service (UK Public General Acts, 1914; 1948). Following the end of World War II, immigration was encouraged as it was seen as a positive step toward post-war reconstruction. However, immigrants continued to face racism upon entry; with this, legislation introduced from the 1960s onwards continued to create further exclusions and refinement regarding what it means to be a British ‘citizen’ (UK Parliament, 1968; UK Public General Acts, 1971; 1981). In 1992, freedom of movement was introduced into EU member states, which required the UK to assess its immigration distinctions further, especially regarding asylum seekers, economic migrants, and refugees, as there had been a significant rise in asylum-seeking applications in the 1990s (Girvan, 2018, p. 6; UK Public General Acts, 1993; 1996; 1999; 2002; 2004). The focus of new immigration legislation continued to suggest possible criminality of asylum seekers and undesirable immigrants and became increasingly punitive. Following technological advancements in the 2000s, biometric identification was introduced, as well as a point-based system, which ranked and categorised potential migrants into tiers based on existing skills and employment or education sponsorship (HM Government, 2005; UK Public General Acts, 2007; 2009; 2016). Furthermore, racism has been structurally embedded through various governmental documents such as the ‘Report on the Commission on the Future of Multi-Ethnic Britain’ or ‘Building Cohesive Communities,’ both demonstrating the concern for social cohesion and capital with immigration and nationalism an implicit undertone (Shukra et al., 2004). The documents structurally embedded racism further, as they demonstrated clear expectations for a British way of life that a migrant is expected to adopt to be accepted.

Within this context of immigration legislation and policies, human trafficking legislation was borne in the UK. Most pivotal today was that, in 2012, the hostile environment was introduced by Theresa May. The hostile environment is underpinned primarily by two pieces of legislation worth highlighting: Immigration Act 2014 and Immigration Act 2016 (UK Public General Acts, 2014; 2016). The measures introduced in
2012 as proposals were enacted into law through Immigration Act 2014 and further strengthened through Immigration Act 2016. In sum, conditions introduced by Immigration Act 2014 and 2016 reduce the rights of all migrants in the UK, though mainly targets undocumented immigrants to reduce overall net migration (UK Public General Acts, 2014; 2016). These Acts were proceeded by the UK’s agreement to the 2011 EU Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims, which was implemented in 2013 and followed by the Modern Slavery Act 2015 (MSA). It is crucial to observe the introduction of this immigration legislation in tandem with the introduction of this prominent anti-trafficking legislation.

2.2.1 Modern Slavery Act 2015

Though the 2011 EU Directive had minimal legislative changes, as it affected the UK, the agreement increased dialogue and awareness on human trafficking within UK Parliament. Until the implementation of the EU directive, four private member bills were introduced. Two of the private member bills recommended that businesses report on human trafficking within their supply chains (Johnstone, 2017); these private member bills were influenced especially by the California Transparency in Supply Chains Act of 2010. The consideration of the Modern Slavery Bill was primarily conducted in the media or in private until May promised to make anti-human trafficking one of her key directives as Prime Minister. In doing so, the UK re-established institutional control over how UK anti-human trafficking programmes would be expected to operate in coming years. Using the legislative process allowed the state to control how the issue would be addressed and communicated.

It should also be noted that during this period, the UK’s approach to immigration was not unique to the Conservatives or the UK Independence Party (UKIP) but was also a view shared by the Labour Party. Today, it can easily be forgotten that the Labour party introduced the points-based system that is still used to determine whether a migrant meets the set threshold to be deemed ‘skilled’ enough to receive a UK visa. During a speech on immigration in 2012, former Labour leader Ed Miliband stated that the “unrestricted flow of immigration from the European Union” paired with “weak labour standards” was a core reason why exploitation can thrive in the UK (Robinson, 2015, p. 131). To address this problem, Miliband proposed expanding the role of the Gangmasters and Labour Abuse Authority (GLAA). By making this statement, Miliband linked exploitation with an immigration ‘problem,’ stating that exploitation resulted from the UK letting in too many ‘low skilled’ migrants. Thus, there was some early political consensus in UK Parliament that
suggested that immigration should be tied with exploitation and human trafficking, even if human trafficking was not explicitly labelled as a term; the inferred consensus, of course, came with distinctions regarding beliefs about the labour market.

Before drafting the bill, a formal review was instigated to assess the prevalence and gaps related to UK human trafficking, which relied largely on information collected in previous report findings by the individuals that conducted the review. The review recommended that the Modern Slavery Bill focus on exploitation and challenged the notion that human trafficking is separable from immigration and, therefore, movement. As a result, the report also recommended that UKVI were not required to identify trafficking victims due to the tensions associated with being both protectors of national security and humanitarian interveners; with this recommendation, the number of first responders would increase at ports of entry. Furthermore, exploitation was acknowledged for its range of extremities, and increased victim support measures were necessitated. However, when the bill was drafted, the priorities appeared to differ. Emphasis was given to the most extreme forms of exploitation, paid little recognition to minor types of exploitation, and primarily focused on sexual exploitation. The initial bill drafting also focused on law enforcement's role in anti-human trafficking in the UK and had little reference to increasing victim support services. Deliberate orchestration regarding which aspects to include or highlight in the bill drafting rather than others was an important, powerful way the government could influence the outcome. It is much easier to debate content included in a bill than content left out.

Political pressure experienced by the Conservatives (the government in power in the UK during the introduction of Immigration Acts 2014 and 2016 and the MSA) partially played a role in the introduction of the immigration and anti-human trafficking legislation. At the time, UKIP was growing in popularity and linked challenges faced in the UK as the fault of migrants and their use of public services (Robinson, 2015). The Immigration Act 2014 was brought in partially to address these growing concerns as Conservatives were aware that the role of migrants could sway the 2015 electoral vote. Yet, the inhumane nature of the immigration agenda was at odds with Anglican and Catholic voters within the Conservative party. The Conservatives became eager to hide the accusations that they were becoming the ‘nasty party’ (Robinson, 2015). Thus the Modern Slavery Act gave a twist to how Immigration Act 2014 was to be interpreted, such as to highlight the potential humanitarian benefits of restrictive immigration (Robinson, 2015, p. 131). The timing of the Modern Slavery Bill had to be strategic, as the Conservative party were crucially aware of the bill’s
importance in the party’s overall success (Robinson, 2015). Thus, the Modern Slavery Bill was presented concurrently with the Immigration Bill to Parliament.

During debates and readings of the Modern Slavery Bill, the role of the GLAA came to the fore again as campaigners sought for labour exploitation and forced labour to be given equal weighting to other forms of exploitation (Robinson, 2015). In addition, this would help address the issue of labour market deregulation introduced by the Coalition government, which failed to consider the link between deregulation and labour sectors deemed high-risk to exploitation. The GLAA was established to prevent labour abuses as a “labour provider licensing body” that also “served as a conduit for discussion on the connection between migration control, labour market deregulation and labour exploitation” (Robinson, 2015, p. 130). Notably, the GLAA also included the protection of undocumented workers as part of its protection remit (UK Public General Acts, 2004). Thus, by having labour exploitation within the MSA, there was and continues to be an opportunity to connect human trafficking and exploitation with safe labour standards, irrespective of one’s immigration status. However, shortly after the Modern Slavery Bill was brought forward, it was announced that the GLAA would become an immigration enforcement body as an arm of the Home Office (Gangmasters and Labour Abuse Authority, 2014). Today, the GLAA’s position within the Home Office remains controversial, particularly in how this further enables the targeting of migrants and reinforces a punitive approach to anti-human trafficking and exploitation. As a result, the promotion of labour rights generally has become a less prominent method of tackling exploitation. More than this, tackling labour exploitation and protecting all workers has arguably become a subset of the GLAA’s role in identifying those that are potentially undocumented, despite the reasonings for which the GLAA was established. In sum, the MSA “acted as a diversion from hostile migration control measures and labour market deregulation” (Robinson, 2015, p. 135).

Furthermore, though the MSA received cross-party support, significant objections were made during the drafting of the bill. Organisations such as Focus on Labour Exploitation (FLEX) were among the concerned. It was not the creation of the bill that FLEX and others were against, but the rush to pass the bill through Parliament without taking the time to consider the scrutiny of experts, particularly around issues of “legal clarifications… and confused definitions [with a] blinkered focus on prosecution (Falconer and Robinson, 2013). For instance, the NRM, designed to identify and offer support to VOTs, was not given legal protection. This is despite the fact that then Home Secretary May stated within the Draft Modern Slavery Bill that the Home Office will “always [keep] the plight of victims at the
very heart of [their policies] and in everything [they] do” (Home Office, 2013). There is, therefore, no explicit duty within the MSA to support victims; victims' support is instead left to the Secretary of State’s guidelines, which can be modified without Parliamentary approval (UK Public General Acts, 2015, Part 5, Section 52). This left victim protections and support in an ambiguous position on a state level. As a result, the MSA left a need for future legal clarifications on victim protection, as well as the need for further NRM provisions. Despite these issues, charities were told that they should avoid pushing for amendments in the bill because of the ‘urgency’ of the issue (Robinson, 2015, p. 132). However, the urgency was likely more of a matter of electoral timing and priorities for the Conservatives as they sought to rebuild their image to secure the vote.

As a result of the rushing of the Modern Slavery Bill through Parliament, there have been numerous issues with how the MSA has been applied in practice. To address some of the MSA’s approach to victim support concerns, the Modern Slavery (Victim Support) Bill, also known as the Free for Good Bill, was introduced in 2017 under Lord McColl, and advocates of the bill continue to attempt its push through Parliament. A core aspect of this bill is to give VOTs a minimum of 12 months of specialised support following when the NRM has formally recognised them as victims (UK Parliament, HL Bill 21). This bill aims to ensure that VOTs can receive quality care, as VOTs are currently required to apply for discretionary leave to remain to receive support, which is only granted to approximately 12% of VOTs in the UK (Free for Good, 2020). The 12-month period is truly the bare minimum required to support a stable recovery for survivors of human trafficking and exploitation. Victims are left vulnerable to further exploitation, destitution, and homelessness without guaranteed support provisions for VOTs in the MSA. The original intent was for the Modern Slavery (Victim Support) Bill to be passed before Brexit to ensure the rights of VOTs. Yet, perhaps unsurprisingly, the timing of the bill has been pushed back repeatedly and was re-introduced at the same time as the new Nationality and Borders Bill, now the Nationality and Borders Act 2022, which restricts immigration even more and further reduces migrants’ rights.

2.2.2 Nationality and Borders Act 2022

One of the core promises of the Brexit campaign, which led to the UK’s exit from the European Union, was that the UK would be able to regain control of its borders. Once Brexit was nearing its finalisation, a perfect opportunity for the UK arose to ‘regain’ this control by creating what became known as the New Plan for Immigration. As part of the New Plan for Immigration, a public consultation led to dozens of organisational responses to the proposed
plan. Only six days after the consultation closed in May 2021, the new immigration plan was announced as part of the Queen’s Speech, making it clear to campaigners that a new immigration bill would soon be introduced; in July 2021, the Nationality and Borders Bill was revealed. The negative aspects of the Act are too numerous to mention in full, such as aspects that completely ignore international agreements. However, there are several examples concerning ‘modern slavery’ that are worth noting (UK Parliament, 2021, HL Bill 82).

In particular, the inclusion of ‘modern slavery’ in the Nationality and Borders Act 2022 is problematic, as human trafficking and exploitation should be dealt with independently. This thesis argues that a person’s immigration status should not be a factor when considering how to identify or support a PVOT or VOT. The issue is partially due to the convolution of immigration with ‘modern slavery’ despite efforts made through the NRM to bring a clear separation (Garbers et al., 2021). For instance, the creation of the Single Competent Authority was introduced in 2019 to replace the case management system previously handled by UK Visas and Immigration (UKVI) and the National Crime Agency (NCA) (Home Office, 2022). However, even as the bill progressed through Parliament as of early 2022, it became apparent that objections to the convolution of immigration and ‘modern slavery’ were to be ignored (Garbers et al., 2021; Thornton, 2021). In early November, for instance, changes were made to the Modern Slavery Statutory Guidance without consultation, including the creation of the Immigration Enforcement Competent Authority (Home Office, 2022). It is concerning both in how this decision was made and how it confuses the practicalities and experts’ understandings of victim identification and exploitation.

However, perhaps one of the most troubling parts of the Nationality and Borders Acts 2022 is in relation to penalising PVOTs and VOTs based on how they arrived in the UK (UK Parliament, 2021, HL Bill 82). In these sections, asylum claims made by EU nationals or individuals who have passed through a ‘safe’ third country are inadmissible (UK Parliament, 2021, HL Bill 82). Though Parts 2 and 3 of the bill referred primarily to asylum, and not all VOTs will make asylum claims, the precedent creates a barrier to identifying PVOTs and for PVOTs accessing justice. When this precedent was compounded with Part 5 of the bill, which puts the onus on the VOT to self-identify as victims, it completely undermines the MSA. As VOTs have no control over how they enter the UK, including in cases of deception, asking VOTs to immediately identify themselves as victims once in the UK “appears to attempt to transfer the state's internationally defined duty to identify victims of slavery to the individual victim” (Garbers et al., 2021, p. 2). Moreover, police evidence demonstrates that it can take victims around two years to feel secure in revealing the details of their exploitation.
(HMICFRS, 2017). Expecting victims to share their traumatic incidents with law enforcement immediately is entirely at odds with the duty to safeguard and protect the vulnerabilities of PVOTs and VOTs. Also, delayed disclosure associated with trauma is taught within the Modern Slavery Statutory Guidance (Home Office, 2022). Despite push back from charities and advocates, the final version of the Act failed to address the major issues raised in relation to ‘modern slavery’ and asylum. While there are certainly more aspects of the now Nationality and Borders Act 2022 that could be addressed, the context of all the legislation discussed in this chapter demonstrates the significance of the relationship between immigration, human trafficking, and exploitation in policy and practice.

2.3 Defining key terms

The previous section regarding the Palermo Protocol began to demonstrate that there are numerous challenges with defining human trafficking and exploitation. The Palermo Protocol defined human trafficking as:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force, or other forms of coercion, or abduction, or fraud, or deception, or the abuse of power, or of a position of vulnerability… for the purpose of exploitation. Exploitation shall include, 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… (OHCHR, 2000, Article 3a).

The challenge with the UN’s definition is that, by nature, it suggests that human trafficking is something that just happens to people. The definition ignores all the conditions that enable its persistence, such as, for instance, that it's cheaper to buy clothes from a fast fashion company than a sustainable, slow fashion brand. There are simply so many incentives that allow the system of human trafficking and exploitation to manifest. Furthermore, it ignores that many victims are ‘willing’ migrants, as mentioned in the previous section in relation to consent (Hoyle et al., 2011). Therefore, an important distinction to discuss is the differences between human trafficking and smuggling. In the UK, it can be observed in many of previous Home Secretary Priti Patel’s speeches and Parliamentary responses how the Home Office uses the terms interchangeably. There is also legal foundation for this, as seen in the MSA 2015. In Part 1.2.1, a trafficker is defined as someone who “arranges or facilitates the travel of another person (‘V’) with a view to V being exploited” (UK Public General Acts, 2015). There is no
reference to the fact that some travel facilitators may be deceived – an important distinction from smuggling.

It can be difficult to distinguish a person’s ‘status’ when they are in transit, which is an added component to the challenge of identifying potential trafficking victims. Taking a human rights approach to anti-human trafficking engagement makes understanding the subtleties of each at play easier. The purpose of smuggling is to move individuals across borders when they cannot migrate through legal means. In contrast, the intent of a trafficker is for the individual to be exploited upon reaching their final destination. Unlike smuggling, human trafficking can be accomplished through either legal or irregular means. Human trafficking can also occur within internal state boundaries (i.e., human trafficking can use legal work visa routes to exploit a person). Smuggling is more transactional in that once individuals reach their destination, they will rarely maintain a relationship with their smuggler or be required to engage with their smuggler in any way.

While there can be a clear power imbalance between the smuggler and the individual in transit, and the travel is dangerous, the relationship intent differs from that of a trafficking situation. Confusion can come, however, when traffickers pose as smugglers, and the individuals believe they will be smuggled migrants but are deceived and become unknowing VOTs. This distinction presents challenges at border crossings because an individual that sees themselves as a smuggled migrant will do everything possible to avoid the attention of law enforcement, making it difficult for a law enforcement officer to identify indicators of human trafficking in the person’s situation. The distinction likewise presents challenges for identifying a point of victimhood when a situation that appears to be smuggling turns into a case of human trafficking, as well as for determining whether a migration decision has been ‘voluntary’ or ‘forced.’

Further to the distinction between smuggling and human trafficking, in exploring definitional frameworks on human trafficking, this thesis has found the works of authors that challenge popularly accepted ideas of what trafficking is and is not particularly useful. In particular, this thesis has been significantly influenced by the works of researchers Anderson (2007) and Davidson (2010). In response to the definitional framework of human trafficking found in the Palermo Protocol, for instance, Davidson (2010, p. 249) has argued:

This definition does not actually allow us to distinguish clearly the experience of Victims of Trafficking (VOTs) from that of other groups of migrants. To begin with, the protocol frames ‘trafficking’ as a subset of ‘illegal’
immigration and as a phenomenon quite distinct from ‘smuggling,’ and yet people whom states would regard as ‘smuggled’ or as ‘immigration offenders’ can also end up in situations of exploitation listed in the protocol. Meanwhile, workers who move through perfectly legal channels to work legally in the formal economy are also sometimes subject to extensive rights violations, including confinement, passport confiscation, non-payment of wages, and physical violence or its threat.

Therefore, this thesis argues that ‘human trafficking’ is used as an umbrella term that encompasses a vast range of circumstances which are very distinct from one another and have significant contextual differences. The Protocol’s definition does not describe levels of an exploitative situation, for instance, in identifying whether a situation is human trafficking or if a situation is more of an issue of poor labour standards. The problem with human trafficking being used as an umbrella term, therefore, is that a range of experiences of exploitation is then represented, including a range of understandings of a VOT’s freedom or unfreedom. Practically, that means that those involved in victim identification work are forced to decide what constitutes ‘appropriate’ versus ‘inappropriate’ exploitation (Anderson and Davidson, 2003). However, these boundaries of what is considered freedom are ever evolving, both in historical and cultural terms and on one’s individual terms. Hence, the bounds of what is considered appropriate versus inappropriate exploitation can be unclear.

Davidson (2010, p. 261) further suggested that this definitional issue of the term ‘human trafficking’ could be a reason for the low numbers of VOTs being identified, both in the UK and globally. In the UK, for instance, 10,627 PVOTs were identified in 2019, despite estimates by the UN that 136,000 were estimated to have been trafficked to the UK in the previous year (Guilbert, 2018; Home Office, 2019). More convincingly, this is an example of “the seductions of quantification”, which is rooted in this lack of “conceptual clarity” more than to say that low VOT identification is solely an issue of definitional issues, however (Feingold, 2017; Merry, 2016). To give an additional view of the definition, academic Zimmerman (2011, p. 569) argued the following regarding the Palermo Protocol definition:

[The UN] definition highlights the non-consensual nature of human trafficking to distinguish it from other forms of migration. The defining feature of human trafficking crimes therefore is not the market sector in which labour takes place (for example, the sex industry) but, as the UN Special Rapporteur on
Violence against Women explains, it is ‘non-consensual and exploitative or servile nature of the purpose [of human trafficking crimes] with which the definition concerns itself’ (OHCHR, 2000, pp. 8-9). The constitutive element of human trafficking crimes according to international law is the non-consensual, exploitative, or servile nature of the employer/employee relationship.

Thus, Zimmerman argued for the importance that the UN definition holds in separating human trafficking from other forms of migration through human trafficking being defined as non-consensual. It is indeed the removal of freedom of movement and choice through deception or various forms of violence that makes human trafficking distinctive. Yet, as has been described earlier, the issue of consent is not described extensively despite its significance and nuances for how consent relates to the issue of agency in practice. Within the Palermo Protocol definition, for a situation to be considered human trafficking, the purpose must be exploitation (OHCHR, 2000). However, exploitation itself is not defined, and these terms tend to be used interchangeably. In addition, there is not a definition of exploitation that is globally agreed upon, so exploitation is typically described through examples of what exploitation could look like if it were to happen.

Interestingly, ‘slavery’ is also a term used to depict what exploitation could look like; thus, a distinction is made between slavery and human trafficking. Slavery is a possible outcome of human trafficking, and human trafficking is a process by which that outcome occurs (OHCHR, 2000, pp. 8-9). The first review of the MSA, led by Barrister Haughey, discussed the concern that exploitation was not defined in the MSA and recommended that exploitation be signified as a stand-alone offence (Haughey, 2016, p. 9). To note, Haughey was also a member of the Modern Slavery Task Force and advised on the drafting of the Modern Slavery Bill. Having not defined and made exploitation an offence in its own right was described as a “serious flaw”, particularly in cases where the means by which the human trafficking occurred were challenging or traumatising to evidence (Haughey, 2016, p. 28). Though this issue was raised in drafting the Modern Slavery Bill, it was decided that examples of exploitation were already addressed adequately in other areas of law (Haughey, 2016). However, this clearly puts onus on prosecutors to interpret a range of laws relevant to exploitation, making it difficult to acknowledge the complex and evolving nature of human trafficking.
As an additional problem, a distinction is made both in practice and legally between sexual exploitation and labour exploitation (OHCHR, 2000, Article 3a). While the Palermo Protocol recognises “the exploitation of the prostitution of others or other types of sexual exploitation” as examples of exploitation, these phrases are left undefined, again leaving the onus on states to determine how they will address prostitution in their domestic law (Ibid). This certainly has left a gap in international collaboration on sexual exploitation and has affected the definition’s overall coherence. Moreover, the distinction between sexual and labour exploitation has inferred that sex work cannot be classified as a form of labour, which has offered little protection to sex workers from exploitation (Wijers, 2015). The distinction is in opposition to how forced labour has been defined by the International Labour Organization (ILO), however, as the ILO has consistently denoted forced prostitution as a type of forced labour (ILO, 2014, R203; Wijers, 2015). In practice, sexual and labour exploitation are nearly always separated as concepts, making the definitional problem and its implications especially challenging to address.

Further, an interesting phrase to highlight within the Palermo Protocol definition is that human trafficking could occur through “the abuse of power, or of a position of vulnerability” (OHCHR, 2000, Article 3a). By highlighting that “the abuse of power, or of a position of vulnerability” contributes to human trafficking and exploitation, states have a responsibility to protect those vulnerable as part of their anti-human trafficking work (OHCHR, 2000, Article 3a). The definition does not include examples of what would qualify as vulnerability, but this could cover a range of circumstances based on what is known about victims that have been identified. For instance, vulnerability could include specific disabilities, a person’s immigration status, homelessness, or substance addictions, amongst other socio-familial factors (Kenway, 2021, p. 19). Thus, the UK’s immigration legislation would be at odds with the UK’s responsibility to protect vulnerable people to prevent human trafficking and exploitation.

Amid ambiguous terminology on human trafficking, exploitation, and ‘modern slavery,’ researcher Davidson (2010, p. 245) has argued that a “binary opposition between slavery and freedom” has been created that unnecessarily placed discourse into a conservative agenda. In doing so, understandings of freedom have been restrictive. As such, terminology in policy and relevant research has developed to incorporate and equate the phrase ‘modern slavery’ with human trafficking, which has only deepened the slavery and freedom binary. As a term, ‘modern slavery’ is of considerable breadth and encompasses most forms of exploitation. Human trafficking is much more specific in its focus on the
means of exploitation, whether internal or cross-border. Davidson’s (2010, p. 257) suggestion that more attention must be given to the complexities of context and how we interpret the start and end point of ‘appropriate’ vs ‘inappropriate’ exploitation is particularly interesting. Davidson (2010) suggests that much of this is understood by imagined notions of freedom or ‘unfreedom.’ However, this notion is again rooted in the issue of consent and how it is legally and practically interpreted as it concerns human trafficking. With a similar argument to Davidson, Anderson (2007) suggested that attempting to define ‘human trafficking’ and what is and is not considered trafficking has led to inadvertent consequences. Attempts to distinguish “between ‘trafficked’ and “not trafficked but just-the-regular-kind-of-exploitation” in an “either/or dichotomy” has produced a “continuum of experience” despite an extensive range in severity of abuses present (Anderson, 2007, p. 10). To give a further description to the range of abuse that may be experienced under what is understood through the term ‘human trafficking’, Anderson (2007, p. 11) stated:

At one pole of the continuum, we can find people who have been transported by gunpoint, then forced to labour through the use of physical and sexual violence and death threats against them or their loved ones back home. At the other pole, we can find people who have not been charged exorbitant rates by recruiting agencies or deceived in any way about the employment for which they were recruited, and who are well-paid and work in good conditions in an environment protective of their human and labour rights. But between the poles lies a range of experience. Ideas about the precise point on this continuum at which tolerable forms of labour migration end and trafficking begins will vary according to our political and moral values.

Much of what Anderson described in depicting the range of circumstances that may be considered human trafficking acts as an additional example of why using human trafficking as an umbrella term can be problematic for understanding the experiences of VOTs. To comment further on the binary of slavery and freedom presented by Davidson (2010), as well as issues with the lack of distinction between levels of severity in abuse, Weitzer (2007, p. 448) has argued that the way human trafficking is communicated in its worst cases has been used in a way to institutionalise a “moral crusade.” Other authors (Augustin, 2007; Saunders, 2005) refer to the idea of the ‘moral crusade’ as the “white slavery scare.” In doing so, Weitzer (2007) adds an essential aspect to the discussion
regarding how exploitation is interpreted and further problematises the challenges of identifying a point of victimhood.

In creating a ‘moral crusade,’ activists rely on using stories that include “the most shocking exemplars of victimisation” to justify severe responses by policymakers and the public (Weitzer, 2007, p. 448). Therefore, the range of experiences represented within the definitional framework of human trafficking is largely ignored to prioritise the experiences that will amplify the issue most distinctively. As a result of less severe forms of exploitation being missed due to the experiences of these VOTs not matching the desired image of the ‘moral crusade,’ VOTs that are victims are not being perceived or identified as victims. Additionally, VOTs recognised by moral crusade activists are represented in a way that denies them their agency, as human trafficking in these scenarios does not recognise victims’ decision-making processes (Weitzer, 2007, p. 452). For instance, a voluntary migrant that ends up in an exploitative position due to a deceptive job advert would be excluded by moral crusade activists. In contrast, someone that is kidnapped would be the perfect example of the ideal victim that has no choice or agency. These definitional distinctions that enable a moral crusade are particularly concerning when they become institutionalised, whether through the implementation of government policies or the allocation of funding, for instance (Weitzer, 2007).

In addition, these definitional distinctions are within a framework that addresses human trafficking and exploitation as a particular type of problem. As ‘moral crusade’ activists have made human trafficking into a social problem, one might expect the issue to be addressed through a human rights or humanitarian lens (Weitzer, 2007). Yet, while the ‘moral crusade’ is most overtly associated with the moral side of the human rights approach to anti-human trafficking, it has undoubtedly been closely linked to the ‘illegal’ migration and organised crime approaches. As Davidson (2016, p. 68) stated, “despite all the cant about trafficking in human beings as a human rights violation, states have defined it as, first and foremost, a security and criminal justice issue.” After all, the Palermo Protocol was developed by the UN Convention on Transnational Organised Crime as an international crime control mechanism (Kenway, 2021, p. 20). While human trafficking can be perceived as both a humanitarian and a crime problem, the predominant focus on the organised crime approach has become a concern in how moral crusade activists have interpreted the definitional distinctions and framework of human trafficking. The impact of this has been the legislative framework of restrictive immigration that criminalises PVOTs and VOTs that are
perceived as ‘consenting’ to their exploitation and a system that skirts its responsibilities regarding the protection and identification of victims.

2.3.1 The term ‘modern slavery’

Though there was a legal basis to the concept of human trafficking already, the early 2000s was when the new concept (or re-branding) of slavery began to emerge, which the UK now predominantly refers to as ‘modern slavery.’ Much of the re-branding of slavery was borne out of Bales’s (1999) work, who made early comparisons between ‘old and new slavery,’ a dichotomy he no longer supports. ‘Old slavery’ referred to enslaved people as being under legal ownership, whereas ‘new slavery’ referred to enslaved people who are only kept as long as they were useful (Bales, 1999); in other words, new enslaved people were “disposable people,” a concept coined in Bales’ (1999) initial work on slavery. Journalists at that time loved the comparison, which enabled the framework of ‘modern slavery’ to develop (Kenway, 2021, p. 12). Bales (1999) veered away from the old versus new slavery dichotomy in favour of viewing slavery as something experienced on a continuum, evolving as states and cultures evolve. Bales’ depiction of modern slavery has always resembled a heroic, sensationalised journey to eliminate slavery once and for all, and it’s important to be mindful of this when considering how this led to the use of the term ‘modern slavery’ in the UK’s context.

There was some benefit to switching to the ‘modern slavery’ term, such as how the term’s encompassing of a vast range of abuses allowed for understanding of human trafficking and exploitation to move beyond focusing predominantly on sex work (Chuang, 2015). However, these benefits did not come without costs. The term itself, while based on how slavery was historically depicted during the transatlantic slave trade, was essentially a made-up concept; ‘modern slavery’ can be perceived as a made-up concept as its core components had already been defined in international law with their own, pre-existing legal frameworks (Chuang, 2015). By using the term ‘modern slavery,’ terms like human trafficking and forced labour are easily conflated, similar to how trafficking and smuggling have been conflated, for instance. As a result, there is a risk that using the term ‘modern slavery’ and creating legislation based on this term undermines existing legal frameworks (Chuang, 2015). Moreover, the concept of ‘modern slavery’ becomes further confused because of the UK’s use of the ‘illegal’ migration and organised crime approach to tackling human trafficking. Thus, anti-immigration legislation undermines both the UK’s ‘modern slavery’ agenda and international legislation on anti-human trafficking; the ‘modern slavery’
term thereby impacts international collaboration, policy coordination, and, most pertinently, the protection and identification of VOTs.

In addition, the conflation of trafficking with slavery has further contributed to the “binary opposition between slavery and freedom” as it has further led to a focus on the most severe forms of exploitation (Davidson, 2010, p. 245). Due to previous understandings of what ‘slavery’ constituted, the term ‘slavery’, even with a ‘modern’ context, still indirectly infers a severely abusive experience. Therefore, experiences of abuse that do not meet the imaginary threshold of ‘modern slavery’ are not valued similarly, as depicted through the mythology of victimhood. Moral crusade activists can then override the human rights or humanitarian approach sought by charities and some advocates, which has absolved the state of its responsibility in creating structures and systems that enable exploitation (Chuang, 2015; Weitzer, 2007). As a result, the public has been led to believe that changing their patterns as consumers and picking ‘ethical’ options, while not unimportant, are key to how ‘slavery’ can be prevented, rather than by challenging the systems and structures that allow ‘slavery’ to thrive.

The term ‘modern slavery’ has also led to sensationalised outcomes that have contributed to the ‘trafficking myth,’ for instance, in the early estimates of how many slaves there were in the world. According to the Global Slavery Index (2016), a heavily criticised resource produced by Walk Free Foundation, there are believed to be more victims of human trafficking today in the world (estimated 45.8 million) than ever before in history. Bales’s initial book on modern slavery estimated 27 million victims worldwide (Bales, 1999). Minimal trust is given to these numbers by academics, yet the concept is widely believed by activists, members of the public, and even Parliamentarians (Kenway, 2021, p. 13). This is despite the fact that Bales himself later described the estimate that he helped to create as very flawed but used nonetheless as it was necessary for donor funding (Kenway, 2021). As predicted, once an estimate of the number of enslaved people around the world was given, the phenomenon was quick to grasp the interest of the public and policymakers; much of this was based on the terminology of slavery, as this was key to sparking alarm around the issue. Emerging from this idea that there were millions of hidden enslaved people were scholars and activists that began referring to themselves as ‘abolitionists’ (Blitz and Simec, 2019, p. 4).

The concern of ‘abolitionists’ has predominantly been on human rights rather power or structural issues (Blitz and Simec, 2019, p. 5). The term ‘abolitionists’ certainly supported the notion that there was political consensus on definitional frameworks of human trafficking,
modern slavery, and exploitation, as no one would want to represent themselves in a way that suggested they favour slavery. Moreover, the term ‘abolitionists’ furthered the relationship between the transatlantic slave trade and ‘modern slavery’ or the old versus new slavery dichotomy. Early on in Parliament, as the UK considered ratifying the *Council of Europe Convention Action against Trafficking in Human Beings*, Members of Parliament (MPs) used the terms slavery and human trafficking interchangeably. The term ‘modern slavery’ took off as MPs debated the contents of the convention; Baron Hague quoted William Wilberforce and likewise referenced Bales’s slavery estimates (*House of Commons Hansard Debates, 2007*). At a time when Parliament was facing considerable pressure to become signatories to the *Council of Europe Convention Action against Trafficking in Human Beings*, the use of the term ‘slavery’ was perceived to be favourable to the UK’s image.

After enough political pressure and public interest mounted, the UK began constructing the Modern Slavery Bill, which was possible in part because the Centre for Social Justice (CSJ) had taken a keen interest in promoting relevant research programmes (*Kenway, 2021*, p. 23). Though other research was taking place during this time in the UK, the CSJ was unique in that its focus on being cross-party was very intentional (*Kenway, 2021*). The idea that modern slavery should not be approached as a partisan issue was repeated throughout the CSJ’s events and media. This idea of non-partisanship, paired with the language of abolitionism, became fundamental markers of the modern slavery framework. The assumption of non-partisanship was then used to the advantage of policymakers who sought to bring about anti-human trafficking strategies through restrictive immigration. For example, shortly after the immigration bill was introduced, which became Immigration Act 2014, May followed this up with an introduction to the Modern Slavery Bill and how this would support locking up ‘slave drivers’ (*Drury, 2016*). It was an opportunity for May to respond to the backlash the immigration bill received for being racist and cruel. The linking of policies on immigration, human trafficking, and exploitation was also, therefore, not up for dispute; this is why Anderson (*2007*, p. 3) wrote that expressing concerns related to these issues is “akin to saying that one endorses slavery or is against motherhood or apple pie.”

Parliamentarians that worked with the CSJ were instrumental in exhibiting their work in eye-catching ways to garner the attention of their colleagues (*Kenway, 2021*, p. 26). These exhibitions focused on promoting the most severe forms of exploitation, such as a box with ‘human cargo’ written across it, hidden under a curtain to signify the hidden nature of victims (*Kenway, 2021*, p. 26). In addition, there was a push at this time to make the terminology of ‘modern slavery’ more official. Former MP and Vice Chair of the All-Party Parliamentary
Group (APPG) on Human Trafficking and Modern Slavery, Frank Field even secured “an agreement for the government to officially use the term ‘modern slavery’ rather than just ‘human trafficking’” (Field, 2003). The goal was not merely to change the terminology but to denote a term that would elicit a more severe response from the UK government.

However, it became increasingly evident in the UK and globally that the extensive scope of ‘modern slavery,’ as well as the difficulty in defining the issue, presented a challenge in identifying and protecting PVOTs and VOTs (Blitz and Simic, 2019, p. 7). Moreover, the UK government's insistence on addressing ‘modern slavery’ through restrictive immigration policies created further confusion around the term’s use and meaning. The UK government’s complicity with significant non-compliance to the MSA has left questions as to what extent the government wants to prevent human trafficking and exploitation. For example, this would include the government’s failure to fine companies that have not done the bare minimum of writing the required modern slavery statement or the government’s failure to adequately protect, identify, and support PVOTs and VOTs, which will be further demonstrated in this thesis’ empirical chapters (Chapters 4-7). Therefore, it is convenient that the term ‘modern slavery’ remains vague if the primary focus of the term’s use is on propagating a variety of harmful political agendas.

2.4 Conclusion

This chapter has sought to provide the legislative and definitional framework of human trafficking, exploitation, and ‘modern slavery.’ The purpose of this chapter was to depict how these terms have been understood and interpreted in the UK to contextualise the UK’s core approaches to anti-human trafficking, namely the ‘illegal’ migration and organised crime approaches. In doing so, the chapter began by highlighting the significance of the Palermo Protocol for its legislative and definitional implications. The core issue with the Palermo Protocol was addressed, which included how the agency of VOTs is depicted, which has linked to how the narrative of victimhood has been constructed and how the issue of consent has been understood in practice. Other ways this has been described in this chapter included the consent/coercion dichotomy or the forced/voluntary dichotomy (Doezema, 2005; Wijers, 2015). The issue of consent has likewise fed into the definitional framework of human trafficking, as the definition of human trafficking depicted by the Palermo Protocol has been the primary definition used by states in the adoption of domestic anti-human trafficking laws, as well as by other key actors in constructing anti-human trafficking programmes. What has perhaps been left unclear is whether alternatives to the concept of consent are possible. However, as the issue of consent is especially pertinent to debates
around sex work and prostitution, exploring alternatives to this notion will not be included as part of this thesis; the primary focus of how the issue of consent will be discussed regards how the issue relates to a PVOT, or a ‘willing’ migrant.

Within this chapter, the definitional framework of human trafficking and how it links to the issue of consent and coercion has also been referred to as the ‘trafficking myth,’ whereby differing ideologies can thrive, and the imagery of what constitutes trafficking has been sensationalised (Haag, 1999). In following, the chapter discussed other relevant legislation, including Immigration Act 2014 and 2016, the Modern Slavery Act 2015, and the newly enacted Nationality and Borders Act 2022. Aspects of the relevant legislation, mainly Immigration Act 2014 and 2016, will be explored in further detail in this thesis’ empirical chapters. The chapter then went on to demonstrate some of how the Palermo Protocol’s definition of human trafficking has been interpreted, which has led to challenges in tackling the issue. For instance, the chapter problematised how human trafficking has been used as an umbrella term to describe a range of abuses, as this has meant that the range of experiences of exploitation that are covered likewise represents a range of understandings of a VOT’s freedom or unfreedom (Davidson, 2010). In practice, this has meant that those involved in victim identification have been forced to decide what qualifies as exploitation, which can mean that only the most severe forms of exploitation are represented; this is made more challenging as the term exploitation is not legally defined. A “binary opposition between slavery and freedom” has resulted from confusing terminology (Davidson, p. 245). By focusing on the more severe aspects of exploitation, human trafficking has been institutionalised as a ‘moral crusade’ and a ‘social problem’ (Weitzer, 2007).

Justification for the UK’s ‘illegal’ migration and organised crime approach to human trafficking has been communicated to the public through the language of morality (i.e., that creating a policy that has the potential to be harmful is the right thing to do if it slows human trafficking). This chapter has demonstrated that consensus on what human trafficking constitutes is still largely debated. The chapter also depicted how the UK came to use the term ‘modern slavery’; the empirical chapters will build upon the ‘why’ for this decision. Finally, with the legislative and definitional framework of human trafficking in mind, this thesis will build upon the human rights or humanitarian approach to anti-human trafficking by critiquing the UK’s current approach and demonstrating how further value can be added to this approach in the subsequent theoretical chapter.
Chapter 3: Theoretical framework

3.1 Introduction

To critique the UK’s ‘illegal’ migration and organised crime approach to anti-human trafficking, the purpose of this chapter is to build upon the human rights or humanitarian approach to anti-human trafficking by introducing the thesis’ theoretical framework. In practice, disagreements within the human rights approach have presented challenges in identifying and protecting PVOTs and VOTs; much of these disagreements have had a blinkering focus on the role of sex work and prostitution. One side of the human rights approach returns to the moral approach, as prostitution is perceived as a violation of women’s rights. In contrast, the other side emphasises that the violation of women’s rights is abuse, coercion, or deceit rather than prostitution (Wijers, 2015). Thus, in the latter perspective, the focus becomes labour rights, whereby the decriminalisation of sex work is prioritised, though not exclusively. In 2002, Mary Robinson, the then UN High Commissioner for Human Rights, stated that “…anti-trafficking measures should not adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked and of migrants, internally displaced persons, refugees and asylum seekers” (OHCHR, 2002). Those who identified with the labour side of the human rights approach took particular issue with the omission of sex workers. While the sex work omission was rightly recognised and brought forward, this serves as an example of how internal contesting between the moral and labour sides of the human rights approach have been all-encompassing, preventing wider analysis of structural conditions and their perpetuation of exploitation.

While there is considerable literature about the specifics of the sex work versus prostitution debate, what has been less established is how this debate has served as a distraction for state accountability (Alexander, 1987; Davey and Kissell, 2010; Doezema, 1998; Farley, 2007; Kingston and Thomas, 2018; Mackinnon, 2011;Paglia, 1990; Weitzer, 2011). By applying the moral lens through debates on sex work and prostitution, the solution to anti-human trafficking becomes focused on the actions of individuals. While ethical choice and social responsibility are important aspects of anti-human trafficking, this focus on individual action has inferred that addressing contributing structural factors is outside the approach’s scope (Chuang, 2015). Therefore, states can continue to focus on rescue operations with questionable effectiveness (i.e., the idea that one person ‘rescued’ just opens up space for another person to be victimised) rather than interrogating the relationship between draconian migration measures and exploitation. Furthermore, it’s essential to keep in
mind that the moral side of the human rights approach has contributed to the imagined notion that anti-human trafficking is an issue with political consensus. In practice, this has made the moral side of the human rights approach a difficult approach to challenge.

While there are numerous ways in which the human rights or humanitarian approach to anti-human trafficking can be improved by incorporating a critical discussion on structural conditions, this thesis will offer a critique to existing approaches through discussions of the role of the migration system, as well as the identity marker of immigration status. To build this approach, this chapter will depict how structural violence can be used as a theoretical framework to ground the discussion within the empirical chapters and to answer the thesis’ research questions. In particular, Galtung’s (1969) definition of structural violence will be adopted due to its ability to infer that structural violence can be both intentional and unintended. This section will mainly look at how structural violence will be used to understand anti-human trafficking approaches better. Because of the thesis’ focus on the migration system, the framework will also be informed by a critical discussion of risk, in reference especially to Beck’s (2013) concept of a ‘risk society.’ Beck’s (2013) theory will be used because of its attention to future opportunity in describing risk and the way the theory engages with structural factors. Incorporating the discussion of risk will use the ‘cultural perception of risk’ concept especially and also will use the narrative of migrants as ‘national risk’ to support answering the thesis’ research questions. The discussion on risk will also be addressed in relation to Kierkegaard’s (2009 [1846]) concept of a ‘leap of faith’ to address the issue of ‘individualisation’ posed by Beck (2013), in which individuals must take risks due to the lack of prevention provided by state structures and institutions. By expanding upon risk in this way, it is hoped that the significance of individual choice in migration decisions and how this relates to understandings of human trafficking will be demonstrated. In doing so, this theoretical framework aims to draw a connection between ‘leap of faith’ decisions and the debate of consent as depicted in the Palermo Protocol’s legal and practical implications.

3.2 Structural violence

Coined by Galtung (1969, p. 170), structural violence will be understood, at a baseline, as “an injury that is not immediately attributable to an acting subject but is ‘built into the structure’ and manifests itself as inequality of power, resources, and life opportunities.” Thus within this theory, human trafficking is not to be understood as only as a violation of human rights and an issue of justice but also an issue deeply embedded in
broader structural concerns. For instance, these concerns include security, gender, labour institutions, the economy, and foreign policy (Monde-Anumihe, 2013, p. 10). Examining the role of structural violence is significant in order not to “limit ourselves to an analytics of violence that points solely to agents and intentions, [where] we are sure to miss the pervasive forms of violence that are ‘built into’ structures, institutions, ideologies, and histories” (Dilts, 2012, p. 191). Through structural violence, a norm is created in which “individuals may do enormous amounts of harm to other human beings without ever intending to do so, just performing their regular duties” (Galtung, 1985, p. 145); another term Galtung uses to describe the presence of structural violence is ‘negative peace.’

On the other hand, depictions of structural violence theory have often been described as the ‘unintended harm’ caused by institutions and systems (Picciotto and Weaving, 2006; Roberts, 2007). While not untrue, this thesis argues that this terminology is unhelpful in demonstrating Galtung’s definition of how structural violence is built into the UK’s immigration system. The terminology makes it seem as though the violence and inequality experienced were accidental. While the impact of structural violence is unintentional in many cases, this cannot be said of the UK immigration system. As the previous chapter began to outline, and what this thesis hopes to draw out through this theoretical framework, is that the UK immigration system does not just happen to cause unintentional harm but was designed to be harmful and discriminatory. However, because the UK immigration system is largely accepted despite its damage or its harm ignored altogether, the inequalities created exemplify structural violence's ‘invisibility’ or ‘normalisation’. In other words, “society sees and knows these conditions and the harm they cause and yet does not see them, does not recognise them for what they are. This invisibility describes a failure to acknowledge that is occasioned not by “inadequate optics but by an indifference structurally bound up with the discursive limits of intelligibility” (Winter, 2012, p. 198). Therefore, the theoretical framework of structural violence helps to make what is invisible visible, which will be particularly important in critiques of the ‘illegal’ migration and organised crime approach to anti-human trafficking.

Other theories were initially considered as theoretical frameworks prior to structural violence, including core-periphery relations and network power. In core-periphery theory, a region's ‘core’ economic centre, which tends to be densely populated cities, is contrasted by the ‘periphery’ or the outer areas with lower populations (Smith and Steel, 1995). However, core-periphery relations are more complex than saying it’s about urban versus rural relations, as there is significant variation in how communities and cities can be classified. Aspects of the core-periphery theory are undoubtedly relevant to structural violence, as Galtung himself
has used core-periphery relations to depict a structural connection between the state’s ‘core’ and the exploited periphery, which Galtung described through dependency theory (Galtung, 1980). While the theory of core-periphery relations has provided helpful insight regarding the institutionalisation of power, it seemed to be an inappropriate theory to apply considering this thesis’ focus on cross-border rather than internal trafficking, in addition to the thesis’ focus on the structure of a state’s migration system.

In the theory of network power, power is employed through rules of inclusion, exclusion, and coordination of social networks (Grewal, 2008); this power is mainly analysed through the lens of globalisation. There are differing views regarding how network power is exercised, with models focusing on different aspects related to access and governance of a network (Galloway and Thacker, 2007; Grewal, 2008). An example of network power from the perspective of access could be the International Monetary Fund (IMF) and how its membership principles enable it to exert network power in directing responses to international financial crises. However, networks such as IMF can work against the interests of those disadvantaged by particular aspects of globalisation due to membership or governance standards that are incompatible with a country’s contextual realities. A solution proposed to counter network power is to use existing networks to address network access through better network designs, such as offering alternative (rather uniform) membership standards (Grewal, 2008). While this theory provides helpful insight to understandings of power distribution, particularly for state inter-relations and North-South power dynamics, this likewise seemed to be an unsuitable theory to apply because the most developed aspects of network power theory relate to formal networks. Though the UK’s migration system is a formal institution with policies that could be described through rules of access, the realities of systematically mapping how this related to informal migration and trafficking networks seemed implausible due to the hiddenness and the scope of exploitation patterns. However, applying this theory to UK migration and trafficking systems and networks would certainly be a research gap to explore if further resources were available.

Like the theories of core-periphery relations and network power, structural violence speaks to power distribution. While this thesis is mainly concerned with the role of the UK’s immigration system as a structure in which inequalities are built and how this relates to the UK approaches to anti-human trafficking, structural violence theory benefits from its ability to not only speak to the structure itself, but to how the inequalities intersect on both a communal and individual level. To answer the first research question and its sub-question, choosing a theory that could effectively demonstrate the impact of inequalities through an
individual lens was deemed necessary for depicting the role of consent in understandings of exploitation and migration decision-making. An example of how an individual lens of structural violence theory has been applied is through depictions of ‘grey zones’ when considering how people are forced into challenging decisions to move past their experiences of structural violence; this likewise adds to Bourgois’s (2009) suggestion that the complexity of structural violence is not often recognised. For example, Levi (1988) discussed how labour camps make it difficult to identify the victim versus the victimiser by examining his personal experiences as a Holocaust survivor. Levi (1988) demonstrated the complexity of human agency through a depiction of the moral dilemmas and numerous ways in which people react to overt violence and marginalisation. Similarly, this acknowledgment of ‘grey zones’ could be applied to migrants who knowingly choose irregular means of migration and are subsequently criminalised or to some traffickers who have made decisions based on their need for survival.

Galtung’s (1979, p. 170) definition of structural violence also supports answering the thesis’ research questions because of its inclusion that structural violence manifests as the inequality of ‘life opportunities’ (Anglin, 1998, p. 146). Another way to say this is that the realities of individuals’ daily lives intersect negatively with their potential. An example that helps to depict this gap is presented by Farmer (1999, p. 168): “If a person died of tuberculosis in the eighteenth century it would be hard to conceive of this as violence since it might have been unavoidable, but if he dies from it today, despite all medical resources in the world, then violence is present according to our definition.” In a beneficial addition, Farmer (2004, p. 305) surmised structural violence as “the social machinery of oppression” and the “social web of exploitation.” This can be further grounded in Farmer’s (2004, p. 307) depiction of agency, where he states that “the degree to which agency is constrained is correlated inversely, if not always neatly, with the ability to resist marginalisation and other forms of oppression.” Thus, structural violence “constricts the agency of its victims” (Farmer, 2004, p. 315).

The gap between reality and potential is an important observation when considering the context of a person’s migration decision. For instance, a person may accept a job offer abroad because they are deprived of life opportunities in their context, whether that be for an identity characteristic or their country’s socio-political situation, and the job abroad represents a new life opportunity. If signs suggest the new job may be risky, such as the person lacking basic information about the job they are migrating for, the prospect of life opportunity can overshadow these risks. The job abroad becomes a route out of the person’s
experience of structural inequalities. Yet, from the perspective of UK migration policy, if the job became exploitative, the decision to migrate, either through irregular means or not, was consensual and their migration was not ‘forced’, despite the realities of harm and structural violence that led to the decision. Thus, there is no legal basis in the UK for structural violence to be considered a form of exploitation.

Additionally, Vogt’s (2013, p. 765) ethnographic research suggests that “many migrants do not conceptualise the violence they experience along the journey as new or unique,” thereby adding to Bourgois and Scheper-Hughes’s (2007) concept of structural violence as a ‘continuum of experience.’ This is an important observation to keep in mind when considering the ‘illegal’ migration approach to anti-human trafficking. This example also demonstrates that it is not difficult to understand why there would be differentiations between what constitutes exploitation or a point of victimhood. A reason for this legal omission may be based on the key critique of structural violence theory, in that the theory itself is too all-encompassing and presents no obvious solution. In answering the thesis’ research questions, therefore, it may be more helpful to focus less on how and why structural violence is a form of oppression and exploitation, despite this being central to the literature on structural violence (Anglin, 1998; Bourgois and Scheper-Hughes, 2007; Dilts, 2012; Farmer, 2004). This is not to say that identifying structural violence as exploitation is not important, but to argue that applying it to contexts of its impact will prove more effective than trying to solve structural violence itself. Thus, structural violence theory will be used to bring further understanding to approaches to anti-human trafficking.

When considering the organised crime approach to anti-human trafficking, this thesis argues that tools used to identify PVOTs and traits of vulnerability could be perceived as applications of structural violence theory. In particular, this would be in cases where harm incurred as a result of one’s identity markers, such as ethnicity, religion, immigration status, gender, etc., has led to one’s marginalisation. Anglin (1998, p. 146) especially aligned with this depiction of structural violence, noting that “the imposition of racialised, gender-, and/or class-based social hierarchies; the curtailment of life chances, and the routinisation of dominant discourses can also be recognised as forms of violence that, if covert, are no less egregious in their effects.” Anglin’s (1998, p. 147) work is not to suggest that gender-based violence always victimises women and girls, but that there are “differential effects of coercive processes on women and men, girls and boys.” Anglin (1998) further argues that social contexts enable the existence of violence rather than suggesting intrinsic violence in individuals; moreover; Anglin (1998, p. 145) adds to notions that structural violence thwarts
human potential in that the marginalisation it produces denies “[individuals] the opportunity for emotional and physical well-being.”

This intersectional approach to structural violence is critical, but this thesis argues that issues have arisen when these identity markers have been used in anti-trafficking programmes to presume vulnerability. The difficulty arises for law enforcement and charities that work to identify PVOTs because the assessment framework is often positivist or confined narrowly to the data it holds. The organised crime approach, which is often reliant on ‘indicators’ of vulnerability, becomes particularly problematic in how the approach intersects with the UK’s predominant ‘illegal’ migration approach to anti-human trafficking. For example, it is essential to identify that a specific ethnicity within a country’s context may be subject to exceptional experiences of oppression. However, an assumption may then be made that those individuals are more vulnerable to human trafficking. This information may then be fed to law enforcement in the UK, who are expected to identify these individuals as vulnerable when they enter the UK. Yet, because of the ‘illegal’ migration and organised approaches that criminalises PVOTs, the vulnerability becomes institutionalised in a way that creates further rights restrictions and barriers for that person. In attempts to protect the person by those involved in victim identification, the person becomes further marginalised. The cyclical, generational nature described by Winter (2012) then plays out, as data collected on these PVOTs is used repeatedly as ‘indicators’ of human trafficking, making it difficult for that ethnicity to be seen as anything but vulnerable in the UK’s context.

Similarities with how structural violence theory has been applied can also be drawn with the moral side of the human rights approach to anti-human trafficking. Though a focus on structural factors has been largely absent from this approach, there has been some inclusion by activists of how economic conditions relate to vulnerability (Bales, 1999; Jabour, 2014; Trodd, 2007); this perspective, however, has been extremely limited by its failure to identify how identity markers relate to broader structural systems. For instance, Bales (1999, p. 11) stated, “the common denominator [of VOTs] is poverty, not colour. Behind every assertion of ethnic difference is the reality of economic disparity.” As Kenway (2021, p. 25) rebutted, “this separation of identity characteristics from vulnerability is perhaps only an assumption that can be made by a white man.” While those within the moral side of the human rights approach have largely ignored the role of racism, similar to the organised crime approach, vulnerability has been institutionalised through identity markers. As an example, this approach can apply structural violence theory through NGO and charity marketing strategies focusing on the relationship between Western states as the rescuer of the
‘impoverished Global South.’ In both the moral and labour sides of the human rights approach, critique has been prevalent concerning the focus on sex work. Mahdavi (2013), in his research on female migrants in the UAE, argued that the narrow, sex-focused discourse on human trafficking produces a form of structural violence in its own right. Through this discourse, women are pushed further into the informal economy, which is “creating an environment in which women are more vulnerable to abuse” (Mahdavi, 2013, p. 430).

It is not unusual for structural violence theory to be applied to debates on labour and migration. An initial example of this is in relation to how structural violence continues to impact a person once they have begun their migration journey. Vogt (2013) presented an interesting argument on this through a term she refers to as “liminal spaces”, which uses an ethnographic example based in Mexico. In this depiction, Vogt argues that the migration journey is a ‘liminal space’ that represents a process of commodification as a migrant may gain or lose “value” throughout their journey. The concept of ‘liminal spaces’ and its relationship to structural violence likewise supports answering this thesis’ research question regarding how understandings of human trafficking relate to anti-trafficking approaches. The ‘liminal space’ notion could similarly be applied to instances where migrants’ rights have been limited or removed, which has been particularly heightened through examples of the impact of Covid-19 (Deshingkar, 2022; Phillimore et al., 2021). Therefore, the limbo that migrants are forced into in the UK on account of their restricted rights serves as an example of how structural violence impacts not only a state but continues to impact individuals once they leave that state. In a discussion on the US-Mexico border, Slack and Whiteford (2011, p. 11) termed the concept of people having to react and migrate due to structural violence as “post-structural violence.” While the term is not particularly helpful due to how it could be inferred that structural violence ends when someone migrates, to which Slack and Whiteford (2011, p. 11) themselves agree, the term helps to demonstrate that there are “multiple layers that make up the continuum of violence.” The term likewise adds to Levi’s (1988) concept of ‘grey zone’ decision-making, as the term further emphasises how a person is repeatedly forced into making challenging decisions as a result of the multi-layered ‘continuum’ of structural violence experiences. Other relevant instances in which structural violence theory has been applied relate to migrant deaths in border zones (Reineke et al., 2014), refugee intervention strategies (Hölscher, 2016), and gendered harm in the asylum system (Canning, 2017).

In terms of labour, structural violence has primarily been used to critique economic ideologies and systems or to critique labour institutions that influence labour policies and
practices (Anglin, 1998; Bolt and Rajak, 2016; Gordon, 1996; Leech, 2012; Qureshi, 2013) likewise, structural violence is used in these instances to highlight labour abuses (Blazek, 2015; Cramer, 2015). The labour side of the human rights approach to anti-human trafficking fits within this critique, whereby labour institutions are recognised for their impact on employment conditions and norms. The structural aspects included primarily engage with the effects of rights and policies once in the UK; arguably, little focus is given to labour access and its relationship with migration. This thesis argues that alongside awareness-raising and critique of migrants’ rights policies in the UK, the inclusion of a discussion on labour access is essential for the approach to be improved. Additionally, within this approach, the relationship of migration with labour exploitation and abuse must be developed. Engaging with how structural violence theory is applied through other anti-human trafficking approaches will support the development of the labour side of the human rights approach, as this will better enable effective advocacy; in my experience as a practitioner in this field, critiquing through existing frameworks is especially important when working with Parliamentarians. To develop the labour side of the human-rights approach to anti-human trafficking through the framework of structural violence, this thesis argues that understanding the concept of risk is essential. While structural violence will support critiques of anti-human trafficking approaches, the concept of risk will enable a more nuanced discussion on the role of consent in migrant decision-making and how this impacts understandings of human trafficking.

3.3 Critical discussion of risk

The concept of ‘risk’ described by Beck (2013, p. 9) as the “anticipation of catastrophe,” drives how the economic market is approached globally and our response to security threats. Perhaps most prominent in the literature of risk is how the concept has been explored through evolutionary game theory, which is a helpful framework for understanding the tensions between individual choice and group dynamics (Hofbauer and Sigmund, 1998; Nowak, 2006). The evolutionary game theory framework can be applied to a range of social dilemmas yet is problematised through scenarios such as the ‘prisoner’s dilemma,’ which seeks to engage with how altruism fits into individual choice (Hilbe et al., 2013). Through an application of collective-risk theory, Chen et al. (2012, p. 7) have argued that “risk driven-migration strongly promotes the evolution of public cooperation” and that this is only opposed through random migration. Though a physics or economics disciplinary approach is a complementary perspective, individual choice and the role of agency in migration decision-
making process are, of course, left out of this depiction. Migration risk has also been understood through human capital theories, which are essentially individualised, rational approaches to cost-benefit analysis decision-making (Stark, 1991); however, this may not include a literal calculation of financial benefit in the case of economic migrants.

While some risks can be calculated by looking at probability, the type of risk described in Beck’s (2013) theory considers risks that cannot be calculated and the types of risks that are based on unknowns. These unknowns result from inconsistencies and contradictions within society, as well as unknowns caused by the ability for risks to impact one another at any given time. Beck’s risk society and its reliance on ‘unknown unknowns or non-knowledge have been such a key feature of his theory on risk that Gross (2016) suggested that the risk society should be renamed the ‘non-knowledge society.’ Thus, no matter how much risk research is produced, some knowledge on new risks will remain unknown and indeterminable (Sørensen, 2018). In this definition, risks “concern the possibility of future occurrences and developments; they make present a state of the world that does not (yet) exist” (Sørensen, 2018). Risk, likewise, is a way to deal with “hazards and insecurities introduced by modernization itself” (Sørensen, 2018, p. 21). While Beck’s definitions have dominated the social sciences for several decades, the latter definition has been criticised for being inadequate, as risk should not be perceived as a way to cope with society’s developments (Campbell and Currie, 2006, p. 151). Though Beck sees risk as fundamental to social relations, thereby incorporating key structural determinants to risk, Beck makes it difficult to ask how we are meant to react to risk. In using Beck’s (2013) view of risk, this thesis has taken liberties to apply it beyond the scope of modernisation that Beck presented, in alignment with Campbell and Currie’s (2006) critique; though much of human trafficking can be linked to aspects of modernisation, people were being exploited and trafficked long before the industrialisation of society.

However, aspects of Beck’s (2013) concept of risk are particularly interesting because they signify “the controversial of the possible.” Therefore, the concept of risk provides a vital reflection when considering how structural violence restricts an individual’s life opportunities. Risk becomes an integral part of one’s reaction to structural violence, as the idea of future possibility is one of hope and freedom from one’s present experiences. On the other hand, risk may reveal threats, and when a risk becomes realised, Beck (2013) suggests that the risk may become a “catastrophe.” Applying these understandings of risk through generating fear, as argued by Raco (2002, p. 26), is central to government strategies when implementing new policies and developments (Lupton, 1999, p. 29); likewise, risk has been
examined in its ability to control populations through how governments discuss risk (Mythen and Walklate, 2006). Thus, this thesis perceives risk as a strategy employed by the UK government to enable its restrictive migration policies and shape the public identities of PVOTs and VOTs. While risk is a UK governmental strategy used to progress policies, it must also be acknowledged that using risk in this way requires justification; the government still must continually demonstrate why something is a risk and then must invest in protecting the public from that risk, which uses tax funds (Krahmann, 2011, p. 357). The requirement for public risk and governmental discourses to be defensible will be especially pertinent when considering the ‘illegal’ migration and organised crime approaches to anti-human trafficking and the lengths the government will go to promote migrants as ‘illegals,’ thereby also criminalising PVOTs. Further, by adding the concept of risk as fundamental to the structural violence framework, the concept of risk will highlight how understandings of human trafficking relate to anti-human trafficking approaches. For instance, when considering anti-human trafficking approaches, the ‘cultural perception of risk’ is especially pertinent, as risk is perceived and assessed differentially; while some situations may appear objectively risky, this is not so straightforward. Additionally, the concept of risk could be explored in relation to both the UK as a state and the ‘national risk’ created through prominent migration narratives and the individual that hopes to migrate.

In considering the ‘cultural perception of risk’ in the first instance, the underlying questions to be asked are 1) how a risk is determined to be a risk and 2) who has the right to determine this. Though Beck’s earlier work differed, Beck (2013, p. 30) later identified that risks are “social constructions and definitions based on corresponding relations of definition”, which fit into a context of “definitional power.” While there is not a straightforward answer to this beyond looking at how power is distributed at any given time, these questions help to demonstrate the challenges of identifying PVOTs; additionally, these questions add to Bourgois’s (2009) depiction of the nuances of how structural violence is experienced. In the ‘illegal’ migration approach, a PVOT must adopt the UK state’s understanding of migration risk to be considered a victim versus a criminal if exploitation were to occur. Due to the UK’s hostile stance toward migration highlighted in the legislative framework, it could be argued that the risk to society highlighted by the state is ‘people smugglers’ or traffickers that enable irregular migration and human trafficking. Thus, migrants to the UK are expected to adopt the UK’s view of risk when considering their migration decision, leading them to either not migrate or only migrating through a ‘highly skilled’ route. However, because migrants hold their own perception of risk rather than the ideal instilled through the UK’s migration system,
migrants follow their own norms, which further supports the UK’s ability to criminalise them; this is because the UK state is the power holder in this scenario. When this ‘risk’ is repeated on a large scale, leading to human trafficking or exploitation in some instances, Beck’s (2013) view of a ‘risk society’ or ‘global risk’ emerges; similarly, the power balance within risk allows for the ‘reality’ to be “dramatized or minimized, transformed or simply denied according to the norms that decide what is known and what is not” (Beck, 2013, p. 30). Yet, it could also be argued that the actual view of migration risk that the UK holds does not regard the fear of ‘people smugglers’ but concerns the ethnicised Other. The initial reasoning behind this argument can be identified in the UK’s human trafficking and legislative migration framework, but this will also be further developed in this thesis’ empirical chapters.

To address the second instance, the racism built into the UK’s legislative context and the strategic and inaccurate use of the term ‘people smugglers’ by the UK government supports this argument, such as in how the term is applied to represent migrants crossing the English channel. By using terminology in this way, the terminology has enabled all migrants to be perceived as ‘national risk’. Furthermore, making migrants a ‘national risk’ is achieved through generating a continuous ‘culture of fear’ (Altheide and Michalowski, 1999). In the UK, the culture of fear affects the general society to fear migrants and PVOTs, causing migrants and PVOTs to fear UK society. In doing so, the culture of fear permeates every aspect of daily life. The most overt way this is perpetuated is through advertising and the media, which allows anti-human trafficking approaches like the ‘illegal’ migration approach especially to seem like a plausible solution (Altheide and Michalowski, 1999). Through pushing a national narrative on migration and human trafficking, personal perceptions of risk likewise increases as individuals attempt to avoid whatever the risk may be (Krakmann, 2011, p. 358). Personal risk perception is often swayed by media or governmental narratives due to a lack of exposure to said risk (Krakmann, 2011). In theory, the more a person befriends migrants, PVOTs, or VOTs, the less likely the migrant will be seen as a risk to UK society. This thesis argues that the culture of fear also partially helps to explain the moral side of the human rights approach to anti-human trafficking. The prostitution and sex work debate takes a prominent place in these anti-trafficking strategies, and one way this is maintained is through the narrative that prostitutes are a ‘national risk’; this could be rooted in patriarchal norms, purity culture, or religious institutionalisation, amongst numerous related areas where power is applied or held.
In addition to the role of the media, the culture of fear can also be found in the language of how anti-human trafficking approaches are justified to the public. For instance, risk discourse often references one’s family, employees, or friends (Krakmann, 2011, p. 360). In anti-human trafficking work, this could look like commonly heard phrases: ‘what if this was your daughter, mother, or child that would be exploited? Wouldn’t you want them to be stopped at the border? Wouldn’t you want them not to migrate even if you don’t know whether they will be trafficked or not? Isn’t the possibility of exploitation enough?’ While people may be more willing to take a risk themselves, the perception of risk may differ when considering a loved one (Altheide and Michalowski, 1999). Thus, a person may be more willing to support restrictive migration policies in the UK, for instance, if the language on risk generates a culture of fear that could be applied to one’s family relations and experiences. A critical view of risk thus adds to structural violence theory and its ability to illuminate understandings of human trafficking, which in turn enhances the human rights approach to anti-human trafficking.

Human trafficking is perceived as risk-generating and, to a much lesser extent, informed by risk. Human trafficking is perceived as risk-generating to the individual and PVOT who may end up in an exploitative situation, as well as to the UK’s security and labour markets. Thus, human trafficking as risk-generating has been utilised as a tool for “ethnicised Othering” and an enabler of organised crime and the moral side of the human rights approaches to anti-human trafficking (Balaz and Williams, 2011; Doezema, 1998). Furthermore, Beck’s (2013, p. 29) view of individual responsibility is relevant when considering the organised crime approach to anti-human trafficking. In this view, Beck suggests that personal responsibility is required due to the nature of some risks that result in ‘catastrophe.’ The need to assign individual responsibility brings further clarity to the focus on the victim versus perpetrator dichotomy in which an obvious perpetrator is sought. Some basis for this idea is found in Beck's (2013) and Press et al.’s (2000) depiction of risk prevention. In their definitions of prevention, preventative action can be taken to eliminate the risk itself and its causes (Beck, 2013; Press et al., 2000). Thus, if one aligns with this notion of risk prevention, identifying a perpetrator and assigning individual responsibility is an efficient way to eliminate the risk.

Structural factors or the state's role in producing risk (in this case being vulnerability to human trafficking and exploitation) are ignored as individual responsibility cannot be easily ascribed. Beck’s (2013, p. 30) view of risk and responsibility adds to Galtung’s (1969) definition of structural violence, as he states that “normal everyday visible injury and visible
responsibility…are being transformed into an ‘invisible side effect’ by the prevailing legal norms and the social relations of definition they reflect.” Thus, there is an inherent contradiction within a ‘risk society’ as institutions that are created to prevent global risks and ‘catastrophes’ become threats in their own way through the existence of inequalities built into the state’s structures and institutions. As a result of this contradiction, individuals are forced to make their own decisions regarding how they will respond to risk, which is particularly relevant for answering this thesis’ research questions regarding the role of consent especially and also in further developing an understanding of how understandings of human trafficking relate to anti-human trafficking approaches.

3.3.1 Risk and a ‘leap of faith’

Within Beck’s (2013, p. 30) view of risk, the social construction of risk is highlighted to demonstrate how state decision-making within risk is based on some degree of unreality or falsehood. While Beck’s theory primarily supports understanding why human trafficking approaches have been constructed in particular ways, risk’s outworking on an individual level could be further developed to answer the thesis’ research questions in bringing about a further understanding of human trafficking. The need for individualisation is likewise expressed within Beck’s (2013, p. 54) theory of risk, which he calls “tragic,” as making individual decisions to the risk encountered is recognised as an important part of everyday life. Due to the inequalities built into state structures, as well as uncertainties resulting from globalisation, individuals cannot trust institutions to provide protection (Beck, 2013). For this reason, Kierkegaard’s (1980, 2000 [1978], 2009 [1846]) notion of a ‘leap of faith’ found within several of his narratives is a beneficial concept to draw upon, as decisions informed by risk will ultimately require a migrant or a PVOT to eventually take a ‘leap of faith’ in which the unknown is embraced.

Further, the ‘leap of faith’ fits well with Beck’s concept of risk in that the concept of a ‘leap’ infers some level of agency but also makes it clear that this is not within a context of perfect certainty. It must also be acknowledged that non-migration is an option not devoid of its own uncertainty, though this will not be a focus throughout this thesis (Balaz and Williams, 2011). To give an initial example, Kierkegaard’s (1980) narrative regarding the freedom of choice, found in The Concept of Anxiety, holds particular relevance. Under the pseudonym of Haufniensis, Kierkegaard develops the idea of subjectivity as it pertains to anxiety and freedom; it is through the development of these themes that I have chosen to identify potential migrants as ‘hopeful’ throughout the thesis’. To be clear, the term ‘anxiety’
is not being used to depict an anxiety disorder but is being used to describe an unease about an uncertain outcome. It is within this narrative that Kierkegaard suggests that anxiety materialises as “the possibility of freedom” (Gron, 2008, p. 65). In other words, Westin (2020, p. 108) described Kierkegaard’s notion of anxiety as “the synthesis of polarities” or “entangled freedom.” Therefore, it is impossible to assume what constitutes freedom for an individual.

This thesis argues that it is within the increased awareness of freedom’s possibility that anxiety increases, which jointly arises with feelings of uncertainty and draws a picture of risk. Kierkegaard’s narrative goes on to depict anxiety increasing as humans try to understand themselves through non-internal self-evaluation (i.e., understanding ourselves through how we relate to others or the natural world). Therefore, the paradox of freedom and risk mutually coexist due to an individual’s process of continually seeking to ‘become’ themselves. Further, a human’s experience of uncertainty is commonly processed through “unrelenting movement towards future possibility,” which can become an embodied experience of literal movement (Westin, 2020, p. 116). Arendt (1993, p. 34), whom Beck (2013, p. 49) finds agreement with on this notion, likewise described freedom as being located in this “ability to make new beginnings.” For this reason, Kierkegaard’s subject would suggest that migratory decisions, as they relate to risk, must be separated from ideas of moral behaviour. For instance, this would include migrants that knowingly pursue irregular migration routes or migrants that will consciously participate in sex work at their end destination. Therefore, freedom and its relation to risk is less about literal freedom from potential exploitation (though, of course, not to take away from this necessary form of freedom) but about the experience of becoming. In this context, becoming sees migration as natural to humanity, that one from any socio-ethnic background may have the right to mobility. With these considerations, this chapter argues that differing definitions of freedom and risk for a hopeful migrant and an individual or institute involved in anti-trafficking work can present a significant challenge to how anti-human trafficking approaches have been constructed and how understandings of human trafficking have developed. This is because, for a hopeful migrant, a label of risk that is not self-identified but is given by an anti-trafficking actor has the potential to limit their agency and thereby their notion of freedom.

In Kierkegaard’s phrase of a ‘leap of faith’ or a ‘leap into faith,’ Kierkegaard refers to the phrase as a ‘qualitative leap’ (Hong, 1993, p. 335). Kierkegaard often describes his accounts using religious language and often through disconcerting examples. Though, to be clear, this thesis is not applying Kierkegaard’s term of a ‘leap of faith’ in a religious sense but
is applying his work as a way to understand what makes us human and how this affects our decision-making. To give another example of the ‘leap of faith,’ Kierkegaard (2009 [1846]) used a similar method to Dostoevsky (2003) and took the Biblical story of Adam and Eve to compare a leap into faith with a leap into sin, describing how an individual cannot be in a state of both ‘leaps’ at the same time. What is particularly interesting about the concept developed in Kierkegaard’s text as it relates to hopeful migrants or PVOTs is the suggestion that, at some point, scepticism and critical thought are put to the side to take the leap. Furthermore, if an individual cannot live in a state of both a ‘leap of faith’ and uncertainty at the same time, the person is required to put any thoughts of uncertainty to rest when considering a leap of faith (i.e., a migration decision). For Möllering (2007, p. 105), the ‘leap of faith’ is depicted as “the essence of trust.” Similarly, the leap can be seen as a depiction of what Hardin (1993) identified as ‘as-if trust,’ whereby acting as though trust is present enables trust to exist. An example of ‘as-if trust’ would be a PVOT choosing to work with a smuggler in the belief that this relationship will lend itself to a fruitful outcome for the PVOT, the smuggler, and members of the PVOT’s community or family. The smuggler becomes trustworthy and appears credible, irrespective of underlying information suggesting otherwise. To be clear, though, this example refers to trust as a process or something that develops rather than an innate attitude.

‘As-if’ trust could likewise be applied to institutions, such as a migrant who trusts that the UK’s immigration system will support them. Though there are typically strong reasons behind why someone decides to trust, there is a special type of risk-taking in which someone is forced to go beyond the reasons to take their ‘leap of faith,’ which is often in instances that result from their precarious and complex circumstances (Möllering, 2007). The decision to trust in a decision has also been described as a ‘leap to commitment’ whereby individuals have an innate desire to believe that people are trustworthy (Giddens, 1991, p. 19). Perceiving the ‘leap of faith’ as an act of trust is particularly interesting considering that the decision to trust has not been made out of nothing. Though the ‘leap of faith’ goes beyond reasoning, multitudes of rational considerations were made before one’s willingness to leap. Experiences of structural violence lead a person to consider a risk in the first place, and the ways in which these experiences restrict life opportunities leads a person to consider future possibilities. Thus, when considering the ‘leap of faith’, it must be recognised that it is through existing information that a person can “construct a fiction of reality that allows them to trust” (Möllering, 2007, p. 113). As Giddens and Pierson (1998, p. 108) have stated, trust “never rests upon blind faith.” In everyday life, there is some level of reliance on imagined
realities where the realities only become possible because people take actions or ‘leaps of faith’ that presume the fictions are possible (Giddens and Pierson, 1998). Giddens and Pierson (1998, p. 109) have likewise argued that “trust involves a more future-orientated relationship with whomever or whatever” is being trusted. Thus, the imagined reality cannot only concern present or past circumstances but requires future vision to lead to action. This thesis argues that these actions can take many forms, whether it’s a choice to migrate itself or it’s a choice to re-define one’s understanding of personal freedom or risk, which then has its future outcomes and consequences; leaps can be small steps or could be significant life decisions.

In creating the imagined reality, in this case, being what the migrant (or PVOT) envisions for their future life in the UK, the migrant is also giving ‘a definition of himself’ and a ‘definition of the situation’ (Henslin, 1968, p. 54; Wenzel, 2001). As part of the definition of self, the migrant demonstrates that they are actively engaged in their social context and possess some self-confidence (Erikson, 1963; Giddens, 1994). By acknowledging how a ‘leap of faith’ lends to a ‘definition of self’, we are reminded again of the migrant’s agency, their role in decision-making, and how structural violence leads to individual responses expressed through risk. The agency demonstrated through the ‘leap of faith’, and its reliance on trust is further affirmed by Luhmann (1979, p. 32), who described this as an “operation of will.” With this consideration in mind, the role of consent and its contribution to understandings of human trafficking and migration is especially relevant. As a result of the ‘leap of faith’ inferring some level of agency, despite factors that lead to the leap, the ‘leap of faith’ directly contributes to issues regarding how consent is perceived.

On the one hand, the leap could support arguments that suggest that certain VOTs ‘consent’ to their exploitation because they have consented to irregular migration. On the other hand, one could argue that full ‘consent’ (to irregular migration) is not possible because of how the ‘leap of faith’ has required the suspension of uncertainties and vulnerabilities, lending itself to the special type of risk-taking Möllering (2007) described. Moreover, with the UK as the final destination for migrants or PVOTs, the UK as a state is given an enormous amount of trust in the person’s imagined reality, to which Möllering (2007, p. 114) refers to this level of trust as a “dangerous ‘fake.’” In Möllering’s (2007) view, this imagined reality created by the migrant or PVOT can last due to how these fictions have been normalised. However, this chapter argues that this is less about how the fictions have been normalised and more about how the enabling factors that elicit the need for imagined realities have been normalised. In other words, the imagined realities exemplify Bourgois and
Scheper-Hughes's (2013) notion of how structural violence is embedded in everyday life. Thus, the concept of a ‘leap of faith’ supports the answering of the thesis’ research question regarding how the concept of risk relates to understandings of human trafficking, as it helps to explain how risk is considered on an individual level for potential migrants and how this contributes to decision-making processes. By applying the ‘leap of faith’ to discussions on risk, the framework offered through structural violence is subsequently improved.

It is also important to note that vulnerabilities and uncertainties are only paused within these fictions rather than removed entirely (McCloskey, 1994). Thus, when uncertainties are paused, the imagined reality fills in the gaps to enable the ‘leap of faith.’ In a more disturbing Biblical example from Kierkegaard’s (1985 [1843]) work, Kierkegaard used the story of Abraham and Isaac in which God asks Abraham to sacrifice his son Isaac. Though Abraham is ultimately spared from fulfilling this request, Abraham went through the initial steps required in the case of a sacrifice. Abraham did not attempt to justify the decision to Isaac or his community and kept his intentions a secret. The imagined reality that Abraham created was one in which he could live according to God’s will and where ultimate trust was given to God, despite missing information such as whether Isaac would be brought back to life or not. What is particularly interesting about this example is that Abraham’s ‘leap of faith’ required not only a pause on his uncertainties but also suspended Abraham’s ethics. This thesis argues that Abraham’s ‘leap of faith’ enabled one set of beliefs to override his existing set of beliefs temporarily. In the process, the pre-existing set of beliefs changed, or in Abraham’s case, strengthened. When Abraham shared his story with his community, the community’s beliefs also shifted.

One way the ‘leap of faith’ can be applied to human trafficking is in cases where a PVOT’s community offer stories of successful experiences of irregular migration. Arguably, one story of success could be enough for members of a community to be invigorated to pursue migration through similar means, despite having uncertainty regarding who their transporter is, how they will reach their destination, and what their circumstances will be once they arrive to the country. On a similar note, Brunnermeier and Nagel (2008) determined that migrants may be more willing to take risks after positive migration experiences, as a result of increased social networks, knowledge, and resilience. Further, the PVOT may be willing to use means beyond their ethics to make their journey successful. The PVOT may be aware of the risks in their decision but these concerns are temporarily suspended to take the ‘leap of faith.’ Despite community members ending up in potentially exploitative situations, the PVOT may hold onto the one story of success and allow the story
to override their pre-existing beliefs to give them the strength to take the leap. Additionally, within Kierkegaard’s example of Abraham and Isaac, Seligman (1997, p. 74) described this suspension of certainty as becoming “oriented toward the mundane Other.” In other words, the suspension of certainty enables the embrace of life’s everyday mysteries or unknowns. This chapter argues that despite the idea of becoming ‘oriented toward’ the Other that this is perhaps less about becoming known by the Other and more about knowing oneself amid the presence of the Other, whatever that may be.

Thus far, this chapter has applied the ‘leap of faith’ predominantly to migrant decision-making; the concept also shares relevance when assessing the identification and protection of PVOTs and VOTs in considering the thesis’ research question on the UK’s increasingly restrictive and hostile migration policy. When considering the ‘leap of faith’ in relation to the innate attitude of trust, it could be inferred that a migrant has a high level of trust in others, or as Beck (2013, p. 121) calls it, “generalized trust.” Yet, this thesis argues that it more so suggests that the migrant has a high level of trust in themselves. Though the leap requires the migrant to suspend their uncertainties and temporarily trust people like a transporter or a job ‘recruiter,’ for instance, this thesis argues that this trust is not experienced continually. If migrants were more trusting and willing to take risks compared to those that never migrate it’d be simple for migrants to trust various UK institutions such as the Home Office or law enforcement. Yet, as this thesis will reveal, this is not the case for all migrants in the UK; hence, it is essential to remember that rationalisation is not absent from the ‘leap of faith’ (Giddens, 1991, p. 19). Other variables such as ethnicity and immigration status (i.e., the continuum of structural violence) are certainly at play. These present challenges to taking a ‘leap of faith’ toward trusting UK institutions. Further, this exemplifies the intimate connection between the ‘leap of faith’ and risk. Just as rational considerations are made when considering a migration decision, similar risk assessments are made by individuals when considering a move toward trusting UK institutions. Yet, the thesis’ legislative framework has demonstrated the barriers to creating an imagined reality for migrants already in the UK, which could enable a ‘leap of faith’ to seem reasonable. In this example, if the legislative framework were to change, a ‘leap of faith’ could look like memories of past experiences for migrants or PVOTs being temporarily suspended to embrace the hope of a new future. However, because this is not possible, the identification and protection of PVOTs and VOTs is continually impacted.
3.4 Conclusion

The purpose of this chapter was to create a theoretical framework for the empirical chapters of this thesis. In doing so, this chapter has focused on two core concepts: structural violence theory and risk. The chapter has demonstrated a clear link between structural violence and risk and has demonstrated how these concepts will support answering the thesis’ research questions. Galtung’s (1969) definition of structural violence will be utilised especially due to its recognition of how inequalities are ‘built into’ structures. Considering the legislative framework of human trafficking and migration in the UK alongside the theoretical framework, this chapter has argued that the intentionality expressed through Galtung’s definition is best positioned for answering the thesis’ research questions. This chapter likewise identified that Galtung’s definition helpfully depicts the manifestation of structural violence as the inequality of life opportunities or limitations to one’s potential. In doing so, the framework provided by structural violence theory benefits from its ability to reveal the intersection of inequalities on both a communal and individual level. When considering anti-human trafficking approaches on a communal level, this chapter has also highlighted how these approaches reveal themselves as applications of structural violence. On an individual level, structural violence theory has demonstrated how people are forced to respond to their experiences of inequalities, which sometimes forces them into challenging decisions or ‘grey zones.’

This chapter has argued that one way to explain how these grey zones play out in practice is through a critical discussion of risk. Thus, while structural violence theory will be the foremost theory used throughout this thesis, this theory will be enhanced by engaging with the role of risk. In particular, Beck’s (2013) work has been utilised; this chapter argued that Beck’s risk theory benefits from its attention to future possibility in defining risk and its incorporation of key structural determinants to risk. A clear relationship between structural violence and risk was established, particularly in how risk decisions are made due to the impacts of structural violence. As it relates to anti-human trafficking, it was argued that risk theory supports answering the thesis’ research questions through the ‘cultural perception of risk’ concept and the narrative of migrants as ‘national risk’.

Concepts of risk will also be enriched through Kierkegaard’s (1980) concept of a ‘leap of faith,’ particularly in how this can develop the idea of a ‘risk society’ through demonstrating how risk is applied on an individual level. Due to inequalities built into structures and institutions that should, in theory, offer some form of protection to society,
individuals are unable to rely on state structures. As a result, this chapter signified individual decision-making as demonstrative of risk’s outworking. Thus, a clear relationship between ‘a leap of faith’ has been established with structural violence and as a subsection to risk. In doing so, the ‘leap of faith’ concept will add especially to the research sub-question on the role of consent and in demonstrating how understandings of human trafficking relate to anti-human trafficking approaches. Finally, it is hoped that applying the theoretical framework to the empirical chapters will contribute especially to improving the human rights approach to anti-human trafficking.
Chapter 4: The organised crime approach

4.1 Introduction

The more that data was engaged to identify themes revealed by key actors in the human trafficking and anti-human trafficking space, the more it became clear that ideas around morality were a key foundation point; one’s ethics were fundamental to one’s decision-making. At the core of these notions surrounding morality has been the question of what is moral and just when considering anti-human trafficking approaches. Conceptions of morality have led to the organised crime approach in anti-human trafficking, which, as the name suggests, perceives human trafficking firstly as an issue of organised crime. In this approach, the narrative of victim versus perpetrator emerges, with the perpetrator as the portrayal of pure evil.

This chapter will argue that the criminalising language and criminal lens of analysis used in anti-human trafficking work take away from the state's role, thus removing the state and other actors from a level of responsibility. To do this, the chapter engages with the two sub-themes revealed in the data analysis stage, which were essentially opposing views presented by practitioners regarding how traffickers should be perceived. Initially, the chapter focuses on how traffickers are criminalised and how this contributes to structuring the organised crime approach. The second section presents the practitioner perspective that identifies traffickers as informed decision-makers. This section will problematise the association of human traffickers with evil. The point of the section is not to say that the actions themselves are not evil but to suggest that the identity of a trafficker is more complex than the dialogue it is often given. A case study of UK imprisoned traffickers will finish this section to illustrate the assertions further. Through the case studies and examples presented, the chapter will additionally discuss how traffickers can morally rationalise their actions. These sub-themes will be drawn together in the final section, which involves analysing two key legal case files: C.N. v. The United Kingdom (European Court of Human Rights, 2012, Application no. 4239/08) and R.E.’s Application [2014] NIQB 15 (The High Court of Justice, EWHC 3298, 2017). Both of these case files have led to questions regarding who the perpetrator is, how the organised crime approach functions in practice, and what the approach’s impact is on VOTs.

4.2 Criminalising traffickers

While it’s not conceivable to quantify the number of activist groups that have developed in the past couple of decades committed to anti-human trafficking work –
including non-profits, NGOs, IGOs, and faith groups, to name a few – the number has increased exponentially, as has the amount of money spent by the UK government in its funding, as seen in Figure 14 and Table 6. Figure 14 excludes Home Office work intended to reduce human trafficking, such as border monitoring work, as the Modern Slavery Fund is focused on programmes in origin countries with the highest number of victims identified in the UK (Development Tracker, 2022). Much of the decrease seen in 2019/2020 can be attributed to changes caused by the Covid-19 pandemic. Table 6 includes the most recent independent estimate of the economic and social costs of ‘modern slavery.’

![Figure 14. Modern Slavery Fund budget (Development Tracker, 2022)](image)

**Table 6.** Total costs for all victims of modern slavery in the UK by exploitation and cost type, 2016/17 (Reed et al., 2018)

<table>
<thead>
<tr>
<th>Total victim costs</th>
<th>Anticipation</th>
<th>Physical and emotional harm</th>
<th>Lost output and time</th>
<th>Health services</th>
<th>Victim services</th>
<th>Law enforcement costs</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Low</td>
<td>High</td>
<td>Low</td>
<td>High</td>
<td>Low</td>
<td>High</td>
<td>Low</td>
</tr>
<tr>
<td>Labour exploitation</td>
<td>£1.1m</td>
<td>£1,199m</td>
<td>£1,889m</td>
<td>£180m</td>
<td>£234m</td>
<td>£2m</td>
<td>£8m</td>
</tr>
<tr>
<td>Sexual exploitation</td>
<td>£1.0m</td>
<td>£1,133m</td>
<td>£1,473m</td>
<td>£157m</td>
<td>£204m</td>
<td>£7m</td>
<td>£8m</td>
</tr>
<tr>
<td>Domestic servitude</td>
<td>£0.3m</td>
<td>£380m</td>
<td>£493m</td>
<td>£134m</td>
<td>£174m</td>
<td>£1m</td>
<td>£3m</td>
</tr>
<tr>
<td>Total</td>
<td>£2.4m</td>
<td>£2,712m</td>
<td>£3,525m</td>
<td>£470m</td>
<td>£611m</td>
<td>£10m</td>
<td>£19m</td>
</tr>
</tbody>
</table>

Much of this increase in spending in recent years has been heavily influenced by how human traffickers are presented by NGOs. Further, when reviewing the data from the practitioner interviews, there was a clear link between the organised crime approach that
emphasises the criminalisation of traffickers and how human trafficking and VOTs have been understood. Regarding the association with how human trafficking has been understood, the data demonstrated a connection with the representation of exploitation in its most severe form. For instance, when speaking with a charity involved in advocacy related to human trafficking in the UK and globally, the charity described its goals in the following way:

Practitioner 6: We want to ensure that no child or adult is chained up, raped and abused sexually…unable to escape with no food, connections, or hope…These people [human traffickers] will do whatever they can to hurt and harm people. We must be moral and we must act.

Similarly, another anti-human trafficking advocacy charity that also works both in the UK and globally, when asked to describe why they do the work they do, stated:

Practitioner 16: While not all kids are being locked up, many of them are. Their lives are ripped away from them and they must suffer at the hands of their abusers every day. They are beaten, denied food, are sexually exploited, are forced into pornography and prostitution…

In response to both charities, further information was sought about the extent to which the organisations were identifying these experiences:

Me: From what your organisation has witnessed, how common is it that exploitation experiences mirror what you’ve just described?

Practitioner 6: Um, well, this is what we hear you see. Our partners in Asia say this is what happens. We don’t collect specific information as such. It’s hard to get that. But [pause] um, [pause] this is what we are hearing.

To the same question, the other charity responded:

Practitioner 16: I don’t know the numbers of how often as data like this is hard to get. As you’ll know, exploitation, human trafficking, it’s hidden. Other
organisations tell us stories like this too, so we know it’s happening. How much it’s happening is harder to say.

Both of these charities advocated for policy to reflect an anti-human trafficking approach focused on prosecuting traffickers and tackling organised crime networks as key solutions. What is also at play in these excerpts is how anti-human trafficking NGOs and charities rely on anecdotal stories to shape their advocacy. This estimate of the breadth of the problem alone is demonstrative of what has been called ‘the seductions of quantification,’ which also highlights the lack of ‘conceptual clarity’ in the anti-human trafficking sector (Feingold, 2017; Merry, 2016). With the way that charities can present extreme examples of exploitation, an assumption can be drawn that exploitation of the nature depicted by Practitioners 6 and 16 is happening on the scale represented by the Global Slavery Index (2016) estimates. When we hear stories of the most severe forms of exploitation involved in human trafficking, according to Choi-Fitzpatrick (2017, p. 148), the public respond:

We are offended, we want to act, and my experience with advocacy and outreach suggests that people want to act by rescuing the victim. Since trafficking for sexual exploitation continues to be the highest-profile example of this exploitation and since the ‘poster child’ cases for trafficking are actual children, the response to any perpetrator, real or imagined, is fast and final.

Charities and NGOs seeking to prevent human trafficking, thus, can be the biggest perpetrators of painting an unhelpful representation of the issue by often simplifying human trafficking to the language of victim versus perpetrator. The dichotomy of the victim versus the perpetrator is easy to imagine when the most severe forms of exploitation are represented, as seen in the discussion with Practitioners 6 and 16. As Choi-Fitzpatrick depicted, the outcome is that ‘poster child’ victims become the expectation of some anti-human trafficking practitioners and the stakeholders that these organisations engage with, such as policymakers. The victim versus perpetrator dichotomy likewise finds alignment with Beck’s (2013) and Press et al.’s (2000) notion of risk prevention, in which assigning individual responsibility to a perpetrator is deemed as an efficient way to remove the risk. Though charities are often aware that various aspects of structural violence cause vulnerabilities to human trafficking and exploitation, the emphasis often remains on the victim and trafficker. How charities and NGOs create an image of the typical trafficker and the typical victim can additionally have an
effect and work in tandem with the representation of human trafficking in the media. Two examples are displayed in the images below in Figure 15 and Figure 16.

![Image of human trafficking perpetrators in Scotland](image1.jpg)

**Figure 15.** Example new article (Beattie, 2018)

![Image of six children saved from sex slavery in NI](image2.jpg)

**Figure 16.** Example of new article (BBC, 2019)

Organisations with anti-human trafficking programmes likewise publish similar images on their website or marketing, such as that depicted in Figure 17.

![Image of 'A world without slavery'](image3.jpg)

**Figure 17.** Example image of VOT (UNODC, 2022)

These ‘poster child’ victims, enabled by depictions of human trafficking by NGOs and charities that promote the organised crime approach, become normalised representations. This emotional creation of the ideal image of victim versus trafficker will naturally receive more attention in the media, as an ‘ideal victim’ for a new media story is “a person or category of individuals who – when hit by crime – most readily are given the complete and
legitimate status of being a victim,” and includes, “those who are perceived as vulnerable, defenceless, innocent, and worthy of sympathy and compassion” (Greer, 2017, p. 22). In this representation, for instance, children, especially girls, are prioritised over adults, and traffickers are often men. The depiction of VOTs thereby exemplify what Kleinman and Kleinman (1996) refer to as the commodification of suffering imagery, which has increased as the world has further globalised. Kleinman and Kleinman (1996) extend this thought to depict that there are consequences, however, in this demonstration of human experience, which has been used time and time again as a way to mobilise action and incite a moral response. The use of these photos takes memories and makes them into ‘trauma stories’:

These trauma stories then become the currency, the symbolic capital, with which they enter exchanges for physical resources and achieve the status of political refugee. Increasingly, those complicated stories, based in real events, yet reduced to a core cultural image of victimization (Kleinman and Kleinman, 1996, p. 10).

Using such images of suffering requires significant self-reflection – on context, histories, cultural processes, political agendas, and the potential consequences of an image’s use (Kleinman and Kleinman, 1996, p. 18). Thus, taking and using photos of this nature become an exploitative act in their own right, having a real potential of being extremely harmful. Moreover, to view traffickers as the sole perpetrator through this dichotomy of victim versus perpetrator is beneficial to the UK state’s agenda as it removes the state from a position of responsibility in perpetuating human trafficking and exploitation; this is enabled by how the victim is imagined. Additionally, with the image of the VOT in mind and the focus on severe exploitation being depicted by some practitioners, the response that ensues is for the punishment of the human trafficker to be as severe as the exploitation being depicted, which, as Practitioners 6 and 16 advocated, includes an intense focus on prosecutions and imprisonment. Practitioner 16 was particularly clear about this intention:

Me: What do you think is an effective way to tackle human trafficking?

Practitioner 16: We don’t want to stop until every innocent victim is free and that means getting people behind bars. People that traffic people need to be punished as extremely as possible so that [traffickers] learn that this is not
something you can do to human beings. So, um, that looks like finding the perpetrators, making legislation more severe, involving police, and breaking down the full criminal network one by one.

In a similar vein, another charity depicted the organised crime approach as such:

Practitioner 19: The only way we will stop this horror is by breaking down the [organised crime] network. We need to take down these evil people starting from the top...we need to get those ones in prison.

In these depictions by Practitioners 6, 16, and 19, the thread of morality in advancing the organised crime approach began to emerge. The victim versus perpetrator dichotomy likewise adds to this support by depicting traffickers as ‘evil’ and victims as ‘innocent’ and ‘helpless.’ Interestingly, Card (2000) deliberately decided not to mention the motivations of perpetrators as part of her definition of evil. The purpose of this exclusion was to focus on the victims and their suffering whilst also allowing for a range of perpetrator motivations to exist. However, Card’s (2010, p. 16) definition is faulted as it likewise suggests that perpetrators do not have a moral justification for their actions.

Weitzer (2007) has also described the phenomenon of human trafficking as a ‘moral panic.’ Moreover, Stolz (2007, p. 311) referred to the criminalisation of human trafficking as an issue of “symbolic politics” that seeks to “communicat[e] a moral message.” Based on the depictions of human trafficking and exploitation by practitioners that promote the organised crime approach to anti-human trafficking, there appears to be a relationship between how human trafficking is understood and the ‘moral panic’ depicted by Weitzer (2007). In many ways, it’s not hard to understand why a severe approach to traffickers is recommended, given the severity of how exploitation is depicted by Practitioners 6, 16, and 19. The issue is that the situations of exploitation that the practitioners highlight in their advocacy are not based on the NGO’s engagement with VOTs but on anecdotal information. This is not to say that the anecdotal information regarding experiences of exploitation is not happening but that these particular organisations hold no evidence that this type of exploitation is happening at scale.

Critiquing the ‘moral panic’ likewise resonates with critics of the anti-human trafficking movement, as it becomes easier to see how “claims about sex trafficking [were] reminiscent of early ‘White Slavery campaigns’” (Chapkis, 2003; Doezema, 2000; Fahy and
women were merely powerless and vulnerable, and this created a simplistic narrative of the human trafficking problem that was being used as a tool to propagate alternative political agendas. However, this lens of morality only acknowledges that of practitioners and their ability to create a depiction of human trafficking to the public. Yet, human traffickers have a moral agenda of their own and, arguably, a greater depth of understanding of the issue is only enabled through mutual engagement between human traffickers and practitioners.

4.2.1 Criminalising VOTs

An outcome of the organised crime approach highlighted by informants was that VOTs could be criminalised in the process. The notion of VOT criminalisation is similarly documented by Villacampa (2018, p. 6), who described how victims are often treated as sources of evidence or information rather than individuals with their own rights. Villacampa (2018) additionally noted that unless a victim is a “pure victim”, they are nearly always treated as offenders within the organised crime approach. As an example from the informants, Practitioner 8 depicted *R v. THN* (Court of Appeals, 2012/2013). Practitioner 8 was asked to give an expert witness court report to assess the situation after the boy involved in the case was given a negative reasonable grounds decision. To note, a reasonable grounds decisions suggests that there are ‘reasonable grounds’ to identify a person as a VOT, so a ‘negative reasonable grounds’ decision suggests that a person is unlikely to be a VOT. Initially, clarity was sought regarding what an expert witness court report involved:

Practitioner 8: We look holistically at their history, so their childhood experiences, where their journey occurred, who paid for that, things like that, all the way through them coming to the UK...so a real holistic assessment of what’s happened to them.

The case involved a Vietnamese teenager that had entered the UK through a freezer container (after two previous attempts to enter the UK that led to deportations) and had been arrested and jailed for cultivating cannabis in a house in Bristol; the teenager explained that he owed money in Vietnam. In his initial trial, he pled guilty and was sentenced to a Detention and Training Order for 12 months. When he was again interviewed by police, his reasoning as to why he left Vietnam changed, and he was referred to the NRM as a potential trafficking victim. The boy continued to assert that he was a VOT at this stage but was informed that an application for abuse of process would be opposed, which led to the case
being listed for a plea and the boy pleading guilty. Practitioner 8 was able to provide evidence and identify that the boy was trapped in a situation of debt bondage, as the deeds to his parent’s home in Vietnam had been taken as part of his ‘debts,’ which led to the boy being given a positive reasonable grounds decision. As a result, the boy’s conviction was dropped during the appeal process.

The boy had been put into the care of a Local Authority but went missing only weeks later, believed to have been re-trafficked – whether he was ever found is not cited within his appeals case. While these investigations were being carried out, the boy had been treated as a perpetrator of a serious crime, and police officers had not been able to identify the signs of human trafficking upon initially arresting the boy. As the appeal continued in the absence of the boy’s presence, the Crown refused to accept additional evidence demonstrating the ways that law enforcement failed to identify the teenager as a VOT in its initial assessments. As a result of these findings, it was clarified that the teenager would have, in fact, not been prosecuted based on a public interest test and further acknowledges that this would serve as new evidence in the future when considering cases of potentially trafficked children. Gallagher and Holmes (2008, p. 324) note that this is not uncommon in the organised crime approach and that a key operational problem is that there are not enough specialists and specialist units within law enforcement agencies to assess the complexities of human trafficking appropriately. Moreover, policy directives are often unclear regarding how responsibilities and roles are distributed in law enforcement agencies (Gallagher and Holmes, 2008). Additionally, it is important to note that human trafficking for criminal exploitation was not explicitly depicted in the Palermo Protocol and was thus a later addition introduced in Directive 2011/36/EU (European Parliament, 2011, L 101/1). Therefore, limited attention has been given to human trafficking for criminal exploitation comparative to sexual or labour exploitation.

The outcome of a dropped conviction is not always the case. In R v. N (Court of Appeals, 2012/2013), a different Vietnamese boy was forced to farm cannabis from age 16 after being trafficked into the country, which resulted in a conviction; the court perceived this to be a case of ‘illegal’ immigration. Initially, the boy pled guilty after being found hiding in a London cannabis factory. In the court trial, the boy’s age was not considered in how it affected his vulnerability, nor was his immigration status considered a reason for not attempting escape. Moreover, the boy recounted that he was not able to leave the site of exploitation and was threatened with death by his trafficker if he were to stop working. The factory where the boy lived and worked had windows that were bricked up and one door that
was locked from the outside and guarded. He alleged that he no longer wanted to work at the factory as he had not been aware that he would be working with cannabis when he was recruited. He initially believed to have been working to create herbal medicine but asked to leave when he found it was cannabis after ten days.

Despite all these factors and risks associated with the boy’s case, he was convicted and given an eighteen-month prison sentence, primarily because he gave conflicting accounts to the police and his counsel; eventually, the case was taken further to the European Court of Human Rights. Further, he had admitted that his mother had paid an ‘agent’ $20,000 to transport him to the UK through irregular routes for “a better life”, which likely added to the image he was given in court (Court of Appeals, 2012/2013). The case, interestingly, goes into this very motivation and describes the following:

He accepted that his motivation to act was ‘financial gain’ which, upon reflection, he said was not acceptable or justifiable. ‘He accepted responsibility for his decision to act and displayed a level of remorse... he said that he had recently arrived in England from Vietnam and despite residing with his cousin, he said that he wanted to earn a living and saw this as a good opportunity. He denied any knowledge of what he would be expected to do prior to arriving at the factory and said that ‘he was prevented from leaving the premises once he arrived’ (Court of Appeals, 2012/2013).

The emphasis given to his justification for his actions reads as entirely out of place following the description of his living conditions given only paragraphs before. What was clear is that throughout the case, the state used criminalising language in its depiction of the boy’s situation as a perpetrator of crime, which would have made it difficult to perceive the boy as a victim. The state failed to recognise the signs of human trafficking in the boy’s case and, because the boy was involved in criminal activity, treated the boy like he was a trafficker due to the boy being involved in managing the work of other boys like himself. In terms of what we understand about trafficking, this is a clear picture of how conflated the terminology of human trafficking is by those involved in victim identification. Furthermore, throughout the case, the court emphasised the distinction between ‘smuggling’ and ‘trafficking.’ Because his smuggling was perceived to be a choice, despite that the case also identifies that the boy feared for his life in Vietnam due to his father’s political involvement and later applied for asylum in the UK, his acceptance of the job was also perceived to be a
choice. Despite the exploitation, the boy’s motivation for money and a better life in the UK were used to criminalise him and devalue his experience. Practitioner 3, a first responder that works for a charity involved in victim identification and policy engagement work in the UK and globally, gave a simple explanation as to why this can happen:

Practitioner 3: When the focus is solely on a criminal justice response, everyone ends up becoming criminals.

Practitioner 11, a charity, agreed with the sentiment and stated:

Practitioner 11: The complexity of identifying victims can get so confused. It often doesn’t go as how we’d hope, and, well, it’s the victims that end up getting punished.

Thus, VOTs used for criminal means become criminalised themselves, despite legal protections in place to prevent this from happening. The cases of R v. THN (Court of Appeals, 2012/2013) and R v. N (Court of Appeals, 2012) demonstrate the challenges of an organised crime approach in practice. Law enforcement is placed in a position where they must juggle their role where they are required to identify perpetrators of crime, identify criminal activity, and identify PVOTs during criminal interventions; the assumption for everyone involved becomes guilt. Yet, from the above example, it is clear that this is not always the case, which leaves a further question regarding who the perpetrator in the organised crime approach is. The following sub-theme unpacks this question in relation to the moral justification of human traffickers and the structural determinants of crime.

4.3 Traffickers as informed decision-makers

With the organised crime approach being driven by morality, this section argues that the idea that human traffickers could have a moral agenda is a key reason the organised crime approach can be problematised. However, to be clear, practitioners that most aligned with the organised crime approach did consider this aspect but found this question to be unimportant:

Me: How do you believe traffickers rationalise their actions?
Practitioner 16: There is no justification that matters. Their actions are universally wrong and completely diminish basic human rights.

- - -

Me: How do you believe traffickers rationalise their actions?

Practitioner 6: Oh who knows or who cares what their brains come up with, it doesn’t really matter, does it? It's all wrong… however you spin it.

The lack of importance given to this question finds basis within the literature on behavioural economics and psychology, whereby the role of morality can be considered less relevant when engaging in activities that can be perceived as unethical (Gino and Shu, 2012; Mikulincer and Shaver, 2012). Other practitioners disagreed with this perspective, as this perspective could be interpreted as moral superiority. When speaking with another practitioner that started an anti-human trafficking charity that is primarily involved with research, policy, and advocacy, the same question was asked, and the practitioner responded:

Practitioner 7: There’s so much cultural determination… [some traffickers] have worked out an economic and moral justification even if that justification is simply ‘they’re women, they’re Chinese’, or whatever.

The practitioner then went on, fluctuating between perspectives and suggested that some traffickers are involved with human trafficking and exploitation because they do not care that it’s a crime:

Practitioner 7: For some traffickers, it’s simply ‘I’m me and I’m a criminal, and I support my family, and if that means taking people from my home country then that’s fine because I’m looking out for my number one first.’

The individual then gave further details about how these individuals are highly non-altruistic people, separate from any algorithm an anti-trafficking worker can devise, yet do not represent the majority. However, Ancrum and Treadwell’s (2017, p. 69) important ethnography on the growth of cannabis cultivation would suggest that Practitioner 7’s
opinion should be contextualised in the UK’s labour market. These individuals, for instance, may simply be entrepreneurial criminals with minimal job opportunities otherwise due to disadvantaged backgrounds (Ancrum and Treadwell, 2017). Moreover, these individuals are merely adopting identities valorised in a capitalist society. Throughout Ancrum and Treadwell’s (2017) research, the individuals that they interviewed were keen to disclose information about how they made entrepreneurial decisions, which were made from the perspective of profit. Thus, other identities are at play beyond wanting to incur violence or other forms of exploitation of another person. Another practitioner, a first responder that works directly in anti-human trafficking victim identification and research, noted:

Practitioner 18: Well, some traffickers think they are helping their victims. The victim wants to move countries, wants a job, and the trafficker is helping them get that. The trafficker doesn’t always know that the person on the other side of the business exchange is going to instil labour abuses on the victim…[pause] or, they do know, but it’s abuse that’s culturally accepted so they don’t think about it.

In the depiction by Practitioner 18, a definitional issue is also revealed regarding who is considered a trafficker. For instance, a distinction could be drawn between transporters and traffickers, whereby traffickers are directly involved in facilitating exploitation. In contrast, transporters may not be aware that exploitation is occurring but are involved in the trafficking process by facilitating victims’ transportation. However, it should be noted that the UN definition of trafficking holds transporters accountable as human traffickers, as it would be tough to prove that a transporter was unaware of the exploitation. When considering the moral justification of traffickers, Practitioner 20 believed that transporters could be viewed with a similar lens to that of traffickers:

Practitioner 20: Sure, they may not know it’s trafficking but they know they’re being paid eight times more to taxi someone across the border than they’d normally get. We see this a lot. They may not know what they are doing but they know that they’re contributing to a crime.

When enquiring further with Practitioner 20 to determine whether the moral justification was about the money then, the individual responded:
Practitioner 20: In most cases, yes. No one is going to turn down money like that when they’ve got a family, are struggling with affording basic necessities, haven’t got an education…[pause] I’m sure when they do start making more money from these trips, that’s pretty nice too. It’d be easy to get used to.

As another example, Practitioner 3 addressed the question of moral justification from the business lens:

Practitioner 3: Traffickers see this [human trafficking] as a business relationship with the victim. Up to a point, they each get what they want. So, from that point of view, it’s difficult for a trafficker to admit wrongdoing. The trafficker doesn’t see what they’ve done wrong.

The quote likewise comes back to a fundamental question of what human trafficking is in relation to harm and exploitation. In cases where the exploitation is not severe, the victims’ loss of certain freedoms and rights, while not ultimately a just or ideal circumstance, is exchanged for the fulfilment of basic human needs that the person otherwise may not have been afforded in their home country. Swapping one horrible situation for another less horrible situation is not to negate the painful aspects of the experience but rather to suggest that the relationship between a trafficker and a victim is not always as clear-cut as we would like to make it. Yet, there must be a limit to the level of severity endured in exploitation, and, in a protected space, a victim’s perception of the exploitation endured must be valued.

In addition to practitioners indicating that traffickers make informed decisions that are not necessarily driven by a desire to harm or exploit someone, the idea that there are structural determinants to the decision-making of traffickers began to emerge. Practitioner 11 recognised these structural determinants and depicted the concept of trafficker decision-making as the following:

Practitioner 11: These decisions are not from nowhere. Harm is multi-faceted and yet we want clear cut answers. There is this middle ground where we must allow for traffickers to be both people with personhood and so forth…but people that have made decisions that we must question.
As an example of how harm is multi-faceted, when speaking to Practitioner 8, a first responder focusing on advocacy and child victim identification in the UK, the person discussed how people are often surprised to hear that it’s not uncommon for families to traffic their children. In discussing the motivation of families that traffic their children, the person went on to explain the following:

Practitioner 8: But, of course, there are other things like parents being disabled, poverty, one parent dying, it could be maybe parents remarrying and not wanting to have children from an old relationship, parents may have been through similar experiences themselves…[pause] sometimes we’ve had that, that parents have been trafficked and then their own children have been trafficked. Or, not trusting the systems around them and not feeling like they can rely on the police, or the government to provide support for their family, and so then relying on other type of support that can lead to children then being trafficked and exploited.

This quote reveals how a trafficker’s actions may be the outworking of the oppression and exploitation that traffickers have experienced. A UK-based law enforcement officer likewise explained the role of one’s experience of exploitation in leading to exploitation:

Practitioner 14: There are lots of different ways of being exploited but also ways of getting out of being exploited. One of those might be that you decide that you’re not going to be exploited, you’re going to be the exploiter and move up the chain. For example, with females that are trafficked for sexual exploitation there often may be other females that have been exploited initially but then to get herself out of that she moves up the ladder and becomes the one that finds the females who are then sexually exploited. So, there’s sort of a root out of exploitation... it’s a low-risk crime and there may be exploited people that decide ‘I’ve had enough with being exploited, I’m going to get out of this situation by becoming the exploiter.’

Numerous examples of the above quote surfaced throughout the research process. For instance, in the interview with Practitioner 7, the person described one of their personal research experiences in Brazil and how “guys that recruited people into slavery...weren’t
doing well enough so the criminals that controlled them being criminals would just drop them back down into the pool.” The ‘trafficked’ were manipulated into becoming traffickers as a form of “female, business empowerment,” yet if unable to cope with collecting the required financial demands through their new role as traffickers, their status would be dropped, and they would be forced again into sexual exploitation. In a focus group conducted in Choi-Fitzpatrick’s (2017, p. 130) research in India, 80% of the ‘slaveholders’ interviewed reported that “when they retired, they would leave the business to someone like themselves.” In other words, it could be argued that the normalisation of structural violence in the lives of human traffickers was a basis for a ‘leap of faith’ risk in contributing to human trafficking in order to regain agency and life opportunity, for instance (Farmer, 2004; Möllering, 2007). In the case of a transporter being paid eight times more than the average taxi ride across a border, the transporter goes beyond reason and trusts other individuals that support the facilitation of the transportation (trafficking) network.

4.3.1 Case study: imprisoned traffickers

As mentioned in Chapter 1, an unsuccessful attempt was made to interview imprisoned traffickers to learn more about their individual backgrounds and stories of entering criminality; this was intended to provide an update to a similar study conducted in 2009 (Burrows and Webb, 2009). Despite this, the original research remains insightful, so it will be used as a case study in its ability to provide the voice of the trafficker alongside what has already been shared by practitioners. The study interviewed 45 prisoners in the UK convicted of both smuggling and trafficking offences and, to note, made clear the distinction between smugglers and traffickers. The study did not affect the prisoners’ conviction status, which allowed the participants to speak freely about their experiences. However, though the report was independent, it was commissioned by the Home Office, which may mean that those that contributed to the study may not have shared their authentic or genuine motivations, as the Home Office were key stakeholders in these individuals’ imprisonments; this should be kept in mind when reading the below accounts.

In the study’s summation, Burrows and Webb (2009, p. 28) discussed how human traffickers and smugglers had rationalised their actions, and it was thus concluded that:

Those that had admitted their crimes (albeit partially) expressed little sense of wrongdoing. Indeed, many were keen to assert the benefits of their actions. Smugglers claimed the credit for cutting down on asylum claims; assisting people in the realisation of their goals; contributing to a reduction in labour
shortages; and ultimately increasing tax revenue. Emigration was considered a reasonable and normal ambition within the 'source countries'. It was maintained that many smugglers were revered by the clients and communities that they served.

As smugglers and traffickers are conflated terms in practice, the quote still holds relevance for human traffickers, as those considered human traffickers are not always aware that they are contributing to exploitation. The fact that perpetrators of human trafficking and smuggling have a positive reputation and are perceived with reverence in 'source' communities speaks to the notion that a situation of exploitation in the UK can be a better position than what the victim had experienced in their origin country. Other motivators for engaging in human trafficking included the following:

Some respondents, particularly drivers, claimed that they had not realised they were taking part in illicit activities. Others claimed that their involvement was tenuous, for example that they had merely sub-let accommodation to friends or associates and were not aware that the premises would be used for prostitution or other illicit activities" (Burrows and Webb, 2009, p. 23).

One conversation in the UK imprisoned trafficker study included an interview with a Lithuanian trafficker. In the interview, the person repeatedly asserted that he believed that these women needed a job and that he was helping them through his business:

When I went into prostitution, in my eyes it is not illegal. I don’t do nothing wrong, I don’t steal from anybody and obviously I don’t hurt anybody... It was more like a business... it wasn’t a crime (Burrows and Webb, 2009, p. 23).

Of course, this is not every situation and some VOTs that are sexually exploited in the UK endure persistent abuse from their trafficker or pimp. What was made increasingly apparent from this quote and in the prisoner study more broadly is the language of how the individuals believed they were ‘helping’ the victims and that there were people far worse
than them in the world that should be focused on instead. Thus, there was shock when the traffickers were convicted for significant, lengthy sentences, which an Albanian trafficker noted:

I know I’m guilty of this because getting involved and that, but never in my life, I never deserve these years. You know what I deserve for this mistake? Alright, four years. Four years, enough to pay for what I did. I got 21 years. I could have killed someone (Burrows and Webb, 2009, p. 23).

 Traffickers’ reasoning can be easily understood when the rationale in the decision-making process that they have used to enter wrongdoing, in many cases, is not condemned by local migrant communities but is perceived as a legitimate business option that creates jobs and helps locals. Thus, even while some traffickers can accept some level of wrongdoing, many will also still see themselves as informed decision-makers.

 One practitioner referenced an additional imprisoned trafficker study conducted in Kathmandu that involved short surveys with 160 traffickers and 54 in-depth interviews (Hudlow, 2015). Imprisoned traffickers were not only Nepalese traffickers but included traffickers from numerous countries around the world that had been arrested in Nepal. Several of these traffickers had been involved in trafficking victims to either India or the Middle East, which led to further trafficking to Western Europe; at times, this included the UK as a final destination. The study further confirmed that actors behaved according to cost-benefit analysis and viewed their decisions as business-related, even in cases where the traffickers admitted to wrongdoing (Hudlow, 2015). Traffickers interviewed believed they were giving their victims a different (and some believed better) opportunity that the person would have otherwise not been afforded.

 Additionally, the study demonstrated the role that communities and families have in encouraging human trafficking by accepting human trafficking as a legitimate option for escaping poverty and the other negative consequences of structural violence. Thus, engaging with the intent of the trafficker likewise helps to bring a perspective of cultural relativity into decision-making. Further to this, when self-actualisation is deprived through the effects of structural violence, traffickers, arguably, do not experience responsibility for one another in the same way as a person with minimal limitations; in this case, the effect of structural violence included “poor employment and financial prospects arising from a lack of skills, [and] a lack of English...” (Hudlow, 2015). In some instances, human trafficking has led to a
better life for victims, even if only temporarily, through providing basic necessities that the victim may have otherwise been unable to access.

While to some it may seem inappropriate to suggest that human traffickers are not evil, as indicated by the initial sub-theme in this chapter, it should be emphasised that “these individual opinions [on evil] are part of a larger cultural and social commitment to inequality” (Choi-Fitzpatrick, 2017, p. 175). For origin, migrant communities collectively experiencing the limitations invoked by structural violence clarifies the roots of the crime’s shared tolerance and legitimisation. When these limitations are passed down from generation to generation, it becomes difficult for a culture’s view – in the case of origin, vulnerable migrant communities – on exploitation to shift. Moreover, disengaging with structural determinants to human trafficking and exploitation and how structural determinants impact definitional issues further deepens the victim versus perpetrator dichotomy. The sole focus becomes criminality, removing the state from its responsibility to address the “social commitment to inequality” and its relevance in perpetuating exploitation (Ibid).

4.4 Analysing legal case files: who is the perpetrator?

4.4.1 C.N. v. The United Kingdom

Reviewing legal case files was a valuable way of analysing how the UK state has used the organised crime approach in practice, which, it should be noted, also has some overlap with the ‘illegal’ migration approach introduced in the following chapter. As an initial example, the European Court of Human Rights (2012, Application no. 4239/08) heard the case of C.N. v. The United Kingdom, which was initially brought forward in a lower court in 2008. The case involved a Ugandan national that fled to the UK following sexual and physical assaults that she experienced in Uganda. The woman sought safety and protection in the UK and intended to work once she arrived. She obtained a fraudulent passport and visa from her trafficker, who took her documents upon arrival, did not allow her to communicate with anyone saying that it would cause her harm, forced her to watch violent television and said that she could be subjected to this type of violence if not careful. The woman was then given a job as a carer in London that required her to be on-call 24/7; money earned was paid into the account of the ‘employer,’ and the woman saw a limited amount of the money. On the few hours of breaks she occasionally had, she was returned to the employer's home and was not allowed to leave.

One day, the woman was able to escape and ran to a local bank and asked them to call the police. The police had the woman hospitalised, and the woman was then visited by her employer, who tried to persuade her to leave the hospital. Upon being discharged from the
hospital, the woman was housed by a Local Authority, which led to an application for asylum, which was eventually denied. The denial was based on the woman being ‘suspicious’ due to her initial decision to enter the UK through ‘illegal’ means; the denial is despite the fact that numerous indicators of labour exploitation, developed by the ILO (2012), were present in the woman’s case. This is perhaps the first display of what Ham and Pickering (2013) refer to as ‘social sorting,’ in which categorisations are given based on a person’s engagement at a border site. The state claimed that the woman could seek protection in Uganda and that “if she had been genuinely afraid of the [employer] that she would have tried to escape from him earlier” (European Court of Human Rights, 2012). This is an example of a fundamental ontological question within this thesis regarding how exploitation is understood, which builds upon Davidson’s (2012) work regarding definitional flaws. As such, the claim led to an appeal. If the woman feared for their life, did not have any legitimate (or fraudulent) documents, had been threatened, had undergone severe psychological harm, and did not feel that she had freedom of movement, it’s understandable that she was careful about when she chose to flee. Moreover, it’s shocking that the state could not recognise clear signs of labour exploitation. Once these signs were pointed out to the Secretary of State for the Home Department, an investigation ensued to find evidence. Yet, the state never attempted to interview the employer throughout the investigation.

The state repeatedly claimed that there was no substantial evidence, which, albeit, would be difficult to find, and evidence which could have been helpful, such as a money trail, came down to ‘who said what’. While there are some uncertainties about the details of this case and the state suggested that the woman had lied on numerous occasions, the woman had been assessed by a psychologist specialist that affirmed that the woman had numerous characteristics, and ways in which she shared her story, that aligned with the psychological state of a trafficked victim. Throughout the case, the woman was repeatedly referred to through criminalising language as it pertained to obtaining false documentation to ‘illegally’ cross the UK border and to work discreetly to evade the UK tax system; moreover, the state continually claimed that the woman could have left at any point and made no reference to her having been physically threatened or to the emotional manipulation that the woman endured. The state repeatedly asserted that the Metropolitan Police had conducted an adequate investigation. Yet, the European Court of Human Rights approved the appeal after agreeing that the investigation had not been substantial.

In terms of what the case of C.N. v. The United Kingdom reveals, several relevant factors speak to the role and impact of structural violence in the organised crime approach to
anti-human trafficking. Initially, for the woman to have experienced enough of a threat of sexual and physical violence that she was pushed to consider risky migration options spoke to the ability of violence to create a feeling of forced migration. While the details of how these events were inflicted upon the woman are not known from the legal case file, for this to exist in a culture on any level suggests that aspects of Uganda’s socio-political or religious context may tolerate or enable violence against women in how the country generally perceives the role of women. Gender disparities are especially pronounced in Uganda’s rural regions, which was, accordingly, where the woman had resided before travelling to the UK. Thus, the perpetrators at this point were both the individuals that had inflicted sexual assault on the woman and the state for its inability to offer the woman protection or social service support. Once the woman arrived in the UK, she passed through immigration and was not recognised as a potential trafficking victim, despite having a fraudulent passport and visa. The Border Force Officer (BFO) might have recognised signs of vulnerability to trafficking present in the woman if the right questions were asked about how she attained her employment. However, it’s possible that the woman believed that she had taken a legal route. Because the woman was able to pass through immigration without being identified as a potential trafficking victim, the ‘micropolitics of the border’ was engaged. The woman’s categorisation then changed to an ‘illegal’ immigrant, which allowed the state to argue that she was a voluntary migrant (Ham and Pickering, 2013). Having a fraudulent document detracted from the ‘forced migrant’ claim of fleeing the physical and sexual violence that she was subjected to in Uganda.

When considering repatriating someone or accepting their asylum claim, numerous challenges occur when dealing with most human trafficking cases. Because the state is given an ‘out’ in being able to focus on the criminality of the migration process, the person can be denied the right of asylum. Moreover, giving evidence of a real threat to a person if they were to return to their country of origin is nearly impossible for asylum applicants. When a person believes that they have no other option but to consider an ‘illegal’ or risky migration route (i.e., in agreeing to the obtaining of fraudulent identity documents) it’s difficult to assert that these individuals were voluntary migrants; this demonstrates an issue with how the UK state has constructed its framework for defining forms of migration and speaks to a lack of depth in their understanding of the recruitment methods that human traffickers use. When the woman was able to bring her case forward and introduce an asylum claim, the lack of investigation paired with an assumption about lying, and thus, questioning the woman’s credibility, had hugely damaging consequences for the woman. To give another perspective
on the challenges of the NRM and asylum process, Practitioner 8 noted the following from their experiences in child victim identification:

I mean there’s so many difficulties. So, obviously the process is geared toward trying to not give asylum. There’s a real lack of belief in young people’s experiences. And that doesn’t just come from the Home Office, it comes from social workers as well. Obviously, recounting trauma is not a good thing for young people…[they] shouldn’t give evidence because it’s re-traumatizing to do that in a room of people and talk about child abuse and we wouldn’t do that to a British child. We wouldn’t put them in court and make them speak to a room about their child abuse experience.

Practitioner 8 similarly noted that the NRM and asylum process has been criticised for its inability to account for PTSD and trauma and their role, for instance, in altering a victim’s memory. Furthermore, the informant noted that credibility issues are especially heightened in cases of previous sexual violence, as victims (if not experiencing PTSD) are often reluctant to share certain experiences from the start of the interview process, and the process as a whole may return the victim to the position of fear that the person had initially experienced in crossing the border.

Recently, the Home Office was criticised for its hiring process of NRM decision-makers as those hired would be paid just above the living wage and required no prior anti-human trafficking experience, despite the significance of the role and its need for human trafficking expertise (Bulman, 2019). Kenway, an advisor for FLEX, commented on the NRM job advert and stated:

It is well known that the NRM has so far failed to work well for many victims, with delays and incorrect decisions being commonplace. [The job advert] is yet another example of the government’s consistent contradiction between its statements on commitment to tackling human trafficking and its actual practices (Bulman, 2019).

Moreover, having to re-count instances of abuse in front of multiple key actors and the court system can not only be re-traumatising but can cause new trauma as the person grapples with the challenges of being treated like a criminal.
To reiterate, the Ugandan woman’s entire experience may have given the woman a new layer of discrimination that could become embedded in her identity for her association with human trafficking and labour exploitation. The publicised suggestion that her experiences were falsified and that her testimonies were inadequate would also be highly damaging. The issue of credibility returns to debates highlighted by Davidson (2010) and Anderson (2007) regarding the challenge of defining what constitutes trafficking or a genuine case of exploitation, but also suggests that the current legal system lacks a victim-centred approach and is not geared to value a human rights perspective; this is a clear, structural issue embedded in the way that the UK state operationalises its anti-human trafficking approaches. A clear issue with the organised crime approach in practice, in this case, was failing to interview the Ugandan woman’s employer and alleged trafficker. Instead, the woman was criminalised, and the state's focus, in this case, was to ensure her criminalisation. It is within the combination of these elements presented, which has deprived the woman of her agency in the discrediting of her voice and has pushed the woman into further marginalisation, that structural violence persists.

4.4.2 R.E.’s Application [2014] NIQB 15

In what was the first case in Northern Ireland involving the offence of human trafficking, R.E. sought to appeal the decision under the “conclusive grounds” test of the NRM, which had determined that R.E. was not a victim of human trafficking (The High Court of Justice, EWHC 3298, 2017). Throughout this case, what was especially highlighted was the disparity between the UK’s institutional culture and the marginalisation of a person in a position of extreme vulnerability. R.E. is a Nigerian woman trafficked from Nigeria to Portugal in an arrangement made by a family friend. She was then taken to a brothel upon arrival, despite having been falsely promised legitimate work in Portugal. After several years, the woman was able to escape and fled to Spain, where she called another woman that had worked with her as a prostitute in Portugal. The woman she called that told the Nigerian woman that the trafficker (referred to as S.) would harm her family in Nigeria if she did not return. As a result, the woman returned to Portugal until she was eventually able to escape again. The woman fled to Dublin with a false passport, intending to fly further to Canada. After this, the woman was caught and returned to Spain, where her traffickers were waiting for her. Again, the woman escaped to Ireland and was returned to Spain, where, upon reporting her situation, “[Spanish authorities] made fun of her and did not listen to her before showing her out” (The High Court of Justice, EWHC 3298, 2017, p. 2). For a third time, she was able to escape to Ireland, where she was tracked down by an associate of her Portugal
trafficker, who threatened her. As a result, the woman managed to flee to Belfast and submit herself to local authorities, where she was referred to the NRM.

The woman was given a conclusive grounds decision that stated that she had not been a victim of human trafficking due to doubts about the woman’s credibility; thus, deportation was recommended. The UK system largely failed the woman, in that the Competent Authority involved in making the NRM decision had not sought additional evidence from law enforcement, NGO specialists, or medical professionals, and had given no reasoning for why the woman’s claims were not credible. Not only this, but aspects related to credibility are considered requirements to determining a conclusive grounds decision when the reasoning given is that of credibility. It seems clear that a person is only regarded as credible if their trafficking situation exemplified ‘ideal’ victimhood’. The case makes it clear that a person being deceived into exploitation holds less value to legal and political stakeholders due to the person’s ‘illegal’ or criminalising decisions. A demonstration of what Ham and Pickering (2013) describe as the ‘micropolitics of the border’ is again present, particularly in how border issues assess the role of sex work. The woman’s gender was also not considered, a recommendation made in Article 10 of the Council on Europe Convention Action against Trafficking in Human Beings (2005). Without a conclusive grounds decision to determine that the woman was a victim of trafficking, the woman’s case was not referred to a case worker and thus denied the woman eligibility for social services. A key reason for her lack of credibility was stated in the following:

It is not considered credible that you would make contact with S. and allow yourself to be re-captured when there are organisations in Spain that could have helped you had you sought them out” (The High Court of Justice, EWHC 3298, 2017, p. 13).

The reasons given regarding the woman’s credibility make it clear that the UK state had not seriously intended to consider R.E. beyond the criminality of smuggling that led her to fly from Spain to Dublin to Belfast on falsified documents. The decision to remove the woman from the UK when expert opinion was not sought was demonstrative of the UK’s view that this woman was a threat to the border, as Bosworth (2008, p. 211) stated:

Such ‘security’ strategies, imposed often in the absence of a known threat, have become a central, though not unchallenged, means of asserting power in
a time when states have been 'stripped of a large part of their sovereign prerogatives and capacities by globalization forces which they are impotent to resist, let alone to control.'

In the interviews with the practitioners, it was mentioned several times that it was not uncommon for victims to return to their traffickers. The practitioners identified that returning to one’s trafficker(s) was often instigated by a threat against their family or friends or after struggling to re-integrate and process their trauma, or due to feeling like they had no other option. For instance, Practitioner 5, a law enforcement officer, stated:

Practitioner 5: Some [victims] enter the NRM process and then run away shortly after. It’s likely that they have returned to their trafficker or to another community that is known to them. There are lots of manipulation tactics at play and [victims] are scared.

The fact that R.E. returned to her initial traffickers was used as reasoning against her credibility is a shocking demonstration of the Competent Authority’s limited understanding of trafficking recruitment, rehabilitation, and the effects of trauma, especially in the case of sexual exploitation – to which this woman’s situation was concerned. Furthermore, the case was representative of the relationship of the organised crime approach with the ‘illegal’ migration approach to anti-human trafficking. In the legal definition of voluntary v. forced migration, the woman could have been considered a forced migrant from her initial move from Nigeria to Portugal. Recognising the human trafficking that occurred from this point would have changed the woman’s migration status, as the woman’s decisions had been made on account of the trafficking that she had endured. Additionally, this was representative of a national identity that seeks to identify who belongs and who does not, to differentiate between the UK citizen and the ‘Other’; in doing so, the distinguishing brings value to UK citizenship, based on “the exclusion of [the] ‘underserving’” (Bosworth, 2008, p. 202).

Moreover, whether recognised or not, the woman’s ability to access the UK as the ‘Other’ was perceived as a security threat and, arguably, a threat to UK sovereignty. The case as a whole was demonstrative of the UK’s failure to recognise the vulnerabilities of forced migrants and was reflective of the UK’s perspective of migrants as ‘national risk.’ As a result of the organised crime approach that was used to interpret R.E.’s decision to fly to Dublin and then flee to Belfast, the state was removed from responsibility in the case. The way the
victim, R.E., was identified throughout the case merged with the characteristics used to identify traffickers; in doing so, R.E. was unintentionally given an identity by the state that irrationally overlapped that of a perpetrator.

4.5 Conclusion

This chapter sought to address the second research question, particularly through the organised crime approach theme. In doing so, the chapter focused on two sub-themes: 1) the criminalisation of traffickers and, 2) traffickers as informed decision makers. The first sub-theme highlighted how some practitioners that advocate for the organised crime approach perceive traffickers and how this perception shapes the structuring of their anti-human trafficking approach. The data from this sub-theme revealed that ideas of traffickers as evil have been based on understandings of human trafficking and exploitation in their most severe forms. As a result, a narrow dichotomy has emerged in which the helpless victim is pitted against the perpetrator, which has enabled the state to be removed from its responsibility in contributing to human trafficking and exploitation. Moreover, VOTs have been criminalised in the process.

The second sub-theme demonstrated the opposing side of the organised crime approach adopted by some practitioners, illustrating the complexities associated with identifying traffickers as the sole perpetrators of human trafficking. The data from this sub-theme focused on the moral justification of human traffickers, and the structural determinants of crime that should be considered. In assessing traffickers’ justifications, numerous instances were depicted that demonstrate that some traffickers believe that they are ‘helping’ their victims and are not always aware that they are involved in a crime until they are convicted. Even once they are convicted, some traffickers reject that their actions were severe enough to be given the sentencing they had received. Some traffickers likewise are involved in human trafficking because human trafficking is viewed as a business decision which provides them life opportunities and support that they would have otherwise been denied due to their structural circumstances.

Data from this chapter was used to argue that the organised crime approach is not functional in practice; this has been demonstrated in particular through two legal case files, C.N. v. The United Kingdom and R.E. ’s Application [2014] NIQB 15. The state is not considered a perpetrator in this approach, which has led to human trafficking being addressed through its symptoms rather its root causes. Most importantly, however, the organised crime approach criminalises VOTs, as the criminalising language associated with human trafficking
extends beyond traffickers due to definitional issues regarding how human trafficking is understood. This chapter demonstrated that the organised crime approach to anti-human trafficking is harmful and has led to the perpetuation of the issue, amongst other social issues in the UK. Finally, the legal cases files in this chapter introduced how the organised crime and ‘illegal’ migration approaches overlap in their application in the UK; thus, the following chapter furthers this chapter’s arguments through the exploration of the ‘illegal’ migration approach.
Chapter 5: The ‘illegal’ migration approach

5.1 Introduction

While Theresa May served as Home Secretary in 2012, she shared her intent to dissuade and punish irregular migrants by creating a ‘hostile environment’ that would make life in the UK undesirable for those who did not migrate through ‘legal’ means. This was to uphold the Conservative Party’s promise within their 2010 Election Manifesto regarding their strategy to reduce immigration (The Conservative Party, 2010). These harsh policies have taken multiple forms, some being continuations of existing immigration policies already known to affect the UK’s most marginalised. For instance, the extension of the ‘no recourse to public funds’ (NRPF) restriction; the increase in visa fees; and indefinite immigration detention, among numerous other changes (Griffiths and Yeo, 2021, p. 2). The goal of these policies had been to increase the deportations of those who resided in the UK irregularly and to reduce the number of migrants greatly, particularly those who May classified as ‘illegals’ (Kirkup and Winnett, 2012). Though often referred to as the ‘hostile environment policy,’ there is not a singular policy; the term refers to numerous policies found in several Immigration Acts, and the term is now used broadly to refer to any communication, acts, or policies that harm migrants in and out of the UK (Griffiths and Yeo, 2021, p. 2).

The hostile environment is closely tied with human trafficking and exploitation in that the UK uses these policies to suggest that they benefit those vulnerable to exploitation by preventing human trafficking. This is suggested by indicating that legal routes for all migrants into the UK already exist and, therefore, anyone that risks their lives by using a smuggler to enter the UK is at risk of exploitation or at risk of becoming criminalised. Therefore, strict borders have been instilled to prevent criminal activity that makes people vulnerable to exploitation. The hostile environment helps to accomplish this goal by making the UK appear as an undesirable place for migrants. For instance, this has caused hopeful migrants to use a trafficker disguised as a smuggler who intends to exploit the person once they reach the UK. It should also be noted that in November 2020, the Equality and Human Rights Commission announced that it had found that the Home Office broke equalities law when implementing hostile environment measures, including within senior leadership. The UN Human Rights Council likewise stated that the policies “entrenched racism and stoked xenophobic sentiment in the UK” (Bulman, 2019).
This chapter has identified the application of the hostile environment in anti-human trafficking as the ‘illegal’ migration approach, which, in the UK, functions together with the organised crime approach. This approach was referred to throughout the data collection stage through terminology and policies that are associated with ‘illegal migration’ and the ‘hostile environment.’ This chapter predominantly addresses the first research question in this thesis and has been shaped by two key sub-themes: the climate for migrants and direct policymaking. These sub-themes provide the structure for this chapter. They will be used to support the chapter’s overarching argument: that the ‘hostile environment’ has created ‘everyday borders’ for migrants, which ultimately undermines the government’s anti-human trafficking work and perpetuates exploitation.

5.2 The climate for migrants

5.2.1 Nationalism and politicisation of the border

The UK state border represents both an entry/exit gateway and barrier to opportunity, which has been dramatically politicised as the border has become increasingly illustrative of socio-cultural and economic boundaries; territorially, a border is a symbol of state sovereignty, nationhood, and economic, self-sufficiency. The separation of territoriality and social boundaries at the UK border is a natural dichotomy, “inherently contradictory,” and “of ambivalent identities and/or the aggressive assertion of difference” (Anderson and O’Dowd, 1999, p. 595). As the world continues to globalise, the regulation of migration through the border has increasingly led the UK to espouse a state-centric approach, which, either intentionally or not, can allow for the generation and re-generation of institutional harm (Cole, 2008; Finnane, 2009; Pickering and Weber, 2006; Soguk, 1999). In doing so, it becomes clear that the UK’s sovereignty, partially represented in its territorial boundaries, is “increasingly considered a performance of the state,” which is not fixed but operates fluidly and perhaps aligns more with the country’s dynamic socio-cultural and economic boundaries (Pickering, 2011, p. 40). Thus, the identity of the UK state border as a method of territorialisation is less significant amid the changes brought on through increased globalisation.

Moreover, the UK border is a prime concern in that it can hugely affect the way that human trafficking is described and dealt with in public discourse and anti-trafficking programmes; viewing the border through the lens of ‘illegal’ migration and organised crime will then become the angle used to address human trafficking, which affects how the state identifies all migrants. The perception of the UK border as a gateway to crime will cause human trafficking victims, refugees, and other vulnerable migrants to be initially perceived as
possible criminals and illegal or irregular migrants. As a result, the identity of the border becomes viewed as a place where a person is policed rather than a geographic site (Pickering, 2011, p. 93; Weber, 2006).

In the case of human trafficking, the border can represent an entry point to various forms of exploitation. How the UK state manages its border can have varying outcomes for all migrants; the border is a determinant factor in the effects and perpetration of structural violence. May’s view of immigration, further, and that of much of the state, was seen in the undertones of the sentiment noted in her well-known 2016 speech, as well as in the introduction of the hostile immigration environment, in which she stated that “there are millions of people in poorer countries who would love to live in Britain, and there is a limit to the amount of immigration any country can and should take” (Stone, 2017). In making this statement, there is no recognition of the socio-political influence of the UK and how the UK can further marginalise certain states, such as through having a negative, perpetual social and economic impact. Thus, May asserts the UK’s economic sovereignty and removes itself from attesting to any level of responsibility.

Additionally, the speech’s undertone is reflective of the contradiction of the UK border as stated by Anderson and O’Dowd (1999, p. 596):

The nation-state ideal of cultural homogeneity and centralised political control is both confirmed and disrupted at the border. Here the divisive aspects of states and nationalism predominate over their unifying aspects, and that despite (or maybe because of) the fact that the borders of would-be nation-states often fail to coincide with the borders of nation, culture, and ethnicity. So, contradictions abound at borders.

Moreover, May’s assertion lacks a post-colonial perspective, such as that the UK played a crucial role, historically, in situating these “poorer countries” in a long-enduring position of structural violence (Vaidya, 2018). Further, Bosworth (2008) has argued that since the attacks on September 11th, 2001, the UK has relied on the tightening of state borders, which is an argument that has repeatedly surfaced in the treatment of human trafficking victims at the border and continues to affect all asylum applicants (Garland, 2001; Simon, 2007); the focus on ‘illegal’ migration, according to Simon (2007, p. 10), likewise negatively impacts the “[UK’s] democratic capacity by destroying social trust and capital.” Applying the ‘illegal’ migration approach is an influential barrier when considering how migration policy
development can be improved to prevent exploitation. In referring to the ‘illegal’ migration approach, Pickering (2011, p. 104) gave a helpful summation:

By championing criminalisation policies the state comes to occupy a central role in responding to [human trafficking] without consideration of how the state contributes to its maintenance: through its participation in global systems and through practices of statecraft.

Not only this, but the UK border becomes a place that cultivates fear and anxiety. For a place meant to represent state security, in reality, the feelings surrounding the UK border is contradictorily of insecurity and uncertainty. Migrants primarily experience this fear and anxiety; statistics on this group can be hard to come by, but the feeling can be witnessed by engaging with any organisation that works closely with migrants and the communities they represent. For instance, a charity that works both in anti-human trafficking and in protecting the rights of migrants stated:

Practitioner 17: We primarily work with asylum seekers. Some are waiting for decisions on their asylum claims for two, even three years. Every day they live in fear that it may be there last day in the UK…[pause] that everything they’ve fought for and have had to overcome and face will have been meaningless.

Similarly, when asking another practitioner about the role of law enforcement in victim identification, the charity noted:

Practitioner 19: We often see that victims, potential victims, migrants…um, [pause] they’re scared of law enforcement. Some migrants have had bad experiences with the police in their home countries [pause]…and some have had bad experiences of police or other law enforcement agencies here. Either way, it affects how victims are identified.

Thus, PVOTs can fear presenting their concerns of exploitation to immigration at the border, for instance, if the PVOT had grown suspicious whilst in transit of their transporter, as some may become more aware of aspects of their travel that seemed ‘off’ on their travel; thus, if PVOTs did not fear law enforcement or police, they may wish to express their doubts
and receive support. However, as touched upon by Practitioner 19, it’s very rare for trafficking victims to self-identify, either because their pre-existing fear of law enforcement is heightened at the border or because they are unaware in the first place that they are being trafficked. With this in mind, NGO first responders shared how trafficked victims will seek to hide from authorities and intentionally lie at the border to avoid suspicion. For instance, in the context of a discussion about how border monitoring is used for victim identification, one practitioner noted:

Practitioner 20: Victims or potential victims we have encountered are sometimes told stories to memorise which they repeat verbatim. If a border officer then goes up to the person and asks them further questions about their travel, it’s not always been thought through. The victim doesn’t know how to answer those clarifying questions.

In the case of Practitioner 20’s example, the UK state may easily begin referring to PVOTs in similar scenarios through the language of criminality due to the PVOT sharing a false account; moreover, the overlap of the ‘illegal’ migration approach with the organised crime approach is further identified. Additionally, if their trafficking status is not recognised, the PVOT or VOT will be pointed toward deportation proceedings; the complexities of victim identification at the UK border cannot be understated. Further to this, Bosworth (2008, p. 205) poignantly stated:

By being represented both as a threat and as ‘bogus’ claimants, asylum seekers lose affective and legal ‘entitlements’ to British hospitality. Detention and expulsion are, for these people, appropriate. Moreover, even if they are not placed in detention, for as long as they remain non-citizens the threat of confinement exists and thus their symbolic and actual position in British society remains a liminal one as they are denied full membership of the polity.

Though Bosworth is referring to people seeking asylum specifically, the notion of representation can be applied to PVOTs that have submitted themselves to the NRM process, which can lead to an asylum application or can be processed alongside an asylum claim. As a result, there are numerous difficulties with processing an asylum and NRM application
concurrently; this has required charities and first responders to recommend that VOTs only submit to one of the processes, as the applications can be used as cases against each other, especially when there is an issue of credibility. Moreover, because human trafficking processes often overlap or can appear identical to smuggling processes, the public perception often merges, which is why many theorists discuss the two in tandem.

The ability to claim asylum, additionally, challenges the UK’s sovereignty. As a signatory to the UN 1951 Refugee Convention, the UK must consider the asylum claim and submit to a lengthy legal procedure for each asylum applicant; the process itself is a strain and provides no immediate economic benefit. In light of the significant human rights issues being perpetuated, the role of the UK border must be re-imagined without the fear that the UK’s sovereignty will be at stake. While it can be argued that the sovereignty threat is a myth, there is a belief that immigration has restricted wage growth, led to stress on public services and benefits, and created a security threat. In other words, migrants are deemed a “public risk” (Krahmann, 2011). As an example of the idea of migrants as a security threat, Practitioner 10, a law enforcement officer stated that “monitoring borders is about keeping everyone in our country safe.”

Beyond this, there are numerous examples of fallacies of public discourse on migration in relation to the border. For instance, Van Selm (2004, p. 40) has problematised the ‘see-saw’ hypothesis, which suggests that increased resettlement will lead to fewer people seeking asylum and that current low settlement numbers have resulted in there being more people seeking asylum. The see-saw hypothesis is used throughout the UK to depict resettlement as an effective tool for reducing migration by those hoping to advocate for migrants’ rights. Using the US as an example, Van Selm (2004, p. 44) demonstrated how the see-saw hypothesis had been disproved, making it a particularly dangerous narrative to perpetuate. In continuing with fallacies like the see-saw hypothesis, the root issues with asylum policy reform are ignored. As another example of fallacy, Dustmann and Preston (2007, p. 23) conducted an analysis based on the British Social Attitudes Survey. They identified that welfare and labour market concerns are considerable for non-manual workers. Despite public attitudes, a previous study by Dustmann et al. (2005) found no evidence that wages are affected by immigration. Card et al. (2012) have likewise identified that fear of the economic impact of immigration has influenced hostility toward immigrants. Individuals were again concerned that immigrants were not contributing their ‘fair share’ to UK taxes (Card et al., 2012). Similarly, in the 2008 European Social Survey, 44% of respondents believed that immigrants received more from public services than they contributed
A shift in views regarding immigration as it relates to Brexit was noted by Tilford (2015, p. 2) as linked to a reduction in British wages between 2008-2014, noting that immigrants are also blamed for pressures on public services, such as the NHS, despite there being no evidence of such. In addition to public attitudes on immigration, the sovereignty myth was likewise a significant influencer in Brexit and continues to influence beliefs about the role of the border, providing a basis for understanding the ‘illegal’ migration approach.

5.2.2 Everyday borders

In practice, policy approaches previously only used by the Home Office’s Organised Crime and Counter Terrorism team were extended to the Home Office’s Border and Immigration team (Griffiths and Yeo, 2021, p. 4). Rights around free movement were given a narrative of criminalisation and illegality for migrants, further delegitimising the migrant as an individual with personhood. Some of this was exemplified through initiatives like Operation Vaken, where the Home Office sent vans through London boroughs, known for their ethnic diversity, that were branded with threatening messages like “Go Home or Face Arrest” (Jones et al., 2017). Practitioner 9, a migrants’ rights charity, described the significance of this instance:

With the obvious racism aside for now, [Operation Vaken] was a move by the Home Office that [pause] while not unexpected, was still extremely shocking. It was shocking that [the Home Office] would go to these lengths to tell migrants that they are unwanted. We are still seeing the impact of this today. Migrants have told us of how seeing these vans impacted their mental health and made them fearful of everyday life.

This particular effort was seen as a failure, and the pilot project was not extended to the rest of the UK; the Home Office apologised, yet their website still cites financial success for the ‘voluntary deportations’ that were directly linked to the initiative (Home Office, 2013). However, the effects of Operation Vaken were felt for much longer in how it created a climate of fear and insecurity for all migrants; this likewise added to the fear of law enforcement authorities that migrants experience which has harmed police-community relations. Moreover, the fear is experienced by those that experience exploitation, which has led to fear around reporting one’s situation, as identified in the case examples in the previous chapter.
In addition to Operation Vaken, another initiative that helped to create the hostile environment includes Operation Nexus. This initiative deports “‘foreign criminals’ on the basis of police contact rather than conviction” (Griffiths and Yeo, 2021, p. 4; Griffiths, 2017). It’s important also to note that appeals are quite costly processes. With this Home Office agreement with the police, which went through various unsuccessful legal challenges, it’s understandable that migrants, whether having committed criminal acts or not, would feel unfairly targeted and fear the police. As witnessed in the 2020 surge of the Black Lives Matter (BLM) movement, much of the global protests, including in the UK, focused on the theme of police brutality. While the damage to police-community relations related to migrants goes beyond police brutality, the BLM movement demonstrates the impact of hostile environment initiatives like Operation Nexus.

Furthermore, to discourage migrants from coming and staying in the UK, the hostile environment policies require migrants to prove their rights frequently. For instance, a law enforcement officer noted the following when asked about how migrants are expected to engage with the police:

Practitioner 14: Well, it’s changed a lot over the years. Some have to report themselves to the police, depending on their background. It’s to prevent illegal immigration. We want to prevent crime and so there are a number of checks and policies in place to prevent criminal activity.

As mentioned above, one of the primary ways this is accomplished is through establishing ‘biometric borders’ through data-sharing agreements with various public services, such as in education, social services, and housing, among other areas of everyday life (Griffiths and Yeo, 2021; Johnson and Jones, 2016; Lyon, 2009). Immigration rules are constantly changing and are often introduced quietly without consultation, which adds to the difficulty that migrants experience in knowing and asserting their rights (Goodfellow, 2019). Through instigating biometric borders embedded in UK institutions, the Home Office has co-opted everyday public services in a way that harms basic human rights.

Under the Labour government in 2008, the Points-Based System was introduced to require companies and universities to ‘sponsor’ migrants while demanding that these institutions monitor those they sponsor. For instance, universities are required to record the attendance of international students sponsored on the Student Visa (previously known as the Tier 4 Visa), ensure that international students adhere to their visa, and then report that
information back to the Home Office (Griffiths and Yeo, 2021, p. 6). Companies are required to perform ‘right to work’ checks before hiring an individual as an employee and to continue ensuring that their employee is adhering to their visa terms. The checks that third-party institutions must carry out in their de facto role as ‘border guards’ are subject to errors that can affect individuals’ immigration statuses. ‘Everyday borders’ created through this impeding on migrants’ day-to-day lives essentially enable chronic anxieties and “dehumanised, ‘deportable’ people” (De Genova, 2002). Moreover, these ‘everyday borders’ are the embodiment, as well as the production, of structural violence within the UK. The sections below will discuss some of the ways migrants’ rights have been affected in practice, which is important background information when considering statements made by practitioners in relation to direct policymaking, the hostile environment, and how these contribute to the ‘illegal’ migration approach.

5.2.3 Employers

Though there were some legal requirements to conduct immigration checks for employers before introducing hostile environment policies, these obligations were fairly limited in practice (Bloch et al., 2014). With new measures that began in May of 2014, employers could face a fine of up to £20,000 for hiring an undocumented worker or a worker without the required work hour allowances (Home Office, 2014). However, when it comes to it and as is with most employment laws, these laws tend to favour the employer. For example, in 2016, there was a well-known immigration enforcement set-up between the Home Office and Byron Burgers, a popular burger restaurant chain. In a widely criticised event, employees were instructed to attend training at Byron, but an immigration raid was instigated with officers that trapped the employees for interrogation (Jones, 2016). From Byron’s perspective, this was likely about compliance, following the law, and not getting slapped with huge fines.

Further, as a bigger hospitality corporation, this company needs the government. The hospitality industry is known for zero-hour contracts, relying on tips, and is dependent on the state for its infrastructure and working benefits for employees. Thus, the employment environment in the hospitality industry enables labour exploitation and non-compliance to minimum wage payments. Though there were campaigns to boycott Byron for their collaboration, suggesting that Byron should have done what it could to help its employees get their required documentation, this simply would not have been possible. ‘Low-skilled’ labour routes are more or less non-existent, and the hospitality industry and its role in Britain’s
labour market is primarily nonregulated. Exploitation, therefore, is enabled legally in a system of corporate tax loopholes and the absence of migration routes for ‘low skilled’ migrant workers; thus, a context is created where human trafficking and exploitation can thrive.

As another example linked to immigration raids, Immigration and Compliance Enforcement teams are required to be ‘intelligence-led.’ In 2015, the Independent Chief Inspector of Borders and Immigration carried out a review of ‘illegal working’ (ICIBI, 2015). In this review, 184 immigration visits were sampled to assess the level of intelligence used to instigate the visits, amongst other compliance checks. The report found that 107 of these visits targeted restaurants or takeaways with ethnic food (i.e., Chinese, Middle Eastern, Indian restaurants, etc.), which, on the surface, appears like an issue of potential racial profiling (ICIBI, 2015). However, assessing these ‘visits’ in alignment with the National Intelligence Model’s ‘5x5x5’ rating system is especially concerning. This intelligence model classifies how strong intelligence is, as visits or raids must have a reasonable amount of suspicion to justify them.

Within the sample, 77% of the immigration visits were based on intelligence rated as E4, which clarifies the source of intelligence as untested and unable to be corroborated. Furthermore, a leaked document from 2012-2014 known as Operation Centurion demonstrated that 85% of people arrested were from Bangladesh, Pakistan, India, and China (Corporate Watch, 2018). In 2019, the ICIBI released a new report suggesting little has changed since 2015; the same four nationalities represented 63% of those arrested (ICIBI, 2019). The report likewise concluded that there has yet to be a major change in how intelligence is gathered and acted upon (i.e., the focus continued to be takeaways and high-street restaurants). In a written submission to the Commission on Race and Ethnic Disparities, the Migrants’ Rights Network (2020, p. 4), a UK-based charity that coordinates a pro-bono lawyer network to challenge immigration raids, further stated:

Many of these ‘intelligence-led’ operations conducted by [Immigration Compliance and Enforcement] tend to become ‘fishing’ expeditions. They rarely focus on the intelligence the operation is based on and will go beyond the scope of the warrant they have been issued.

The use of intelligence and data is particularly concerning because of the fear that this creates amongst all migrants; these immigration raids also damage a small business’s reputation and
harms community relations. Without appropriate intelligence to back up a raid or immigration visit, it becomes an overt targeting of BAME businesses and employees that causes long-term harm. In describing the offence of illegal working, FLEX (2016, p. 2) helpfully explained the following that was included in an evidential review for the Anti-Slavery Commissioner:

We know that the main priority for those without immigration status is to secure the right to remain in the UK, to be able to send back the money they promised their families when they left home. [The offence of illegal working] will make people so fearful of having money taken from them, being imprisoned and removed from the UK, that they will be less likely to take the gamble required to alert authorities to exploitation.

Making ‘illegal working’ an offence for undocumented workers in the Immigration Act 2016 has only pushed vulnerable migrants into the hands of exploitative and abusive employers. Ahlberg (2018) of FLEX has called this practice of instilling fear of criminalisation “one of the primary tools used by traffickers to control exploited workers.” The introduction of the £20,000 fine per undocumented worker in Immigration Act 2016 has allowed employers to hire vulnerable individuals under poor or non-existent labour standards and to threaten to report them for deportation if they do not comply. This is possible because the law was built to favour these employers, as fines are reduced when employers comply with the Home Office, which can allow employers to continue increasing their profits (Ahlberg, 2018). Identifying exploitation is important, but when this is done in careless ways, it becomes increasingly difficult for those that are in positions of labour abuse or those that are being exploited to come forward and get the support they need. In these scenarios, a person that may be a potential victim of trafficking is immediately criminalised. There seems to be little consideration given to the procedural need for safeguarding and identifying potential victims.

Employers will likewise use the ‘illegal working’ offence to their benefit through a system known as ‘debt bondage.’ As the previous chapter revealed, the types of exploitation endured in cases of human trafficking are extremely varied and, in many instance, can look nothing like the images of scantily clad girls trapped in a room portrayed by organisations and the media. For example, an anti-human trafficking charity involved in victim identification noted:
Practitioner 20: Controlling victims can come in many forms. Sometimes violence is involved, sometimes it’s more like emotional violence, emotional manipulation.

Thus, whether a person is physically trapped or not, the perception of being trapped can be as physically restrictive as exploitation experiences involving violence. Similar to arguments made by Davidson (2010) and Anderson (2007), anti-human trafficking programmes are often too quick to define trafficking situations within the binary of freedom or slavery. Cases of debt bondage, especially, challenge notions of what constitutes human trafficking and what the response should be. Practitioner 20’s statement was supported by Davidson’s (2010) and Anderson’s (2007) literature on how exploitation varies. Thus, it became clear that traffickers use various methods to control their victims, which are distinct from something like being physically restrained with chains.

Debt bondage was repeated as a prominent form of human trafficking on numerous occasions by anti-human trafficking workers. For instance, Practitioner 20 noted that “the deception involved in debt bondage is another form of slavery”, and Practitioner 14 stated that “[debt] bondage is one of the ways that [traffickers] may control somebody and exploit them.” When debt bondage was brought up by Practitioner 14, a law enforcement officer, examples were sought to better understand what debt bondage looks like in practice, to which the officer responded:

So, for example, Vietnamese or Chinese may have wanted to come into this country clandestinely and may pay a lot of money to come here and as a result, then, may have to borrow money or whatever to get here then may owe people money that they then have to work off to…or, you may have it in the other sort of aspect that somebody from Eastern Europe may come over, looking for work, and then they are sort of charged money for looking for a house, charged money for the rent, charged money to take them to and from work, charged money for finding them a new job…you know, not even finding a job but looking for a job, charged money for that, charged money for all sorts of different things and debt is built that way.
Thus, debt bondage keeps victims in an exploitative position because they believe they owe the trafficker money to repay the trafficker for assisting in the migration process. Practitioner 20 also clarified that human traffickers are more likely to use the phrase ‘salary deduction’ to avoid using the word ‘debt’, as traction and awareness have been raised surrounding the concept of debt bondage. Practitioners stated that it’d be rare that the victim would ever reach a point that they could escape this scenario, as ‘debt’ will be continually added; however, traffickers or ‘employers’ who control individuals in debt bondage may argue that the person had the right to leave at any point. For instance, as Practitioner 14 touched upon, trafficking victims will be told that their accommodation and food prices, which were promised in their offer of employment, are being deducted from their salary or that they have yet to pay back the fees associated with obtaining a visa and flights. VOTs can feel further trapped because, in many cultures, if not most cultures, debt is viewed as shameful and can lead to a negative public image.

Thus, one’s community ties and experiences of shame are critical motivators for not only pursuing a migration decision that is likely exploitative but also for staying in these exploitative scenarios. VOTs may have ‘freedom of movement’ as they have retained their identity documents and are not physically or sexually abused. Yet, debt bondage allows threats from traffickers to appear reasonable, which, for instance, could cause a VOT to continue working overtime in poor conditions. For this type of trafficking victim, the belief that they are in debt is just as restrictive to their ‘freedom of movement.’ It often works to the advantage of the trafficker or exploitative employer, as it builds loyalty over time to the employer. Moreover, many employers use the language of family relations to increase this loyalty and to build a sense of community amongst other employees trapped in debt bondage (Choi-Fitzpatrick, 2017).

5.2.4 Landlords

The ‘right to rent’ concept was brought by the government under the Immigration Act 2014. Under this new requirement, landlords were made responsible for performing immigration checks on their tenants. If a tenant was found to be renting without immigration status, the landlord or letting agent became subject to a fine of up to £3000 (UK Public General Acts, 2014). The Immigration Act 2016 went further and suggested that simply having ‘reasonable cause to believe’ that someone may not have the ‘right to rent’ was enough to report the person (UK Public General Acts, 2016). Failure to report a tenant or possible tenant would criminalise the landlord or letting agent. In 2019, this was brought to a
legal challenge in the High Court, where it was found that the ‘right to rent’ policy was unlawful due to its ability to enable racial discrimination.

Further, not only does the policy allow for racial and ethnic discrimination, but the scheme has also caused racial and ethnic discrimination. According to research conducted by the Joint Council for the Welfare of Immigrants (JCWI, 2017, p. 7), 42% of landlord respondents said they’d be less likely to rent to someone without a British passport as a direct result of the scheme; 25% would be less likely to rent to someone with a foreign name or accent (JCWI, 2017, p. 7). The government appealed the High Court case in 2020 and won; the court found that the policy does enable discrimination but does not break existing human rights legislation (Court of Appeals, 2020, EWCA Civ 542). One of the stated aims of the ‘right to rent’ scheme is that it’s designed to make migrants that are undocumented or irregular homeless so that they will voluntarily leave the UK (JCWI, 2017, p. 58). In practice, the government tracks little data on whether the scheme is ‘successful’ and does not actively track harm produced through the scheme. In the past two years, as The Clewer Initiative (2021) reported, 353 potential victims were homeless at some point during their time in a position of exploitation. This willingness to make a person homeless, who may already be in a vulnerable position, is demonstrative of an approach to immigration policy that is entirely at odds with the UK’s ‘modern slavery’ agenda. Based on the Nationality and Borders Act 2022, the Home Office seems to disagree, as ‘modern slavery’ was a highlighted feature within the Act, which was widely criticised by migrants' rights and anti-human trafficking charities, as further detailed in Chapter 2.

5.2.5 Homelessness services

In London, the Rough Sleeping Support Service (RSSS) was designed for local councils, the Greater London Authority (GLA), charities, and London boroughs to pass information about migrant rough sleepers to the Home Office. This was carried out through joint street patrol operations recorded in the CHAIN database and teams were embedded with Immigration Enforcement officers (Griffiths and Yeo, 2021, p. 9). These patrols were first carried out under *Operation Ark* between 2010-2011 and then with an increased capacity and breadth in 2015 under *Operation Adoze*. The scheme was particularly concerning due to the discrepancies in how it was described publicly, internally, and to the partner groups conducting the patrols. According to the Home Office, the purpose of the RSSS was to “help non-UK nationals sleeping rough to resolve their immigration cases and access the support they need” (Home Office, 2019). The same article stated that “the service does not undertake
any enforcement action.” Then a few paragraphs later, "the service was not designed to undertake enforcement action, but it may be considered on a case-by-case basis” (Ibid). Through Freedom of Information (FOI) requests by Corporate Watch and the Public Interest Law Centre, it was made known that 141 of street patrols jointly took place between homelessness outreach charities and Immigration Enforcement officers, which led to 127 deportations and 133 being detained (Sheehan, 2016); these charities included St Mungo’s, Thames Outreach, and Change, Grow, Live.

The relationship between homelessness charities and Immigration Enforcement officers was previously unclear. In addition, the RSSS had a very different focus internally from the Home Office, which was established from FOIs obtained by the human rights organisation Liberty. Emails about the RSSS scheme, revealed through the FOIs, said that the RSSS was for the purposes of establishing “the immigration status of an individual rough-sleeper and consider whether there is an intervention which could be used to at least make some form of progress towards that individual being removed from the rough-sleeping scenario…practically, the service will have limited value in relation to EEA nationals (i.e., because they are more difficult to deport) excepting those who are involved in criminality” (Corporate Watch, 2020). In essence, this proved the Home Office’s focus on targeting ‘removable nationalities,’ which is a similar approach to business immigration raids and, thus, holds similar consequences.

There was likewise a major issue around consent in enrolling into the RSSS. The Home Office defended the RSSS by stating that “charities and local authorities use the service on an entirely voluntary basis, and no information is passed to the Home Office for assistance without their knowledge” (Corporate Watch, 2020). It became evident that migrant rough sleepers were not being informed about the risks of deportation by entering the RSSS. In a roundtable meeting between the Home Office and its charity ‘partners,’ it was later deemed that asking for consent was not possible and that the RSSS would continue as a public interest task in the future (Corporate Watch, 2020); this information was likewise established through FOIs conducted by Liberty.

This occurred despite the 2017 Gureckis judgment, where the High Court found the Home Office’s policy on deporting and detaining EU rough sleepers to be unlawful (High Court of Justice, 2017, EWHC 3298). Presently, and perhaps unsurprisingly, a similar approach is still being taken. On 1 December 2020, the government announced new immigration rules related to rough sleeping. These new rules, which were buried in 500+ pages of a Statement of Changes under ‘Grounds for Refusal’, state that a person may be
refused permission to stay if they are found to have been rough sleeping (Free Movement, 2020); these changes excluded people seeking asylum and certain private life categories. Unfortunately, the Gureckis judgment relied on EU law in its win, which presents a difficulty for a post-Brexit legal challenge. As similarly acknowledged in the ‘right to rent’ section, deporting an individual who is already vulnerable to a country they no longer consider their home leaves a person vulnerable to exploitation in their country of origin. In addition, to avoid deportation, if this is a suitable option for the rough sleeper in question, the person may be drawn to precarious work, in which they will be vulnerable to labour abuse within the UK.

5.2.6 Healthcare

The vast majority of migrants are subject to the immigration health surcharge (IHS), which increased to £624/applicant in October 2020 (Department of Health and Social Care et al., 2021). For migrants that contribute to the economy through taxes, VAT, and National Insurance, this means that migrants are double-taxed, despite evidence that migrants use healthcare services less frequently than UK citizens (The Health Foundation, 2020). Though health and social care workers were recently exempt from the IHS, a turnaround linked to the increased value placed on healthcare workers during the Covid-19 pandemic, other migrants continue to pay the exorbitant fee.

In 2018, a data-sharing agreement between NHS Digital, The Department of Health, and the Home Office was publicly challenged. The data-sharing agreement had been secretly established in November of 2016 and allowed confidential patient data to be shared between the Home Office and NHS for immigration enforcement (Bowcott, 2018). The legal challenge received permission to go to a full hearing; in the threat of the legal challenge, the Memorandum of Understanding (MOU) was scrapped. The government then agreed to limit data-sharing to those the Home Office believed were deportable. While the effects of this MOU had an expansive breadth, it most notably deterred those undocumented or with an irregular migration status from seeking the medical help they needed. As has been observed with Covid-19, the same fear is apparent; a survey of 310 migrants conducted by JCWI found that 43% would be “scared to access healthcare if they got sick during [the] pandemic” (Gardner, 2021, p. 2). This fear experienced by migrant communities is a clear, direct result of the hostile environment which criminalised migrants through their pursuit of fundamental human rights.
5.2.7 No Recourse to Public Funds

The ‘no recourse to public funds’ (NRPF) restriction was extended in 2012 to every migrant, including those living in the UK long-term with previous residency rights (Dickson and Rosen, 2020, p. 1); the policy previously existed under Immigration Act 1971 but its application changed. Since the early 1900s, there have been limitations on accessing welfare support for various migrants. Notably, the policy is rooted in much more blatant racialisation, though government officials describe the present language on NRPF as a decision of ‘fairness’. However, the Aliens Act 1905 saw a version of the policy that primarily affected Eastern European Jews (Dickson and Rosen, 2020, p. 4). Today, NRPF prevents most migrants, excluding those with indefinite leave to remain, from accessing public funds, such as housing, assistance in cases of homelessness, and benefits like Universal Credit. NRPF has been repeatedly evidenced to keep people in long-term positions of destitution (Anitha, 2010; Dickson and Rosen, 2020; Dudley, 2017; Jolly, 2018; Price and Spencer, 2015). As mentioned, by extending this condition to all migrants, the then Home Secretary May had hoped that this would cause migrants to want to return to their countries of origin ‘voluntarily,’ reducing the number of migrants in the UK overall. Nearly a decade on, it’s clear that the policies have had an impact far beyond those in the UK ‘illegally.’ Jolly (2018, p. 191) has helpfully argued that the NRPF restriction is unique in its obvious commitment to “a policy of social exclusion.” Jolly (2018, p. 191) goes on to clarify that “this is not to deny that other policies can be exclusionary in effect, merely that NRPF is unusual in its explicit exclusionary intent.”

For families that are facing destitution, they must rely on Sections 11 and 17 of the Children’s Act 1989, which requires the safeguarding of children for those in need. However, there is no specific funding allocated to Local Authorities to support these families. As a result, families are often sent from one council to another for support, creating a costly, bureaucratic nightmare for Local Authorities that face enormous pressure in supporting these families. Moreover, the Children’s Society (2016) identified that 64% of families they worked with endured inadequate or unhealthy conditions for prolonged periods while waiting on Section 17 claims, with over 40% waiting for up to 6 months. The decision of who will succeed in getting Section 17 support is based on caseworkers’ perceptions of ‘deservingness’ (Jolly, 2018). This is a similar line taken by Home Office caseworkers in general, as decisions on immigration applications are often discretionary, leading to the side of assuming a migrant’s ‘bad character,’ such as in the case of ‘good character’ references, which are factors in citizenship decision.
Even getting a Section 17 screening with a Local Authority can be difficult; campaigning organisation NELMA (2017) found that 49% of families were being refused an initial Section 17 screening. Furthermore, families may fear asking for a Section 17 screening because of the recent embedding of Immigration Enforcement officers within Local Authorities, as families know that refusing to meet with an Immigration Enforcement officer can impact their immigration status negatively (NELMA, 2017). Further, not only does the NRPF restriction affect migrants with status, but it has a profound effect on those that are undocumented, leaving them with minimal access to welfare and in positions where they can easily face labour and other forms of exploitation.

5.2.8 Other key areas of data-sharing

In addition to the data sharing practices already highlighted in this chapter, banks are required to perform immigration compliance checks on their customers, which was established in Immigration Act 2014 and presently prevents those that are irregular from opening accounts (UK Public General Acts, 2014). This was furthered in Immigration Act 2016, which required banks to close accounts of individuals with an irregular migration status; whether this has continued is unclear (UK Public General Acts, 2016). Banks make mistakes, but correcting them can be challenging, as migrants are advised to seek legal advice before contacting the Home Office or their bank. A report by Zetter et al. (2014, p. 45) did extensive interviewing with young undocumented migrants and directly linked the inability to open a bank account with exploitation; the reason for this was that closing bank accounts pushes individuals further into precarious or exploitative labour in unregulated markets.

Private schools and universities are likewise required to act as border guards, such as by monitoring students (Griffiths and Yeo, 2021, p. 9). Those that may be in violation of their visa are reported to the Home Office. In 2015, an MOU was quietly signed between the Home Office and the Department of Education, which led to immigration data of children being reported each month, which increased in its breadth in 2016 to collate information from the national pupil database (Gayle, 2016). Families were unaware that the information they shared with their schools could be shared with the Home Office. ABC and Liberty challenged the policy successfully in 2018, though the data collected during 2016-2018 is still held and, according to Liberty, left families afraid to send their children to school (Weale, 2019). Other areas of concern include limitations on driving, data-sharing with the HMRC, marriage registrar changes, and visa and citizenship fee increases. Overall, hostile environment policies push migrants into precarious positions due to the lack of legal migration routes,
leaving them vulnerable to harm, isolation, and various forms of exploitation where they must live in a climate of fear. These policies are foundational to the ‘illegal’ migration approach in anti-human trafficking; the following section will depict the impact of these policies in practice.

5.3 **Direct policymaking**

5.3.1 **Good versus bad migrants**

A collection of essays of BAME, British authors, was produced by Nikesh Shukla in 2016, depicting experiences of migration, race, and identity, amongst additional aspects that contribute to marginalisation. Popularised through this book was the idea of the ‘good immigrant.’ The concept, simply, is that migrants are automatically considered bad people until they can prove their humanity and innate rights. Once proven, a migrant may become ‘desirable,’ whereas the rest of migrants who struggle to prove themselves will be considered undesirable. Thus, a common term to describe migrants is ‘illegals.’ In this scenario, the undesirable migrants are an economic and social burden and are too tied to their own community groups to become contributing members of British society. On the other hand, for instance, desirable migrants bring tourism income or STEM-based expertise. These are entrepreneurs, investors, researchers in select subject areas, and healthcare workers – though the latter's value has increased significantly due to the pandemic.

Yenilmez (2016, p. 26) described this sentiment in relation to refugees, stating that gender plays a role in considerations of migrant legitimacy, as men should have families with them if they were genuinely fleeing. Moreover, men are more likely to engage in manual labour upon arriving in a country of refuge, outperforming local citizens and therefore taking their jobs (Yenilmez, 2016). In depicting how women are viewed, Erel (2011) likewise noted that migrant women’s sense of belonging and worth could be associated with whether they are viewed as competent mothers, which has presented challenges for migrants who hold different cultural practices of mothering. In a discussion of good versus bad migrants, these examples were reiterated by charities:

Me: Can you expand upon the idea of the ‘good immigrant’?

Practitioner 9: Migrants in the UK need to prove their worth. They need to show that they are contributing to society in ways that are desirable to the government and to their local communities. Until they are able to do this, they
are criminalised by immigration policies...[pause] and even when they are able to show that they’re worthy, they’ll still always be Other...especially if they’re Black or Brown.

Me: So, what do migrants need to do to prove their worth?

Practitioner 9: Be white... [laughs] and then make sure you’re earning plenty, paying your taxes, volunteering if they can and keeping a low profile.

A first responder responded similarly in relation to their experiences of supporting PVOTs:

Me: What do you find challenging about your work in identifying potential victims?

Practitioner 12: For me it’s that not everyone is treated the same. Certain people are automatically criminalised rather treated as potential victims...though that’s like all migrants in the UK. You’re either wanted here or you’re not, depending on your background and so forth. Most are unwanted. It’s the same with victims.

The idea of good versus bad migrants or migrants as ‘illegals’ leaves questions as to what it means to be British. A recent example of this narrative involved Sir Mo Farah’s revelation to the public that he was trafficked to the UK as a child and was forced to work as a domestic servant (Nagesh, 2022). Farah was given a false identity and identity documents to travel to the UK. Farah was aware that the documents were fake, so although he was a child, it could still be argued that he consented to ‘illegal’ migration; this is despite the fact that Farah and his family were unaware that a trafficker rather than a smuggler had led Farah to the UK. When Farah escaped from his forced labour situation, he was eventually supported by a teacher in an application for British citizenship, which he was granted (Nagesh, 2022). Over twenty years later, Farah revealed this information publicly. However, at this point, Farah was a recognised Olympian who had won four gold medals for the UK and was loved and admired by the public for his success. Farah had reached the point to which he had ‘earned’ his British citizenship despite how he could be considered an ‘illegal’ migrant. Thus, the Home Office revealed that they would not be acting against Farah and his rights in the
UK (Williamson, 2022). The fear is that only exceptional cases, like Farah’s, will now be considered the norm of worthiness for victims conflated with irregular migration practices.

Further, in their analysis of the application of the NRPF policy, Dickson and Rosen (2020, p. 9) argue that “‘illegality’ is a political not an existential status…that is produced through changing legalised routes to mobility and settlement” (Crawley and Skleparis, 2017; De Genova, 2002). This is true, of course, in that migrants are not ‘illegal’ in their personhood but are identified as such through becoming the personification of the impacts of structural violence, to what Farmer (2004, p. 1) refers to as the “social web of exploitation.” Arguably, this applies in the case of PVOTs and VOTs, as only some victims will be considered the right kind of victim. There is considerable literature around the concept of the ‘ideal victim’ and the social construction of such terminology, but less so that has been in reference to the UK’s hostile environment specifically (Christie, 1986; Davidson, 2010; Hoyle et al., 2011; Kapur, 2002; Morgan, 2002; Munro, 2008; Walklate, 2006). Hoyle et al. (2011, p. 322) helpfully depicted ideas of victimhood around the Palermo Protocol as it pertained to the willingness or consent of the person; their assessment highlighted the importance of a victim’s ability to construct the right narrative for their experiences. With links to the ‘ideal victim’ depicted in the previous chapter, it is worth emphasising that victims perceived as ‘pure’ and ‘unwilling’ within their narratives are more likely to be perceived as genuine (Hoyle et al., 2011). Practitioners likewise stated the notion of the ‘ideal victim.’ For instance, Practitioner 2 stated that “victims of trafficking are criminalised in the [NRM] process unless they are the type of victim that the government wants.”

This chapter argues that the notion of the right kind of victim also applies to decision-making and the legal status of PVOTs and VOTs within the UK. The victims must not only be able to depict their narratives correctly, but also must prove that these decisions were forced upon them or had a legal basis. Much of determining this legal status is based on migratory decisions and the rights the victim holds, which the previous section has laid out. A victim that holds a higher education degree and accepts a skilled job offer in the UK, to which the person agrees to because they believe that the process has been legal at every stage, looks much better than a victim that has been smuggled into the UK through irregular means to claim asylum, only to then be faced with exploitation upon arrival. Even better than this is the victim that had not intended to migrate, such as a child victim sold by their family without their knowledge or in the extremely rare case of kidnapping. The UK’s insistence on using the term ‘illegal’ in policy, media, and political affairs is the backbone tying PVOTs
and VOTs with presumed illegality prior to their case being considered through the NRM, asylum system or in court.

Kenway (2021, p. 41), in her novel on modern slavery, provided a helpful comparison of the above in depicting the tragic incidents involving migrants being smuggled via lorries in Essex in 2019. In late October 2019, a lorry was found to be containing 39 dead people (Addley et al., 2019). Very little information was immediately available about the circumstances of the deaths, such as information about the individuals’ journeys or backgrounds. Yet, politicians began writing on Twitter that the case appeared to be human trafficking, which the media followed in rhetoric (Kenway, 2021, p. 41). In previous Home Secretary Priti Patel’s statement to the House of Commons regarding the incident, Patel (2019) stated:

We have been confronted with the stark reminder of the evils of people smuggling and human trafficking. This trade is a blight on the modern world…we ought to have to look at issues like how we make those eastern ports more secure…

Within the full statement, Patel does not specifically refer to the Essex lorry incident on the 23rd of October as human trafficking, yet her focus on trafficking makes the desired takeaway clear. Criminalising the individuals in this situation was obviously not an option considering the tragic deaths. At the end of November, a video emerged in various news outlets of a similar situation, again involving a lorry in Essex. This time, however, the ten men found in the lorry were alive but struggling to breathe (Dyer, 2019). Before an investigation and again with limited details of the circumstances, these individuals were referred to as ‘suspected migrants’ and immigration enforcement officers arrested all of them (Kenway, 2021, p. 41). There was no real difference in either of the factors that led to the incidents, yet the latter group, having not been killed in the process, were immediately criminalised. The outcome of these scenarios, as Kenway has likewise touched upon, is not only an example of the ‘right kind’ of victim but also demonstrates the UK’s rootedness in outdated, historical understandings of slavery as something non-consensual and forceful. Thus, ‘illegal’ migration policies have directly enabled definitional issues related to human trafficking and exploitation.

Further, these migratory decisions are only coming into question through the production of illegality in hostile environment policies, as Dickson and Rosen (2020) discuss.
This includes the UK’s lack of safe and legal routes for ‘low skilled’ migrants, especially the minimal rights available to all migrants and also includes the lack of legitimate settlement routes for migrants considered ‘highly skilled.’ For instance, the example of the Section 322(5) scandal adds to Dickson and Rosen’s (2020) point. As part of the Section 322(5) scandal, a group of several thousand ‘highly skilled’ migrants (HSMs) that initially came on a now non-existent Tier 1 (General) visa route were denied indefinite leave to remain (ILR), which came to light in 2019 (Thane, 2021). The Tier 1 migrants were denied ILR due to historic self-employment tax discrepancies under Section 322(5), with some of the mistakes having been made up to 10 years before the date of the ILR application. Through the weaponisation of paperwork, similar to the Windrush Scandal, the Home Office made subjective decisions on ILR, referencing ‘bad character’ and ‘dishonesty’ (Thane, 2021, p. 2; Gentleman, 2019). The Section 322(5) clause, otherwise applied to major security threats or terrorists, criminalised this group of highly skilled migrants for a tax reporting error made by 60% of British citizens on first-time self-employment tax reports (Institute of Fiscal Studies, 2017). The 2019 Balajigari judgment granted the majority of HSMs ILR or leave to remain, yet 70+ cases fell through the cracks (Thane, 2021, p. 2). The remaining cases are all people of colour, all Commonwealth citizens, and 89% hold post-graduate degrees (Thane, 2021, p. 10). Of the remaining cases, 80% have yet to receive a ‘Minded to Refuse’ letter, and 22% have been denied appeal and, therefore, a right to explain the tax discrepancies (Thane, 2021, p. 3); a ‘Minded to Refuse’ letter is a letter than indicates that the Home Office are leaning toward refusing a person’s application. As a result, 45% are destitute or homeless, and a further 24% are imminently due to become destitute, homeless, or unable to pay rent (Thane, 2021, p. 18); the Home Office later responded by saying that no one has been made destitute. This is all despite the fact that some had paid the UK government up to £70,000 in taxes, and were previously working as NHS doctors, nurses, teachers, engineers, and IT consultants before having their right to work revoked (Thane, 2021).

While there are numerous threads of the example of the HSM group that are particularly shocking, this case helps to demonstrate how all categories of migrants in the UK have been criminalised through policies and their related procedures. The denial of ILR based on a discretionary ‘good character’ judgment is an example of the Home Office’s transition to rhetoric that sees the role of the Home Office as not only a means of security but as an institution making a claim on morality. By assessing the likelihood that a person is perceived to be dishonest or not, which in many of these cases was based on a one-time self-employment tax discrepancy, migrants are held to a higher ethical standard than British
citizens and are presumed guilty. In relation to the UK’s stance on human trafficking and exploitation, the timing of the introduction of the Section 322(5) clause is notable, having been introduced in 2014, less than a year before the introduction of the Modern Slavery Act 2015 (MSA). Thus, this chapter argues that the MSA 2015 was a defining piece of legislation in demonstrating a switched tactic by the Home Office in its use of language and rhetoric and, therefore, in the department’s desired public identity. While language around the securitisation of borders would previously have been described in terms of community safety, the MSA 2015 and examples like the Section 322(5) ‘good character’ clause were a clear stance by the Home Office on its right to determine an ethical standard. Consequently, the Home Office become both literal gatekeepers into the UK and gatekeepers to determining people's worthiness, requiring all migrants to prove that they are good enough. While some of these aspects have been long engrained in migration policy, the terminology and rhetoric of ‘compassion’ and that adhering to the hostile environment is the ‘right thing to do’ was heightened immensely through the introduction of the modern slavery agenda.

5.3.2 Undermining the ‘modern slavery’ agenda

Based on the hostile environment context laid out in this chapter, this chapter argues that the treatment of migrants in the UK through the ‘illegal’ migration approach to anti-human trafficking, including the treatment of migrants that are irregular, undermines the UK’s modern slavery agenda. A first responder poignantly depicted the ‘illegal’ migration approach in similar terms:

Practitioner 13: What people don’t understand is that these migration practices are completely counterintuitive to effective victim identification. They are based on assumptions and it prevents us from doing our jobs effectively when [the Home Office] are telling us who to trust and who not to trust. It goes against their whole modern slavery plan.

In particular, the agenda focuses on five key themes, highlighted in the Home Office’s (2020) annual review: pursue, prevent, protect, victim identification and support, and the international response to modern slavery and upstream prevention. The themes can be described further as the following (Home Office, 2020, p. 4):
• Pursue: Prosecuting and disrupting individuals and groups responsible for modern slavery.
• Prevent: Preventing people from engaging in modern slavery as victims or offenders.
• Protect: Protecting vulnerable people from exploitation and increasing safeguards and resilience against this crime.
• Victim identification and support: Reducing the harm caused by modern slavery through improved victim identification and enhanced support.
• International response to modern slavery and upstream prevention

While the final point does not go into more detail, it’s essentially that the UK is focused on investing funds to respond to international modern slavery threats. Based on the evidence in the previous chapter, the Home Office’s primary focus appears to be pursuit. Additionally, evidence from this chapter demonstrates that the hostile environment contributes to the creation of vulnerability to exploitation and human trafficking, therefore impeding its aim of prevention and protection; it is apparent that minimal thought was given to how the Immigration Act 2016 might affect potential victims and vulnerable persons, as the major focus was on irregular migration (Anti-Trafficking Monitoring Group, 2018). While some governmental or public services agencies have happily colluded with the Home Office in the creation of ‘everyday borders,’ some have begun to resist. For instance, the National Police Chiefs Council on modern slavery and organised immigration crime stated that PVOT and VOT’s immigration data would no longer be automatically shared with the Home Office. It became increasingly apparent that community-police relations were being irreparably harmed and that the hostile environment was preventing victims of crimes from coming forward. Chief Constable Shaun Sawyer stated: “Operation Nexus has a place in terms of foreign national offenders, in keeping people safe, but it was blurring the line of frontline police whom we require to see the situation and the victims first, not their status in the UK” (Dodd, 2018).

The government has essentially created a set of policies through the hostile environment that makes working illegal, which occurs in various forms depending on one’s immigration status. At the same time, these sets of policies make living unmanageable due to migrants' difficulties with obtaining basic necessities, including in times of crisis. In Vogt’s (2013) ethnography that describes migrants as encompassing liminal spaces, she discusses
challenges faced by migrants in terms of ‘value’ lost on the migration journey. To add to Vogt’s notion, evidence provided thus far in this chapter depicts permanence to this liminal space maintained through the limitation of rights rather than just a liminal space based on ‘movement’. In other words, migrants are forced to exist in a liminal space that denies them their full humanity, as their basic rights are restricted or denied. Thus, a system is created that “forces vulnerable people to accept conditions of super-exploitation and total insecurity as the price of remaining in the country and enables private companies to profit from such super-exploitation” (Webber, 2019, p. 86).

The attention to anti-immigration within the UK’s modern slavery agenda has been evident for some time and initially came to light in the UK’s avoidance of the Council on Europe Convention Action against Trafficking in Human Beings (2005). Basic rights are required under the convention for survivors, such as access to physical and mental health services, secure accommodation, and interpretation support (Kenway, 2021, p. 20). Despite pressure from MPs for the UK to become a signatory, the UK avoided signing on until 2007, citing the need for the Convention to be “harmonised with effective immigration controls” (Kenway, 2021, p. 21). Thus, even the beginnings of the UK’s role in combatting human trafficking and exploitation was predominantly that of the ‘illegal’ migration approach, with an underlying tone that criminalised victims. This was further clarified in how May referred to traffickers as ‘slave drivers’ in her promotion of the Modern Slavery Bill in the Conservative Party Conference speech (Stone, 2017); the political role of the UK stance on human trafficking and exploitation was and continues to be evident.

An interesting example of this is how channel crossings have been described pre- and post-Brexit. In the immediate years following the passing of the MSA 2015, the migrant channel crossings between France and England were predominantly referred to as an ‘issue of human trafficking’ or as ‘illegal trafficking’ (UK Parliament, Hansard 2016-2017). The government responded by saying they were investigating and that more cross-border law enforcement collaboration was necessary. If the government continued to take this line of ‘human trafficking,’ then a duty of care toward the victims and support services would be required under the MSA 2015 and various international agreements; however, this did not happen. The government repeatedly used the example of the channel crossings as the reasoning behind their push for intensified border monitoring and asylum reform. The language around the issue continued to evolve and, between 2020-2021, has primarily been referred to as ‘illegal migration,’ ‘illegal movement,’ and ‘illegal asylum’ – which, of course, on the latter, is not a legally accurate depiction of migrant crossings (UK Parliament, Hansard
2020-2021). While in most cases it is highly likely that migrant crossings are being used as a smuggling route rather than a trafficking route, the government has chosen to ignore the vulnerability of these migrants to exploitation, the possibility that a trafficker has posed as a smuggler, and the conditions that have made this dangerous path the most feasible route for these individuals.

Instead, the government introduced a Statement of Changes to the immigration rules in 2020 in a similarly secretive way to how other hostile environment policies have been introduced. The Statement of Changes made people seeking asylum in the UK that have passed through a ‘safe’ third country as inadmissible, which foreshadowed its inclusion in the National and Borders Act 2022 (Home Office 2020, 11.4 and 11.5). This policy change was described as a moral one to protect people best. While there’s a lot that could be unpacked with these changes, such as how these changes break the UK’s commitments to the UN 1951 Refugee Convention and the European Convention on Human Rights, what is clear is that changes like these are completely undermining the UK’s modern slavery agenda. A clear link between people seeking asylum and PVOTs regarding their immediate criminalisation can be drawn. Arguably, the changes could be perceived as breaking the UK’s own anti-trafficking policy regarding how people seeking asylum are questioned and assessed as potential victims of trafficking. The decision is anything but ‘moral,’ particularly because the Home Secretary had no international agreements to guarantee that an asylum applicant would be received by a ‘safe’ third country, a condition as part of the Statement of Changes. Without these in place, people seeking asylum are left in legal limbo, living off £5.39/day without a right to work and with 40% of applicants waiting over a year for a decision on their application (Kraemer, 2020). Policies like the above, introduced in secret without consultation, only increase the wait time of applicants, thereby increasing their vulnerability to labour abuse and exploitation due to the precarious position of their immigration status and lack of basic rights.

Yet, because of how anti-human trafficking is broadly viewed as related to human rights, the general perception of the UK agenda on modern slavery is that the issue is depoliticised. The UK’s strategy on preventing ‘modern slavery,’ through the organised crime and ‘illegal’ migration approach, has focused on limited forms of exploitation, often with only the most severe depictions in mind (Anderson, 2007; Davidson, 2010). Much of this is due to how the phenomenon has been portrayed publicly and through the notion of the policy as depoliticised. The depoliticization of human trafficking has enabled the narrow perception of what qualifies as exploitation to exist. It ignores the harm being produced
through the UK’s stance on human trafficking – that if we just lock up all the ‘slave drivers’ and their participants, such as hopeful migrants, that slavery can be eradicated.

As mentioned in the prior section, the hostile environment as an ideological concept to reduce migrants did not become a set of policies until 2012. Yet, much of the groundwork to allow this to take root existed long before. Unskilled, non-EU workers could not enter the UK following the Immigration Act 1971, apart from certain seasonal or domestic workers (Webber, 2019, p. 80). The introduction of the Points-Based System in 2008 made it even more difficult for the majority of migrants classified as ‘low skilled’ to migrate and find employment in the UK. As a result, it’s unsurprising that a person with limited or no options to migrate regularly would pay someone a significant amount of money to migrate to the UK, even when they are knowingly making an ‘illegal’ decision. It’s likewise unsurprising that a person becomes vulnerable to exploitation when they’re being forced to migrate through irregular means. Domestic workers and changes to their visas is a good example of the difficulty around ‘low skilled’ work migration and its impact on UK anti-trafficking and exploitation efforts. With the introduction of numerous other visa changes in the hostile environment, the previous domestic worker visa was revoked and replaced with a new visa that did not allow the person to renew their visa or change employer (Fudge 2016). The new visa is referred to as a ‘tied’ visa, as the person’s visa conditions are tied to their employer. The ‘tied’ visa was depicted by a charity that advocated for the rights of domestic workers alongside other charities:

Practitioner 9: Basically, if domestic workers wanted to leave their employer, it made it incredibly difficult because their visa is connected to their employer as the visa sponsor. They are allowed to be in the UK because of the employer. For many people, staying in a situation of labour abuse then became preferable as the alternative was to become undocumented.

A tied visa leaves the person with limited options in cases where there is an issue with their employer, such as labour abuse or exploitation, as the PVOT would risk becoming undocumented. If the PVOT became undocumented and took up work, the PVOT would be working illegally and increasing their risk of deportation or detainment. The ‘tied’ nature of this visa has trapped domestic workers in positions of exploitation.

The change to the visa received quite a bit of pushback and underwent an independent review by Ewins (2015). The review was informed by victims’ accounts provided by
Kalayaan and Justice 4 Domestic Workers, two organisations that work to support and promote rights for domestic workers. The review highlighted important inconsistencies and contradictions in how visas are granted to domestic workers (Ewins, 2015). For instance, some domestic workers reported that they had interviewed for their visa (in their origin country) with their employer present, though the Home Office said that this would be impossible; some likewise stated that they did not understand the contracts or documents that they were signing, whereas the Home Office stated that interpretation services are always provided. These are important questions when considering what safeguarding procedures were used in the visa facilitation process. However, these inconsistencies could be at the fault of a commercial partner of the Home Office rather than the Home Office itself. The application process likewise held importance in the ability it had to be an indicator of past and potential harm and could identify risks to re-exploitation. If, for example, the applicants were all interviewed one-on-one by the Home Office instead of in the presence of an employer where a person may not be comfortable sharing about a situation of past abuse, it’d be an important indicator of vulnerability.

The review made clear that one of the primary issues was the introduction of the visa change. The government made the argument that it is “illogical to permit a worker to outstay [their] employer,” as “it is this relationship that is the very basis for the overseas domestic worker's visa scheme” (Ewins, 2015, p. 19). Kalayaan and Justice 4 Migrant Workers demonstrated that, since the removal of the pre-2012 overseas domestic worker visa, they’d seen a decrease in referrals and that this is evidence that individuals remain in situations of abuse. In contrast, the government argued the opposite (Ewins, 2015). Regardless, multitudes of evidential bodies seemed to agree on the nature of how tied visas are able to increase exploitation. For instance, the House of Commons Home Affairs Committee inquiry on human trafficking in 2009 found that the pre-2012 visa is a “vital escape route for exploitation” and that it allows domestic workers to “leave an exploitative situation without jeopardising their immigration status, seek advice from the police or go to an employment tribunal” (UK Parliament, Hansard 2009). After the visa conditions changed, the UN OHCHR Special Rapporteur on Violence against women stated that they “received information on the high levels of abuse suffered by migrant domestic workers...” and that “changes to the applicable visa system, has also further negatively impacted domestic workers and led to new vulnerabilities” (Ewins, 2015, p. 21).

Moreover, the Joint Committee on the Modern Slavery Bill in 2014, as well as in its 2013 evidential review, stressed the necessity of reinstating the pre-2012 overseas domestic
worker visa scheme, suggesting that to tie a domestic worker to an employer at all via their visa is a form of slavery (Ewins, 2015). This notion points to theoretical ideas around what freedom signifies and its role in indicating both a form of exploitation and one’s experience of personhood. It could be argued that an employer tie restricts a person’s freedom of movement, especially in the case of domestic workers who typically work in their employers’ homes or other private homes. Further, domestic workers may have been given money by their communities to travel to the UK in the first place. Depending on the domestic worker’s culture, there may be shame attached to not fulfilling one’s duty, especially in the context of employment. For instance, staying in a position of labour abuse could be perceived by an individual as ethical. Moreover, if the migrant domestic worker received funds from their origin community to assist in their journey, the person would be seen as a failure if they were to return to their communities penniless. All of this is to say that for a domestic worker to report a situation of exploitation at all is a significant decision for both their experiences of personhood and their wellbeing; both aspects must be considered when a person is knowingly exiting their circumstances into unemployment and insecurity.

Kalayaan pooled 402 overseas domestic workers as part of their evidence for the independent review and reported that approximately 25% experienced an increase in “physical abuse, restriction of movement, excessive hours [of work], inadequate pay, denial of access to their travel/identity documents” comparative to those on the pre-2012 visa (Ewins, 2015, p. 22). While Kalayaan is an organisation that provides specialist support to domestic workers that face abuse and thus may attract that type of evidence, their findings helpfully demonstrated a link between labour abuse and exploitation with the tied visa. In the end, the report recommended that the visa be untied, which the government ended up implementing in 2016 (Ewins, 2015). However, the government continued to prohibit the renewal of domestic worker visas following the 6-month term. Therefore, the tied visa continues in practice rather than policy, which is due to the difficulty associated with finding a new employer in the visa’s short length. For many, taking the risk to leave an exploitative employer with the prospect of potential destitution for several months until having to return home is not worth it, seeing as the migrant worker will be subject to the NRPF restriction. More than this, being unable to renew the visa does not acknowledge that many domestic workers may be unaware of their rights once they attempt to switch employers and may have not developed the language skills needed to succeed.

In January 2021, Kalayaan and The Voice of Domestic Workers (previously Justice 4 Domestic Workers) launched a petition, again making a push that asked for the pre-2012
overseas domestic worker visa to be re-instated, citing further evidence of labour abuse and exploitation (UK Parliament’s Petitions Committee, 2021). The government’s response recognised the potential vulnerability of migrant domestic workers to exploitation, modern slavery, and the risk of becoming undocumented but pointed to special protections given to domestic workers. Under the special procedure, domestic workers can get an additional two years of settlement rights in the UK after receiving a positive conclusive grounds decision in the NRM. Thus, the government is taking a reactive stance on potential human trafficking and exploitation. Instead of taking the advice of the independent review and utilising the lived experience presented by domestic workers within the report, the government would instead use the ‘illegal’ migration approach to anti-human trafficking to uphold the post-2012 visa. Untying the visa legally and practically through allowing the renewal of the visa would have allowed the government to be proactive in preventing exploitation that is knowingly occurring. The requirement of a positive NRM decision in the case of exploitation or abuse with the two-year settlement option likewise ignores the challenges that a person might experience in accessing the NRM in the first place, the delays in receiving a decision, and whether a person would want to lose their job with the risk that they may be given a negative decision on the NRM. Marks (2019) has directly linked the challenges associated with the NRM to the hostile environment, stating that the hostile environment is incompatible with the “comprehensive legal framework for the protection of victims,” which is described in the explanatory report of the Council of Europe Convention on Action against Trafficking in Human Beings (2005, p. 10). Practitioners also shared that gaining a positive NRM decision is much more challenging for non-EU nationals and that it feels like further proof is required for this group:

Practitioner 8: While securing a positive NRM decision always presents its difficulties, there certainly seems to be a preference for victims from Western, more developed countries.

- - -

Practitioner 13: The NRM can be an easier process if you’re from the EU. Especially if you’re White and from the EU. It’s easier for these victims to be seen as trustworthy.
With Brexit, one can expect that the discrimination and racism experienced in attempting to be believed by the government will only increase. In research by the Anti-Trafficking Monitoring Group, it was found that less than 20% of PVOTs from non-EU countries are given positive decisions on the NRM, whereas the rest have at least an 80% chance of success (Annison, 2017, p. 8). The case of domestic workers clearly depicts how the hostile environment policies have shaped the UK’s stance on human trafficking and exploitation. This is not a victim or survivor-led approach. It’s harmful, cruel, and not thought out. There seemed to be no basis for the removal of the pre-2012 visa in the first place, other than the general reasoning behind any of the hostile environment policies that have sought to dissuade migrants from coming to the UK or certainly deterring the wrong migrants.

To give another example of how the UK’s hostile environment undermines the UK’s ‘modern slavery’ agenda, the treatment of potential victims and survivors is particularly useful. For instance, at least 2,580 potential victims were held in immigration detention centres and short-term holding facilities between 2017-2019. The number of potential victims in these prison-like settings has been steadily increasing year-to-year. Holding PVOTs in detention breaks Home Office’s own guidance on immigration detention, which says that the person’s risk to the public should equate to a ‘foreign national offender’ status (Home Office, 2019, p. 4). Since the MSA 2015, MPs and Lords have been denied the data on PVOTs and VOTs held in detention on at least nine occasions, with the most common reasoning being that the data was not centrally held (After Exploitation, 2021). An FOI request by the organisation After Exploitation found that only 22% of the detention population had the ‘foreign national offender’ status; the organisation also found that 11% of PVOTs are detained (After Exploitation, 2021). This further demonstrates that victims must be the right kind of victim. The issues raised by After Exploitation also raises important questions about why the government would not be transparent and make this data public and why the government chooses to ignore obvious vulnerabilities to PVOTs and VOTs. In addition, detaining PVOTs very clearly demonstrates how the hostile environment has criminalised migrants and PVOTs within the ‘willing’ migrant category.

Furthermore, there is no real difference for victims that were given positive conclusive grounds decisions in the NRM. In the same period of 2017-2019, only 25 foreign national women survivors who were applying for asylum could access safe housing (Hibiscus Initiatives, 2020). That means 1000+ foreign national women were left without adequate and secure options, despite the Victim Care Contract that qualifies them for such support. Additionally, an FOI by Hibiscus Initiatives revealed that 581 safe house bed spaces were
available between 2018-2019, despite only 25 foreign women being accommodated (Ibid). While there are likely reasons behind why these women were not accommodated, such as specific complexities of their individual cases, the gap is enough to suggest that the Victim Care Contract is not being upheld. More than that, the immigration status of these women is clearly being considered in regard to how support services are administered, demonstrating the immense flaws of the NRM process that have resulted from the hostile environment.

5.4 Conclusion

To answer the first research question in this thesis, this chapter has highlighted how the application of the hostile environment has shaped the ‘illegal’ migration approach to anti-human trafficking. Two key sub-themes shaped this chapter: the climate for migrants and direct policymaking. In exploring the sub-theme of the climate for migrants, this chapter argued that the nationalisation and politicisation of the UK border repeatedly generates fear and tension, which defines who belongs in British community and who will be marginalised. The nationalist agenda that provokes tension around the UK border challenges human trafficking victim identification and asylum processes. The chapter further argued that the hostile environment has produced ‘everyday borders’ by presenting barriers for migrants in everyday areas of life, which has been primarily maintained through data sharing between public and third sector institutions. These ‘everyday borders’ maintain and produce structural violence and institutional racism within the UK. Through monitoring migrants and limiting their rights, the UK has made it exceptionally difficult for migrants to live and thrive, which has, arguably, not only enabled exploitation but also increased it. This has forced migrants to live in a liminal space that denies them their full humanity. By introducing these provisions, migrants have been further criminalised and are given an extraordinary burden of proving that they are honest and contributing to society in the ‘correct’ ways.

The criminalisation of all migrants has generated deep flaws within the UK’s ‘modern slavery’ agenda, making it near impossible for a victim-centred approach to exist. In the same way that a migrant must be the right kind of migrant, meeting certain criteria to be deemed worthy and valuable, a potential victim of trafficking must be the right kind of victim. To depict this further, the Section 322(5) scandal was drawn upon to depict how concepts of morality and compassion have led to conflict within the Home Office regarding their duty to protect potential victims and also to act as national security guards. Finally, through a case study on how the UK has handled the overseas domestic worker visa scheme, amongst related examples, the chapter has demonstrated that, as a whole, the hostile environment
policies are incompatible with the UK’s modern slavery agenda, making the ‘illegal’
migration approach an unsuitable strategy for protecting and identifying PVOTs and VOTs.
Chapter 6: The moral side of the human rights approach

6.1 Introduction

Considering the previous two chapters, there is a clear overlap with how the organised crime and ‘illegal’ migration approach to anti-human trafficking function in practice. While the approaches can be identified as distinct, alignment with either of the approaches represents a ‘general leaning’ or motivation rather than an approach that is strictly adhered to without the influence of the alternative approach. Similarly, while the subsequent theme that emerged from the data revealed the human rights approach to anti-human trafficking, the influence of the organised crime and ‘illegal’ migration approaches remain apparent in how practitioners have applied the human rights approach. The overlap of the organised crime and ‘illegal’ migration approaches are particularly evident in what has been referred to as the moral side of the human rights approach, whereas this was less apparent in the labour side of the human rights approach. The initial two sub-themes within this chapter reveal the influence of these approaches in relation to practitioner perspectives of the role of consent or the consent/coercion dichotomy. In doing so, these sub-themes address this thesis’ first research question, drawing upon the second research question concerning the role of structural violence. Before addressing the sub-themes, data regarding how victim identification works will be introduced to demonstrate how discussions on the role of consent emerged. In doing so, the way that indicators of vulnerability to human trafficking have been used and created will be highlighted, as these serve as a basis for anti-human trafficking programmes.

One sub-theme links consent with migration decision-making, whereas the other sub-theme engages with practitioners who have determined that victims cannot consent. The sub-themes will also engage with the victim identification process and how practitioners approach this. By focusing on the issue of consent, the first two sub-themes reveal differing interpretations of what it means to centralise victims or survivors within the human rights approach. The third sub-theme, saviourism, considers how the human rights approach to anti-human trafficking has influenced the organised crime and ‘illegal’ migration approaches, which had begun to emerge in the previous chapters. The motivation of ‘saviourism’ involves the West as ‘saviours’ to the Global South, emphasises rescue strategies and narratives, marginalises PVOTs, and adds to Western saviour debates (Augustín, 2007; Kempadoo, 2001). Finally, in depicting how the role of ‘saviourism’ motivates the human rights approach, a clear challenge has resulted regarding the role of a practitioner, whereby a
practitioner is forced to balance their role as both state protectors and humanitarian interveners. To conclude, the moral side of the human rights approach and its influence on the organised crime and ‘illegal’ migration approach will be depicted through case studies from South Africa, Kenya, and Nepal, which will also demonstrate the outworking of this chapter’s sub-themes in practice and the role of ‘leap of faith’ decision-making.

6.2 How victim identification works

The significance of the role of consent in UK anti-human trafficking approaches was not immediately apparent but arose from discussions about victim identification processes. Through attempts to understand how practitioners developed their victim identification processes, it became clear that what was emerging was beliefs about the role of migrant decision-making in cases of trafficking or potential trafficking cases. Further, these beliefs were important depictions of how human trafficking was understood by practitioners and how the Palermo Protocol has been applied in practice. Therefore, interpreting the coercion/consent dichotomy from the lens of practitioners is a crucial way to explore the emergence of the ‘myth’ of human trafficking, which has prevented all anti-human trafficking approaches from being effective (Haag, 1999, p. 64). Prior to progressing to a discussion on the role of consent, background information regarding victim identification processes is essential to include, as this demonstrates how human trafficking has been understood and applied by the human rights approach in practice. All 20 practitioners were asked about victim identification processes, and publicly available training materials were reviewed; the training materials that were reviewed are used to train practitioners working closely with the victim identification process. While these practitioners would identify with the human rights approach, it is essential to remember that this is not the only approach at play. For instance, law enforcement officers would predominantly use an organised crime approach but would also state that they intend to be victim centred in doing so, as can be seen in the following exchange with a police officer:

Me: What would you describe as the most important things to prioritise in your anti-human trafficking work?

Practitioner 4: It’s important that we are doing what we can to identify the organised crime network and to break this down. It’s important that we take our time to gather evidence so that when the time is ripe, we can narrow in on
the key traffickers and then try our best to take down the network. That’s the main thing. We do that while keeping victims of trafficking and related abuses central in the process because protecting them and bringing justice should always be our core motivation.

Me: So, how do you ensure that you keep victims of trafficking central in your work?

Practitioner 4: Well, when arrests are made, we try to do what we can to make sure that the victim is safe and supported because it’s about them at the end of the day.

In even this short excerpt, the many definitional differences in anti-human trafficking that practitioners are required to interpret are evident (i.e., the practitioner must determine how to be led by a victim’s lived experience in a law enforcement context or must determine whether this is feasible at all). To give an example of how this response differed from other actors, the same question about how victims were centralised in victim identification processes was asked to six other practitioners, and the following includes a few of their responses:

Practitioner 12: Our goal is to listen really well and to be mindful of trauma that survivors are experiencing. Our programmes are co-led or co-created by survivors so that we can be sure that it is their lived experience that is shaping what we do and who we are as a charity.

Practitioner 20: [Pause] Um, well we wouldn’t have an organisation if it wasn’t for victims. It’s because of them that we fight and resist the evil of human trafficking. So, it’s remembering [victims’] stories and sharing [victims’] stories that we allow them to direct our path as an organisation.
Practitioner 11: We do so by resisting the human rights abuses that affect victims. It gets so confused though. There are so many different agendas that are ongoing at once when it comes to anti-human trafficking.

Further, the challenges of a human rights approach in practice were surmised well by one practitioner who stated:

Practitioner 7: At the moment we’re totally plagued with hundreds of different definitions, legal definitions and operational definitions.

Thus, there are vastly different starting points that practitioners work from when considering victim identification processes which is important to keep in mind when considering how the consent/coercion dichotomy has emerged in practice. Moreover, these responses began to reveal how problematic the rushing of the MSA through Parliament was, as these examples showed the lack of definitional clarity around what it means to be victim centred. When considering the practicalities of victim identification, 13 practitioners who worked directly in victim identification were initially asked, “How does victim identification work in practice at your organisation/department?” Several of the responses that followed included:

Practitioner 18: We look for signs of trafficking and communicate regularly with government, law enforcement, and other anti-trafficking organisations to stay up to date on the list of signs we use. We work a lot with cases of labour trafficking and labour abuse. [Pause]...So, if a potential victim tells us they got a job abroad, in the UK, we get the details and we try to identify whether it’s a legitimate job or not and how risky the situation seems. We tend to use information shared by like-minded organisations to identify jobs that may be illegitimate.

Practitioner 10: Well, the police receive tips of potential exploitation or human trafficking or whatever and we investigate if there’s enough evidence present. That includes investigating reports to the Modern Slavery Hotline or reports to
the Salvation Army, you know, those places. It’s not all reactive though, we have loads of data on all this which helps us to identify potential cases early on and we share this data nationally with our partners. In recent years, we’ve been doing a lot to raise public awareness of human trafficking too so that we can get the public to recognise the signs and report it when they see it.

- - -

Practitioner 3: We are contracted out to do victim identification so we rely on information we are given about this. Some of it’s in our control, some isn’t. It can be pretty frustrating sometimes because colleagues don’t always understand why we are looking for certain signs of vulnerability.

- - -

Practitioner 20: We look to identify signs that trafficking is happening while it’s happening. So, it’s looking for indicators of vulnerability to trafficking or signs that a person is taking some sort of risk by migrating. If our staff are at an airport, for instance, we might look for a person wearing clothing that is falling apart or inappropriate for their destination, a person that is not holding their own passport, or a person that seems unaware of their destination or their travel details. We receive regular updates on new trends from law enforcement and we then incorporate these into our list of potential indicators.

- - -

Practitioner 5: We focus a lot on looking for signs that trafficking is occurring. So, I’ll give you an example. We had an airport operation going on not too long ago where we were looking for Bangladeshi girls and women with tattoos of a person’s name near the girls’ wrists. We did this because it’s the trafficker’s mark on the woman and we found that the tattoo was being used as a sign of ownership and showed other traffickers in their network in the UK how to spot the woman.
Thus, it became clear in asking this question that most organisations and key UK actors rely on indicators of potential vulnerability to human trafficking. Later comments revealed that these indicators were developed through conversations with other organisations, researching signs of human trafficking, or using existing data from victims that have been identified. Arguably, the focus on using existing indicators can limit the scope of who is identified and make it challenging to identify new, potential indicators. Other indicators highlighted either in the interviews or in the organisation’s training materials include: travelling in a group, but the group does not appear to know each other; a mobile phone that does not have GPS; a person not in possession of one’s ID documents or a person in the group is holding all the ID documents; a person travelling that looks like they cannot afford to travel; a person that looks visibly drugged or otherwise unwell; a person who’s clothes are distressed, torn, or in poor quality; being unaware of one’s travel plans; or, dozens of other potential scenarios. However, given the example included by Practitioner 5, the idea of using indicators at all must be questioned. Additionally, any of the above indicators can be explained through any number of other reasons besides human trafficking.

Further to what Practitioner 5 stated, this operation is further confirmed in an interview conducted by Hadjimatheou and Lynch (2016, p. 7) by an officer trained as part of the Safeguarding and Anti-Trafficking (SAT) team. To note, the SAT role has since been renamed as SAMS, or Safeguarding and Modern Slavery officers, but will referred to as SAT as it was called SAT at the time of Hadjimatheou and Lynch’s research. The officer stated:

At the moment, we’ve got Operation X which is Bangladeshi females who are entering into forced marriages because they’ve got henna patterns and they have the initials of their husband. We encountered a 12-year-old who was married to her cousin. And that’s where it came about because we identified one person and then it comes on to say, you know, maybe we should be a bit more vigilant around Bangladeshi females…For example, the Dubai flights bring in a lot of Bangladeshis…so we’re going to be floor-walking behind.

To specifically seek this indicator, however, can and should be viewed as an example of controversial, racial profiling due to its ethnic and religious implications, which is an issue that cannot be understated. While this instance of profiling was based on real cases linked to human trafficking, accepting it blindly and assuming its validity as blanket truth must be avoided. Extreme caution was taken with accepting indicators related to ethnic and religious
factors. In other words, as a researcher, there was a responsibility to not to assume that most, or even some, Bangladeshi women with henna tattoos are at risk for human trafficking. Moreover, this is one example of how the moral side of the human rights approach has largely ignored the role of racism within anti-human trafficking and how racism has been institutionalised through identity markers, thereby becoming a form of structural violence.

To include an alternative example that differed from the majority of organisations, Practitioner 1 was a unique piece of data in that the organisation developed their victim identification process largely from scratch, rather than relying on the specific, existing indicators used by other organisations. A link can still be drawn with the above examples, however, as the main reason the organisation developed their own indicators was that there was not another organisation that they could draw upon that was doing similar work, as Practitioner 1 works in victim identification in the hotel industry. In terms of the organisation’s role in victim identification, the organisation trains staff in hotels to identify signs of potential exploitation and human trafficking and teaches them how to report it. In the context of a conversation about the level of awareness of exploitation in hotels, the organisation was asked the following:

Me: Can you talk me through the process you took in developing [organisation name removed]’s risk assessment tool?

Practitioner 1: Initially we assessed what are the risk factors for hotels and in terms of human trafficking/modern slavery, hotel room usage, which most people obviously think sexual exploitation and that’s obviously true, but there could also be domestic services…like, if a family comes, rents out a whole bunch of rooms, and they actually have victims of domestic servitude…One of the major issues that wasn’t properly being addressed when we first started looking into this was housekeeping staff, so actual employees, or the workers in hotels, because there’s a lot of low-skill, migrant labour that is a massive risk area… and lastly supply chains, like where linen comes from and all that. We then looked at the risks and how we can address these risks. Can we look at what other organisations are doing? Can we look at what other hotels are doing? We couldn’t really find much from hotels.
Thus, the above quote suggests that if relevant indicators of vulnerability to human trafficking and exploitation in the hotel industry already existed, these would certainly have been drawn upon. While organisations should be resistant to duplicating efforts or reinventing the wheel unnecessarily, evidence that contributes to an organisation’s victim identification processes should be interrogated before another organisation adopts them. Though the organisation developed indicators themselves, they stated that their policies were shaped around other businesses and codes of conduct, such as EPCAT’s code of conduct (an NGO that works to combat child exploitation) and the employee policies and supplier codes used by supermarkets and fashion retailers, such as Marks and Spencer. The quote from Practitioner 1 additionally began to touch upon the role of consent in highlighting “low-skill migrant labour” as an inference could be made that human trafficking and exploitation just happens and that PVOTs and VOTs have no agency in the process.

Overall, the interview with Practitioner 1 revealed very little about what these actual indicators are and thus the organisation’s training materials were used to fill in the gaps. While this is not an exhaustive list, some of the indicators listed include the following:

- Unusual block bookings from 3rd party distributors (e.g., long stay in airport hotels)
- Refusing to leave credit card imprint and willing to pay in cash for multiple nights in advance
- Odd request for room location (e.g., at end of corridor, overlooking car park, next to fire exit or lift, requests for interconnecting rooms)
- Frequent room service requests paid for by cash
- ‘Do not disturb’ sign for duration of stay but lots of requests for towels and amenities
- Guest arrives with or is seen with alcohol that they have purchased off the hotel
- Behavioural observations: controlling, not allowing second party to speak, ordering for them, buying them ‘treats’

In short, employees are looking for the presence of three or more indicators to justify what the organisation refers to as an incident report, as the presence of any one of these indicators can likely be easily explained, and it is the combination of several indicators that
appears to be more suspicious to the organisation. After three months, the employees are tested to ensure that the employees have been well-trained and remember the indicators. If successful, the employees will then be trained on the practicalities of reporting an incident. It should be noted that looking for indicators like those mentioned above is a fundamental problem with the moral side of the human rights approach, as it can lead to an intense focus on the actions of individuals, leaving structural factors that influence vulnerability to exploitation beyond the approach’s scope (Chuang, 2015). Further, while the organisation’s attempt to create their own evidence-based indicators of vulnerability can be applauded, some of the indicators still had the implication of potential racial profiling, such as the example included by Practitioner 5. For instance, the indicator of ‘requests to pay cash in advance’ may indicate a cultural practice of using cash differently than anything else. There is a practice in Panama in which people set cash aside into a *caja de ahorros* each month to save up for a holiday or celebration and may be more likely to pay for the holiday with the cash they’ve saved instead of a credit or debit card (Ope, 2021).

However, the ‘request to pay cash in advance’ indicator or the indicator related to Bangladeshi women with henna tattoos given by Practitioner 5 were not the only problematic indicators of vulnerability to trafficking that emerged. When asking for specific examples of indicators of human trafficking and exploitation, the responses from three organisations highlighted the conflation of sex work with sex trafficking:

Practitioner 16: Another thing is when women want to work in the sex industry abroad. That sends off alarm bells for us because prostitution is always exploitative. So, we’ll try to encourage these women not to go ahead with their plans.

Practitioner 6: Domestic work is a sign of potential abuse, working in clubs, strip bars, as prostitutes…

Practitioner 20: If someone’s travelling, another sign to look for is lingerie in their luggage for women and girls or ‘ladyboys.’ You know what ladyboys are, right? Lingerie isn’t necessarily a sign on its own but could be a sign if
other signs are there, and you get a gut feeling about potential victims sometimes and go with that.

The conflation of human trafficking with sex work, and in the example of Practitioner 20, broad indicators of sex generally, reveals how practitioners that identify with the human rights approach are driven by their own lenses of morality. The focus on sex work as an illegitimate form of labour likewise impacts the protections afforded to sex workers in practice, arguably contributing to further exploitation and human trafficking (Wijers, 2015). In depicting the problems with how human trafficking has been understood, Anderson (2007) has also emphasised how the immense focus on sex and sexual violence has led to a primary focus by actors on only the most severe forms of human trafficking and exploitation. The narrative of prostitutes as a ‘national risk’ has also contributed to the rootedness of the prostitution and sex work debate in anti-human trafficking. Moreover, highlighting sex work as a potential indicator of human trafficking demonstrates how the role of consent in migrant decision-making began to materialise, as the conversation can be closely linked with debates related to sex work and prostitution. Thus, the following sections engage with how the issue of consent was depicted by practitioners, with the initial section describing the role of migrant decision-making, whether from a lens of migrants’ rights or not, and the subsequent section depicting victims as without agency.

6.2.1 Linked consent issues with migrant decision-making

Depicting the role of consent has been deemed particularly important as the concept is fundamental to understanding how human trafficking is understood and how this has enabled the ‘trafficking myth’ (Haag, 1999). Within the ‘trafficking myth,’ differing ideologies can thrive and human trafficking is sensationalised. The above section has evidenced the reality of this myth, particularly in how the moral side of the human rights approach, the ‘illegal’ migration approach, and the organised crime approach to anti-human trafficking overlap under the banner of being ‘victim centred.’ Therefore, discussing the issue of consent reveals what being victim centred actually looks like for practitioners that identify with the moral side of the human rights approach to anti-human trafficking. In doing so, the theoretical framework of risk in relation to structural violence theory is likewise pertinent, as has already emerged in the prior section as several practitioners discussed identifying ‘risky’ situations.

All 20 practitioners were asked about the role of consent, which was depicted through the phrase ‘migrant decision-making.’ A decision was made not to specifically use the term
‘consent’ after reviewing the legislative and definitional context of the term, which indicated that it could lead to a confused interpretation in an interview. For instance, interviewees would not want to indicate that they believed that victims ‘consent’ to their trafficking or exploitation but would be more likely to affirm that victims made decisions that contributed to their trafficking or exploitation. The awkwardness of how the term has been used in legislation and practice only further confirms the challenges associated with definitional clarity in the anti-human trafficking sector. Therefore, the practitioners were asked, “In your opinion, what role does migrant decision-making play in identifying whether a person is a victim of trafficking?” The following responses resulted:

Practitioner 6: It’s very important to understand the decisions that were made on the whole trafficking route because this helps with identifying whether someone is a victim or an illegal migrant. It’d be hard to know the difference without having more of this information.

---

Practitioner 16: Well, when we look at the indicators, there is certain information that we know already makes someone vulnerable. These are immediate red flags. [Pause]…like, we know that West Africa is known for using religious debt bondage, so this information is flagged to us, but we then still need to do the work of talking to the victim so that we know if this is how they were trafficked and if this is why they are in the UK.

---

Practitioner 3: I think this is all part of looking for indicators of trafficking, really. It’s how we have to assess it. With smuggling and trafficking looking so similar, there needs to be certain markers in the decision-making process that sets someone apart as irregular or as a victim. Of course, irregular migrants can be victims too but I’m meaning victims that are recognised as victims in the NRM process.
Practitioner 20: Our programmes are based on assessing these decisions. That’s what helps us to determine if someone is a victim or not, looking at the level of risk involved in their decisions...If we aren’t sure, we always assume ‘but what if?’ What if that was your daughter, your son? Then, if they’re not with their trafficker, we try to change their decision so that they travel home instead…

Practitioner 4: The decisions that people make are core to how they will be assessed through the NRM because you have to determine what was the victim’s decision and what wasn’t.

While there is some variance in the focus, the practitioners’ responses seem to affirm a belief that VOTs have a role in their exploitation, placing some level of blame on the victims. Each individual response by the practitioner reveals further depth to the moral side of the human rights approach to anti-human trafficking. In the quotes by Practitioners 6, 3, 4 and 20, the practitioner infers that someone can start as a VOT but can later be criminalised based on decisions made on the human trafficking route or vice versa. An example of this belief in practice could be the case study of R.E.’s Application [2014] NIQB 15 included in Chapter 4, which has enabled border politics that are based on “the exclusion of [the] ‘underserving’” (Bosworth, 2008, p. 202). Furthermore, these quotes exemplify Beck’s (2013, p. 30) notion of “definitional power,” whereby the definition of risk is determined by the power holder – in this case the practitioners involved in victim identification. In the response of Practitioner 20, the practitioner likewise attempts to exert their power to influence the migrant not to travel to their destination without knowing whether the person is a VOT. Moreover, Practitioner 20’s focus on family relations speaks to Altheide and Michalowski’s (1999) argument that a person’s perception of risk may be changed when applied to that of a loved one; thus, a member of the public that hears this application of risk may be more likely to support restrictive migration policies as the polices become associated with protecting one’s family.

The response of Practitioner 16 is again demonstrative of how the role of racism has been ignored on the moral side of the human right approach regarding the use of nationality
as an indicator of vulnerability when considering whether someone is a PVOT. Deeming West Africans as more vulnerable to human trafficking, for instance, enables the structural embedment of inequality in West African migration to the UK. As a result, VOTs are criminalised due to the ‘illegal’ migration approach adopted in the UK and West Africans may be falsely identified at the outset as potential criminals. Moreover, though there will be cases similar to that described by Practitioner 16, seeking verifications of the ‘trend’ may lead to creating the pattern rather than reflecting any actual pattern.

Another example of this was revealed at an anti-human trafficking conference in London in 2018 that the British Red Cross conducted, where the British Red Cross discussed how indicators were involved in their process of identifying PVOTs at a port in Italy where people seeking asylum were processed. Staff and volunteers were explicitly instructed to look for people from Nigeria, Cameroon, and Côte d'Ivoire as these states were specifically identified as ‘vulnerable’ nations. One of the (many) problems with targeting a nationality is that if the British Red Cross is paying special attention to Nigerians entering ports, for instance, the organisation is creating data based on confirmation bias that will later contribute to crime pattern reports. When this crime pattern is fed back to the UK government and law enforcement, the consequential effect is a tightened stance toward all Nigerians intending to migrate to the UK. Thus, the intel given to British Red Cross from UK law enforcement to attend special attention to Nigerians works together and contributes to the confirming data produced by British Red Cross, which is then (again) reported back to the UK government. Once this pattern occurs, British Red Cross will share this intel with other NGOs; in this case, the information was likely shared with UNHCR, who partners with the British Red Cross at the Italian port in question. In following, UNHCR would likely share this information with their partner organisations in the UK, which in time, can lead to multiple organisations using a Nigerian nationality as an indicator of potential vulnerability and creates more and more confirmation data as Nigerians are repeatedly given special attention when considering their migration decisions. Therefore, when migrant decision-making or ‘consent’ is considered in parallel to controversial indicators of vulnerability, it enables racism to be further embedded within the immigration system.

Besides the obvious reason of racial profiling, training individuals involved in victim identification to use a person’s nationality as an indicator can be problematic, as it skews the interpretation of other indicators that can be visible in any ethnic background; it can also be used to close safe migration routes to specific nationalities. In an analysis of how sex work is managed at the border, Ham and Pickering (2013, p. 2) helpfully use the phrase ‘the micro-
politics of border control’ to discuss how social differences are understood, which is a helpful representation of what is going on here. In their depiction, the ‘micro-politics of border control’ is how “generalized concerns around trafficking manifest in specific interactions between immigration officials and women travellers” (Ham and Pickering, 2013, p. 2). However, this could be applied to other scenarios as well. These social differences observed in isolation have a real risk of not only being misleading but for re-producing structural violence and other harmful power relations. Furthermore, in making these indicators at all, those involved in the work of victim identification are making assertions about the person’s agency, and there is little room for this to operate outside of the strict binaries of categorisation where someone is either a victim or not (Ham and Pickering, 2013, p. 16). Through this ‘social sorting’ and categorisation process, a person’s mobility is determined by their level of potential risk (Ham and Pickering, 2013, p. 9). This is hugely troubling in the example of the British Red Cross, whereby they’ve deemed people from Nigeria, Cameroon, and Côte d'Ivoire to be categorised as vulnerable. This risk assessment is particularly pertinent to the label of ‘illegality’ given to the ‘wrong type’ of migrant. Engaging with these micro-politics at the border provides a much-needed humanised element to the otherwise macro-level analyses of border politics.

Further, based on the above examples, it could be argued that practitioners that align with this perception of consent (i.e., that migrant decisions should be considered when identifying whether someone is a VOT, do not engage with the lived experience of PVOTs or VOTs). What is particularly problematic about this stance on consent is how easily the ‘illegal’ migration and the organised crime approaches to anti-human trafficking become conflated with attempts to be ‘victim centred’ through the human rights approach. As such, this chapter argues that this stance on consent is more representative of the ‘illegal’ migration and organised crime approaches to anti-human trafficking rather than a true human rights approach, even though these practitioners would identify as being victim centred. This is the first core challenge with the moral side of the human rights approach, as assumptions can easily be made regarding shared perspectives and goals despite there being serious differences in definitional understandings of the non-consensual nature of human trafficking that is required within the Palermo Protocol. Definitional differences likewise include how human trafficking is defined more broadly regarding what is considered human trafficking and exploitation; the responses of these practitioners can also be linked to the debates of Anderson and O’Connell (2003) regarding the binary opposition of slavery and freedom. As a result of the slavery and freedom dichotomy, VOTs that experience less severe forms of
exploitation, or that are not coerced through force, can be considered ‘consenting,’ which particularly impacts the experiences of hopeful migrants.

6.2.2 Victims cannot consent

Alternatively, numerous organisations approached the question of migrant-decision making differently, aligning more closely with the literal interpretation of the Palermo Protocol that indicates that victims cannot consent to human trafficking. For instance, in the context of a conversation about Practitioner 1’s victim identification processes in hotels, the interviewee stated: “Usually when incidents are occurring, it isn’t about somebody saying, ‘I am a victim.’” Though the organisation was looking for indicators of vulnerability in a similar way to organisations in the previous section, the difference in approach was the assumption of some level of coercion and that individuals in ‘incidents’ in their hotels are PVOTs. The indicators that the hotel was using were likewise based on specific actions that the charity has deemed indicative of vulnerability, rather than indicators that include identity markers like one’s nationality. Other examples from practitioners who could be included within this sub-theme commented the following:

Practitioner 7: …I mean…if you trick someone and they believe what you’re saying to them, but you’re lying to them, how can you call that consent? That’s duplicity. So, it shouldn’t even come into it, there shouldn’t be any questions about this.

- - -

Practitioner 18: Victims are victims. I don’t get why this is a debate.

- - -

Practitioner 11: [Migrant decision-making] shouldn’t have anything to do with identifying victims. Sure, it may look like someone made an ‘illegal’ migration decision, but deception does not equate consent…I mean, you cannot simply ignore all the push and pull factors that lead to situations of exploitation.
Practitioner 8: Look, I think it’s really unfortunate that [migrant decision-making] is something that matters in UK law and practice when it comes to the NRM but the rights of migrants are not valued here. The government will do what it can to keep migrants out and that means questioning and criminalising potential victims instead of listening to them. The nature of human trafficking is that it happens to you. Obviously, no one wants to be trafficked or exploited.

Two practitioners also linked the idea that victims cannot consent to the need for proactive solutions to anti-human trafficking. For instance, Practitioner 7 stated that “[v]ictim identification needs to improve to the point that [practitioners] can identify a person as a likely victim before the person even accepts a job abroad or considers marrying a stranger.” Similarly, Practitioner 11 noted that “[t]he debate on consent would be less relevant if there were more data and knowledge so that proactive victim identification could advance.” The challenge with proactive victim identification, however, always returns to the question as to whether a person’s legitimate migration decision could be cut off in the process and, thus, the power imbalance between the practitioner and the PVOT.

While this chapter argues that practitioners within the ‘victims cannot consent’ sub-theme are more clearly representative of the moral side of the human rights approach, this stance on consent also highlights the second core challenge of this anti-human trafficking approach in how the concept of consent relates to agency. As the above quotes indicate, the stances on consent imply that victims have limited or no agency in this perspective. While the stance in the prior section acknowledged the decision-making processes of PVOTs and VOTs, the decisions were recognised in relation to the ‘illegal’ migration and organised crime approaches, which has been evidenced in the preceding two chapters to criminalise migrants and PVOTs. However, practitioners that identify with the ‘victims cannot consent’ sub-theme fail to acknowledge the decision-making processes of PVOTs, thereby giving PVOTs and VOTs little to no agency (Weitzer, 2007).

In revoking agency, this chapter argues that the most extreme forms of exploitation and human trafficking are naturally emphasised. It should be noted that within this sub-theme, a few practitioners made comments that would suggest that the emphasis on severe exploitation is unintentional. For instance, in a discussion about their work, Practitioner 18
acknowledged that “human trafficking has a multitude of representations and [that] there is so much variation depending on the country or context that must be recognised.” However, the perspective that human trafficking is something that just ‘happens to you’ as Practitioner 8 indicated, enables the narrative of the ‘ideal victim’ and presents a challenge to practitioners in identifying a point of victimhood. As Practitioner 8 also stated in the above quote, of course, “no one wants to be trafficked or exploited.” Yet, the role of deception is engaged with less when decision-making processes are not acknowledged. In the current UK climate, it’s difficult to imagine the extent to which the outcomes or implications of the ‘victims cannot consent’ sub-theme would differ if migrants had the same rights as UK citizens, so researching this notion in a country like New Zealand could be an interesting topic of further study.

Moreover, using “the most shocking exemplars of victimization” as examples of human trafficking and exploitation can be identified as a response to practitioners within the ‘illegal’ migration and organised crime approaches to anti-human trafficking, despite these approaches all prioritising a focus on the ‘ideal victim’ (Weitzer, 2007, p. 448). In other words, the moral side of the human rights approach seeks to define risk in relation to the PVOT or VOT and their humanity and wellbeing instead of viewing the PVOT or VOT as the risk to be feared. While the ‘illegal’ migration and organised crime approaches use the ‘ideal victim’ narrative to justify their harmful policies, the moral side of the human rights approach uses the tragic and intense stories of the ‘ideal victim’ to remind opposing approaches that victims should not be criminalised. As a result, however, definitional interpretations and the framework for discussing anti-human trafficking have merged, which has institutionalised the language of moral crusade activists and has given a false sense of shared goals within anti-human trafficking policy (Augustín, 2007; Weitzer, 2007). In practice, merging these anti-human trafficking approaches has led to the development of the ‘saviour’ narrative in the moral side of the human rights approach, whereby rescue strategies and accounts are centralised.

6.3 Saviourism

The institutionalisation of the language and framework of moral crusade activists makes saviourism the core sub-theme that can be identified as a marker of the moral side of the human rights approach. As a sub-theme, saviourism demonstrates the influence that the moral side of the human rights approach has had on the ‘illegal’ migration and organised crime approaches. This is particularly observed in how the latter approaches began justifying
their strategies by claiming them as the ‘right thing to do’ or the moral thing to do, as depicted in the previous chapter. During the interviews, a prominent way that saviourism emerged was through discussions regarding the motivations of anti-human trafficking practitioners and through the language used to discuss their strategies. For instance, the practitioners were asked, “What is your motivation for involving yourself in anti-human trafficking?” The responses included:

Practitioner 7: …When you prevent someone from being caught up on the border or whatever, it’s like ‘ok, right, it does really matter what we do.’ And there were certainly times in the past when I had a really good day like that and I think ‘you know, if I get hit by a bus on the way home and I’m dead, it’s like okay, cool things have happened and things have really worked, and people are coming to freedom.’

Practitioner 16: It’s my innate desire to bring justice to those that are most vulnerable and to rescue women and girls from sex trafficking and other evils of this world.

Practitioner 20: Personally, and I can only speak for myself, I do it because I’m passionate about saving innocent lives from abuse [pause]…lifetimes of abuse.

Practitioner 8: I was really interested…and thought it was kind of a new type of abuse that I hadn’t seen, kind of quite extreme in comparison to some of the abuse I was seeing in some of the families I was dealing with day-to-day.
Practitioner 6: I want to see a world where people aren’t sold for profit and where this kind of evil ends, so that it stops existing. I’m not sure it’s really possible… [pause] a world without slavery. But, I think it’s our responsibility to stop it.

- - -

Practitioner 11: My motivation is that it’s not fair that adults and children are being exploited every single day. I knew I had to do something to be part of the solution. I always knew and felt that there must be something that I should be doing to help rescue these victims.

While it’s not necessarily wrong to be led by morals, it’s troubling when practitioners position themselves as potential heroes in extraordinarily complex and multifaceted situations like that of human trafficking. Though no one used the word ‘hero’ to describe themselves, it’s clear that the practitioners are motivated by a desire to ‘save’ or ‘rescue’ PVOTs and VOTs. The comments likewise support the debate regarding the binary opposition of slavery and freedom in inferring that perceptions of freedom are shared with the PVOTs and that there is an objective ideal of what freedom constitutes (Anderson, 2007; Davidson, 2010). Working in a way that confirms this binary opposition makes it incredibly challenging to respond to human trafficking through a lens of migrants’ rights and demonstrates a worrying application of structural violence theory. In this application of structural violence theory, Western states are perceived as ‘rescuers’ of the Global South, and the PVOT or VOT becomes the ethnicised Other. Additionally, the institutionalization of racism in anti-human trafficking work is ignored, as well as the role that Western states have in perpetuating the inequalities that make people vulnerable to human trafficking in the first place. One way this is further demonstrated is through charity marketing and funding strategies, with images that focus on the language of ‘saving,’ ‘rescuing’, and ‘freedom,’ as well as videos that depict helpless, impoverished people being ‘set free’ (Figures 18-21).
The language of ‘saviourism’ likewise further sensationalises human trafficking, perpetuating understandings of human trafficking that focus on the most severe representations of the phenomenon and, thus, the narrative of the ‘ideal victim.’ Western charities can then justify their intervention in states perceived as the most vulnerable to human trafficking and exploitation. As a result, the UK government has adopted language similarly focused on morality to justify their policies in the UK and their policies and interventions abroad, as identified in the organised crime and ‘illegal’ migration approaches. Thus, saviourism confirms Raco’s (2002, p. 26) arguments regarding how governments have used understandings of risk to create fear to implement new policies (Lupton, 1999, p. 29).

Applying saviourism through the moral side of the human rights approach has undoubtedly led to confusion due to how the approach has influenced and merged with the organised crime and ‘illegal’ migration approaches. For instance, there is a clear tension between making PVOTs and VOTs into a security risk versus identifying the personal risk to
the safety and wellbeing of PVOTs and VOTs. A prominent way that this tension is observed is through looking at the role of law enforcement at UK border sites, as these officers must navigate their roles of being both state protectors and humanitarian interveners. Two law enforcement practitioners noted this tension, with Practitioner 5 stating, "one of the main challenges [border force] sees is with officers learning how to apply their training. There is often confusion in their roles once [BFOs] are trained in anti-trafficking."

To give some context to how UK Border Force (UKBF) operates and its role in anti-human trafficking, in 2008, customs and immigration work was merged in the UK, which led to the formal development of UKBF and required re-training for thousands of officers (Hadjimatheou and Lynch, 2016, p. 1). The BFO’s identities as UKBF were reshaped to create a new border culture based on the UK’s new hostile environment approach. Border crossings are significant, as this is the initial point where a PVOT could be identified and protected in the UK. This tension does not change law enforcement officers' need to enact anti-human trafficking procedures. However, it demonstrates that “sovereignty and nationalism are still powerful norms influencing border controls and migration policies” (Baumeister and Miller, 2013, p. 24). The trend of law enforcers adopting a humanitarian approach and a ‘duty for care’ has likewise been discussed in relation to the police force, so is not specific to the role of BFOs (Loftus, 2015).

As my attempts to interview UKBF were unsuccessful, ethnographic interviews conducted by Hadjimatheou and Lynch (2016) at London Heathrow Airport were beneficial for gaining further insight into the challenges of applying the moral side of the human rights approach to anti-human trafficking in practice. From the interviews, Hadjimatheou and Lynch (2016) noted that SAT and BFO officers expressed fear about the responsibility of taking on the role of being anti-human trafficking specialists within UKBF, which has led to inaction rather than action more often than not. For instance, Hadjimatheou and Lynch (2016, p. 11) asked the officers why an officer would prefer not to be trained in SAT, and one officer responded:

If you’ve let a child go and then you find out something bad happened to them, to have that come back to you would haunt you. I know it would me, I’d think exactly that, if I found out that I had let a child go through, or even an adult, and I was responsible, I was the last person that person saw before going on to something horrible, I would feel horrendous. And I think that’s what most people were telling me when I first joined the [SAT] team, that I
shouldn’t have joined the team for that reason. But then my reasons were, well, I want to try and help them, as opposed to thinking about my own back. But yeah, I think there is a lot of fear.

Moreover, numerous BFOs stated that they chose not to be trained in SAT because they simply do not care about anti-human trafficking and safeguarding (2016, p. 6); hence, the language of ‘compassion’ and ‘humanitarianism’ is viewed as incompatible with immigration protection powers, despite how the approaches have merged to mutually justify a variety of anti-human trafficking strategies and policies. For some officers, there may also be an element of multiple goals theory in play. As presented by Biber (2008), multiple goals theory suggests that when law enforcement or government agencies have multiple goals that seem to conflict, they will focus and overperform on aspects of their role that have higher incentives and are more clearly and easily accomplished. These BFOs, whether trained in SAT or not, still face the tension of both roles; however, it does not have to be that way. As described by McAdam (2013, para 21) in her argument for a human rights approach to anti-human trafficking:

> It is easier to train border officials to respect inviolable human rights of all people than it is to train them to navigate through onerous considerations in ascribing complex categories to them. Border officials cannot be expected to distinguish between an irregular migrant who is destined towards a reasonable standard of living and one who may end up in a situation of exploitation.

Similarly, Kenway (2021, p. 62) has offered a helpful metaphor for this, in which border guards are perceived as doctors. In this imaginative exercise, the border guards are seen as person-centred individuals who can offer a diagnosis. The border guards recognise the humanity of the person in front of them and seek to understand their particular circumstances through that lens, identifying potential human rights abuses in the process.

While Kenway's (2021) and McAdam’s (2013) arguments are certainly helpful perspectives to incorporate, it’s difficult to imagine that training BFOs to respect the human rights of all people will make a significant difference in the tension of BFOs’ roles without the UK adopting policies that promote the rights of all migrants. However, it is certainly clear that the role of border guards must be reimagined, as they have now been forced into positions in
which they are required to also act as moral guards due to the influence of the moral side of the human rights approach to anti-human trafficking and ‘saviourism’ in practice.

6.4 Case studies: The merging of anti-human trafficking approaches

6.4.1 Nepal/India

Until this point, this thesis has focused on individuals identified as PVOTs and VOTs within the UK. However, because the UK is typically a ‘destination’ country for human trafficking, each person will have been brought along a specific transit route to reach the UK. In many cases, there will be an origin country, a transit country or countries, and a destination country. Because the transit route is so crucial to understanding the victim identification process and how the UK perceives and addresses human trafficking as an issue, case studies will be used to depict how the moral side of the human rights approach to anti-human trafficking has influenced and merged with the organised crime and ‘illegal’ migration approaches. Non-participant observation was conducted to observe both the work of practitioners from an international anti-human trafficking charity and the work of BFOs at these sites.

In the initial case study, I travelled for a one-month visit in August-September of 2017 to visit the NGO’s Nepal field site to better understand victim identification processes. While estimating human trafficking figures is highly problematic for various reasons and is unlikely to be accurate, the figures provide an understanding of how human trafficking is perceived and understood by key actors within the country. Thus, to give further background to Nepal’s context, the latest report by the US Office to Monitor and Combat Trafficking in Persons (2021b) estimated the following human trafficking figures for Nepal: 61,000 Nepalis are estimated to have experienced forced labour in the past five years, including 10,000 children; 1.5 million Nepalis are estimated to live in the Middle East with many predicted to be in positions of labour exploitation; and 11,000 children are estimated to live in children’s homes and ‘orphanages’ despite having at least one living parent, thereby indicating some level of human trafficking within the international adoption industry. Additionally, Nepal was criticised for its corruption and complicity with law enforcement and government in relation to human trafficking (US Office to Monitor and Combat Trafficking in Persons, 2021b).

The international anti-human trafficking charity seeks to stop trafficking as it is happening by monitoring national borders and transit sites as experts alongside local law enforcement and immigration officers. With a focus on the language of saviourism on the
charity’s website and in its funding strategy, the charity certainly appeals to the moral side of the human rights approach. In their operational model, the organisation looks for ‘red flags’ that indicate a possible case of trafficking, such as some of the indicators of vulnerability to human trafficking highlighted previously in this chapter. Once a PVOT is identified, the charity conducts further questioning, such as fact-checking the person’s migration plans to determine whether they appear safe. For instance, this could include searching to see whether a ‘study abroad’ program exists if someone is travelling for a programme that they have not researched extensively before travelling. If staff have determined that trafficking is likely occurring, the PVOT would be taken to a temporary shelter where the organisation raises awareness about human trafficking, assesses the victim’s home situation, discusses safe foreign employment options, and helps the PVOT return home if it’s safe. The individual can say ‘no’ and continue on their journey at any stage of the process, though the organisation stated that this rarely occurs. The charity encounters dozens of trafficking cases weekly, allowing them to collect regularly up-to-date data. The data includes demographic information about the victims identified, trafficking routes, and trafficker recruitment methods, e.g. the means of deception used. The investigators work with local police to find and arrest traffickers, and their legal team follows up with each legal case filed.

The border/transit monitoring locations visited in Nepal include Biratnagar, Kakarvitta, Bhadrapur, Guleria, and Nepalgunj. At each location, time was spent with the charity’s site manager, chair of the board, and shelter manager. The Nepal/India example is included because Nepal and India are considered origin countries of human trafficking and victims from these countries are identified within the UK; thus, this example demonstrates the initial trafficking process that could lead a person to a situation of exploitation within the UK. Each station on the Nepal/India border that the charity operates is comprised of several staff and volunteers from the local area; the exact amount of paid staff varies based on the busyness of the specific site, ranging from 2-10 staff (Figure 22). The key managers at each location receive training on victim identification from the national office in Kathmandu, and then the managers train their local area on how to monitor the border or transit area. There are other national and international charities involved in monitoring the border but from conversations with the charity’s staff, there is little competition or challenges with this as it was expressed that there is plenty of border space where the work of any charity would be considered valuable to local law enforcement. After a PVOT is identified, the focus each charity gives to the next stage of the victim identification process is where the work of the charities varies. Some organisations focus on vocational training, some on rehabilitation. For
the international charity in this case study, staff expressed that their expertise in the ‘after’
stage is in their ability to obtain trafficker convictions. Thus, the charity demonstrates the
merging of the moral side of the human rights approach with the organised crime approach in
particular. The organisation has a legal team responsible for following up on the process of a
case against a trafficker being filed, which is critical in the context of Nepal.

The key challenge with this anti-human trafficking model, a model shared by
multitudes of anti-human trafficking organisations, is that exploitation has not necessarily
occurred yet. From the perspective of the charities, this presents a challenge with gathering
enough evidence to prove intent for human trafficking or exploitation, which can be
challenging when key connections within the organised crime network are unknown. Further,
there is a significant risk that the charity is cutting off a person’s legitimate migration
decision when human trafficking may not occur. Additionally, the charity may be cutting off
a migrant’s attempt to overcome structural inequality and violence, as well as their attempt to
exercise their rights and personal freedom. The contention with determining a clear point of
victimhood as it relates to the consent/coercion debate, and in understandings of exploitation
generally, limits proactive victim identification work (Anderson, 2007; Davidson, 2010). The
person's narrative can easily be misconstrued without sufficient evidence to reflect a clear
point of victimhood. It can support the UK state by associating migrants with criminality,
demonstrating how the moral side of the human rights approach influences the ‘illegal’
migration approach. In doing so, the vulnerability of all migrants increases.

To give an example of victim identification in practice and the complexities of these
prominent anti-human trafficking approaches, I witnessed the identification of three PVOTs
and the arrest of three suspected traffickers while in Kakarvitta. At a bus station that had routes travelling into India, located about half a mile from the border crossing, a woman travelling with a man was questioned due to a basic level of suspicion, as the woman was acting slightly ‘off’ and ‘out of it.’ After more questioning, enough indicators of vulnerability were present, which led to the woman and man being brought into the police booth at the bus station for a more thorough inquiry by both the charity staff and police officers. The two contradicted their story on several occasions, and it became clear to staff that a significant number of lies were being told; more than this, the woman’s answers were, at times, incoherent and worded poorly, and the charity’s staff believed she might have been drugged. When looking through the suspect’s phone call log, the man had called the same phone number 10+ times over the past two days. The police were able to contact the phone number and pose as the man to convince the person to meet at a nearby location.

The man believed the police officer and went to the location, leading to him being questioned within the police booth. The police and charity staff then recalled seeing this man speaking to two women the previous day, but the suspected traffickers denied knowing these women. There was enough suspicion that the suspected traffickers and PVOT were all taken to the police station for further interrogation. During this process, the PVOT was treated like a criminal just as much as the suspected trafficker – the PVOT was spoken to in an aggressive tone and was being interrogated like a suspect. A reason for the woman being treated like a criminal was perhaps because she had stated that she had shared a hotel room with the man the previous night, despite being married to another man within her home village. Thus, the charity and law enforcement officers evidenced how their own moral lens could be used to dictate the outcome of victim identification processes. As an alternative perspective, it is feasible that the woman and man were lying due to their awareness of Nepal’s cultural view of marriage and infidelity and how they could face significant challenges if this information were revealed publicly. However, that said, a bag was found under the motorcycle seat that belonged to one of the women from the previous day that the two suspects had denied knowing. At this point, a warning alert was sent to all border checkpoints nearby to look for two women who were expected to travel on a motorcycle across the border that day. The two women were identified while attempting to cross the border by a police officer, and the women were travelling with the wife of the second suspected trafficker. At this point, the suspects’ stories fully unravelled, and their intentions were confessed. At least one other PVOT turned her phone off during the process; her location remained unknown. The women were being taken to Delhi for fraudulent passports
and other forged documents and were then being flown to Kuwait, to which the women were unaware. Within this example, evidence was lacking regarding whether the suspects were traffickers intending to exploit the women or whether they were smugglers. However, the fact that the women were unaware that they were being flown to Kuwait suggests that some level of exploitation or abuse was pre-determined. Despite the lack of information, the three suspects were arrested on the grounds of attempted sex trafficking. In making these arrests, the practitioners demonstrated how the cultural and moral view of marriage and sex, as well as ideas of what trafficking constitutes, can influence the outcome of victim identification processes. For instance, the women themselves stated that they had made an agreement with the trafficker that secured them factory jobs which had not been considered. Due to the way the women were treated like criminals during the police interrogation it is unsurprising that they chose a ‘voluntary return’ to their home community, which was certainly an uncomfortable situation to observe.

The case study demonstrates some of the challenges with anti-human trafficking work in practice when multiple approaches influence and impact one another. The case study also highlights how the ‘leap of faith’ concept emerges within risk assessments. The women were crossing the border in this manner as they believed this was their best option for employment and seemed to be aware that exploitation was possible but would try their luck. The women in this case study demonstrate a level of agency in their decisions, despite the role of deception, and embrace the unknown by taking a ‘leap of faith’ to migrate. Thus, the women engage in “unrelenting movement towards future possibility” through embracing the paradox of risk and freedom (Westin, 2020, p. 116). As this thesis has argued, to take a ‘leap of faith,’ a hopeful migrant is required to put thoughts of uncertainty to the side to take the leap (i.e., a migration decision), as a person cannot take a leap and also embrace uncertainty at the same time (Kierkegaard, 2009 [1846]). Moreover, this example demonstrates the concept of ‘as if’ trust, whereby the women chose to work with the suspects due to their belief that the relationship would lead to a beneficial outcome; this allowed the men to appear more credible, despite information that may suggest otherwise, such as the men’s promise regarding the procurement of fraudulent passports to support the women’s employment in India.

6.4.2 South Africa

After spending time in Nepal, I travelled to South Africa in November of 2017 to learn more about how identification works in airports within a country that is both an origin
and transit country for human trafficking to the UK. In South Africa, the international charity has staff that work in partnership with immigration at Johannesburg, Cape Town, and Durban Airport to identify possible trafficking victims through ‘floor-walking’ the check-in area, as well as the international Customs queue (similar to how BFOs trained in SAT would do in some of the UK’s airports). Partnering with BFOs, of course, makes the organised crime and ‘illegal’ migration approaches unavoidable. Over several days, victim identification work in Johannesburg Airport was observed to understand better how identification works in an airport context, as airports are more stringent in their legal regulations.

To give further background to South Africa’s context and with the same caveats as mentioned in Nepal’s context, the latest report by the US Office to Monitor and Combat Trafficking in Persons (2021c) noted the following practices to be frequently identified in South Africa: forced marriage internally and cross-border of underage girls; sex trafficking of girls as young as ten years old; women and girls exploited in forced labour by their husbands; labour trafficking into the agricultural and domestic labour sectors; and, trafficking for forced criminality, such as drug trafficking. The report likewise suggested the government’s failure to implement robust victim identification processes and noted officials to be complicit in human trafficking (US Office to Monitor and Combat Trafficking in Persons, 2021c). While trafficking figures are not estimated within the report, human trafficking in South Africa is stated to be on the rise (US Office to Monitor and Combat Trafficking in Persons, 2021c). While much of the questions being asked in the process of identifying potential trafficking victims in transit resembled what was observed on the Nepal and India border, there was a clear difference in how the charity’s staff conducted themselves and spoke to individuals. There was a more intense degree of professionalism in the airport context that appeared similar to how immigration officials would conduct themselves as ‘security protectors,’ which came across as intimidating. According to the charity’s staff, the reason for this was that they had to be careful because there was always an underlying threat that South Africa’s immigration would decide not to partner with them anymore if they were to ‘cross the line’ in any regard. Though the charity professed that they would prefer to instil a rights-based approach in communicating with and supporting PVOTs, the charity claimed that this was not always possible due to the restrictions of the airport environment.

To give one example, a PVOT interaction was observed in which the PVOT told the charity practitioners that they had been trafficked to South Africa from Guinea for sexual exploitation and had recently escaped from a South African brothel. The PVOT was asking the charity for immediate support. Thus, the charity asked BFOs whether they could take the
woman to a shelter in South Africa. The charity also stressed that this would give them time to identify further information about the brothel, which would support the criminal justice process. Despite this, the BFOs refused this request and told the charity that the PVOT would need to board a flight within the next several hours for immediate repatriation to Guinea as the BFOs considered the person to be an ‘illegal’ migrant. The charity did not have any connections with shelters in Guinea. It did not have any information about the PVOT’s family or community context or the PVOT’s safety if returned to Guinea. As a result, the organisation was forced to scramble to make calls to shelters they found online, hoping there was a spare space for the woman and that the shelters were trustworthy. While I did not hear further information regarding the outcome of this case, the case certainly demonstrated the tensions with attempting to apply multiple anti-human trafficking approaches at once. Moreover, it could be argued that South African immigration officers were ‘using’ the partnership and the charity’s international image to support and promote their own immigration policies with no intention of applying any aspect of a rights-based model in practice.

6.4.3 Kenya: an accidental case study

As a final case study, I was travelling from Kenya back to the UK via Abu Dhabi and had been granted access to observe the work of practitioners and BFOs at Nairobi Airport. However, before giving more information about the case study, the following practices are noted to be common in Kenya’s context and human trafficking profile: trafficking is facilitated by family members for the purposes of sexual and labour exploitation; children in multitudes of industries experience forced labour; children are exploited internally in popular cities through sex tourism; Kenyans are trafficked for labour exploitation abroad in numerous industries; and, traffickers use debt bondage to control victims (US Office to Monitor and Combat Trafficking in Persons, 2021a). Moreover, the report indicates that international NGOs estimate that 35-40,000 victims are trafficked yearly for sexual exploitation (US Office to Monitor and Combat Trafficking in Persons, 2021a).

This specific case study was from when I was waiting for my flight to Abu Dhabi rather than the time in which I was ‘officially’ observing as a researcher. While in the queue for security, I was approached by a police and immigration officer whom I had met the previous day as part of the non-participant observation. The officers spoke to me about various human trafficking-related issues. They then asked that they escort me through the airport so that I could meet a few immigration officials that I had not encountered the
previous day. The immigration officer then put me on the spot and asked me to observe an immigration questioning process. Three women also travelling to the UK via Abu Dhabi appeared to meet specific indicators of potential exploitation. I was extremely conflicted about the experience because I did not want my presence to affect the outcome in any way, especially as someone that did not know Kenya’s context very well. However, I felt it would have been disrespectful not to agree to observe the meeting, as the officers had gone out of their way to support my observational research and escort me through the airport to introduce me to new immigration officials. In retrospect, I should have said ‘no’ despite the potential for disrespect. Researchers are often faced with methodological challenges when researching criminal or illegal activities (Gallien, 2021); this was certainly a difficult predicament to assess at the time.

During this observation, the initial factor that stood out about these women was that they were travelling for a month yet only had a small backpack with no additional luggage or clothing. In other words, it did not appear like the women were prepared to be travelling for a month. Additionally, though the women claimed to be travelling to the UK for a holiday to visit the same family, these women were not related and did not know each other before entering the airport. Each woman shared a separate story with one another about their travels, and each woman was visibly nervous. One claimed to be cousins with the other women, whereas another said they were unrelated. Additionally, when asked where in the UK they were travelling to, the women gave conflicting information and struggled to explain how they went about booking their flights.

Eventually, it was uncovered that the women were intending to meet a man in Abu Dhabi that was going to help them connect to their next flight to the UK. The women were going to be guided by the person to the appropriate immigration queue in Abu Dhabi that was bribed off, and the person was going to help the women pass through without questioning. The women had been promised employment once they arrived in the UK. It was surprising that the women had been given very poor instructions and coaching on how to speak with immigration in both Nairobi and Abu Dhabi, as I would have expected this to be a key aspect of coordinating a person’s trafficking or irregular migration route. While the women might have been communicating with a smuggler rather than a trafficker, the scenario was much more likely to be a case of human trafficking since the women intended to meet another person once in the UK that would take them to their promised jobs.

The law enforcement and charity practitioners treated the women like criminals throughout this questioning process. The officers kept a straight, stern face throughout the
process and used accusatory language to try to catch the women in inconsistencies and lies. How the questions were asked would have left any person feeling insecure about their status. All the immigration officers were men, which, with an already uncomfortable power dynamic, added an extra layer that was off-putting. The charity practitioners were ignored during this interaction. As the officers grew more intimidating, I wanted to leave the room as I did not want to be associated with the process. One of the immigration officials whispered to me about how these women were from an impoverished, rural part of Kenya and that they could not have been able to afford a flight through legal means; it did not seem like he ever considered their route to be possibly legal at any stage.

Once I could leave the room, I spoke to the BFOs further about my concerns. The BFOs told me that the women would be referred to social support service options. However, the tone felt dissatisfying, as if they were only communicating this to provide me with assurance. While the situation of these women sounded like a genuine human trafficking scenario, based on the stories I heard from the women and the evidence presented, the women were treated as ‘illegal’ immigrants rather than PVOTs throughout the process. A reason for this may be that at least one of the women had a fraudulent passport, which may have given the officers reason to believe that the woman had ‘consented’ to ‘illegal’ migration, thereby discounting how the women may have been deceived by the trafficker(s). It was also possible that the woman did not know her document was fraudulent, as practitioners had noted that recruiting agencies (and traffickers that pose as employers) will deceive individuals into believing that identity documents were legally obtained; however, this possibility was not acknowledged. Either way, the exchange again demonstrated the harms of how the consent/coercion dichotomy can be interpreted and the challenges of applying the moral side of the human rights approach alongside an ‘illegal’ migration or organised crime approach. Arguably, treating one’s own citizens as possible criminals as they attempt to migrate will only further facilitate irregular migration and increase Kenyans’ vulnerability to human trafficking.

6.5 Conclusion

The purpose of this chapter was to argue that the moral side of the human rights approach has merged with the ‘illegal’ migration and organised crime approaches in practice. Three sub-themes were used to reveal the influence of these approaches upon one another and how this mutual influence has led to challenges in victim identification processes. The first two-sub themes engaged with how practitioners approached the role of consent,
otherwise known as the consent/coercion dichotomy, which included critical interpretations regarding understandings of how human trafficking has been understood and shaped in UK policy. The chapter addressed both of the thesis’ research questions, addressing the thesis’ sub-questions in the process.

In doing so, the following two core challenges to the moral side of the human rights approach were presented: 1) due to differences in definitional interpretations, numerous practitioners that identify with this approach to anti-human trafficking are more aligned with the ‘illegal’ migration and organised crime approaches, and 2) the latter perspective of consent removes the agency of PVOTs and VOTs. Both sub-themes likewise depicted a shift regarding the theoretical framework of structural violence in relation to risk. The organised crime and ‘illegal’ migration approaches primarily focus on risk in relation to the state. In both sides of the human rights approach, there tends to be a focus on risk in relation to the PVOT and VOT. In doing so, the practitioners use risk to represent ideas of freedom and unfreedom for PVOTs and VOTs.

The final sub-theme, saviourism, further demonstrated the challenges of applying the moral side of the human rights approach in practice, whereby the PVOT is marginalised as rescue strategies and narratives are highlighted. As a result, practitioners, and particularly law enforcement officers, must navigate their role as both state protectors and humanitarian interveners. In following, case studies from Nepal, South Africa, and Kenya were used to draw arguments from the chapter together and to ground the practitioner accounts in real-life scenarios, which likewise introduced the role of ‘leap of faith’ decision-making for hopeful migrants
Chapter 7: The labour side of the human rights approach

7.1 Introduction

The final theme that arose from the data also considered the human rights approach to anti-human trafficking but from the lens of labour. The previous themes within this thesis demonstrated how the anti-human trafficking approaches overlap in practice. In contrast, the labour side of the human rights approach emerged as more distinct in its application. When reviewing the findings from the thesis’ thematic analysis, it became evident that the labour side of the human rights approach offered the most space to be built upon through the thesis’ theoretical framework. Three sub-themes in this chapter provide further insight into how the human rights approach to anti-human trafficking can be improved. The first sub-theme, ‘promoting labour rights,’ engages with practitioners that align with the human rights approach’s labour side, which depicts this approach’s primary focus and the functional challenges with this approach.

The following two sub-themes, ‘risk’ and ‘freedom and becoming’, engage with the perspective of hopeful migrants so as to include the lived experience of individuals that anti-human trafficking approaches concern. These sub-themes have been structured together due to the overlap regarding how the sub-themes were addressed in dialogue. In doing so, the thesis’ second research question and sub-questions are addressed. The hopeful migrants, or PVOTs, offer insight into how the labour side of the human rights approach could be developed through discussions on the decision-making processes involved in migration. The conversations with hopeful migrants likewise support understandings of the trafficker recruitment context and support arguments by Anderson (2007) and Davidson (2010) that problematise the notion of what freedom constitutes in understandings of human trafficking. Finally, through the lens of risk and ‘leap of faith’ decisions, this chapter provides further evidence to critique the ‘illegal’ migration, organised crime, and the moral side of the human rights approach.

7.2 Promoting labour rights

Practitioners seeking a human rights approach to anti-human trafficking that disagree with the moral lens have been forced to focus much of their attention on contesting internally or challenging the ‘illegal’ migration and organised crime approaches to anti-human trafficking. For instance, practitioners were asked, “What do you think is an effective way to tackle human trafficking?” In following, practitioners that could be identified with this theme responded:
Practitioner 12: …We need to look at the example of places like New Zealand and learn from them. New Zealand has focused on improving labour standards…not arresting sex workers. [New Zealand] brought much-needed regulation to a vulnerable industry whilst supporting the agency of women.

- - -

Practitioner 9: Decriminalising sex work would be a good start. The context of everything involved in human trafficking is important, you know, looking at the policies and laws that are making people vulnerable…I mean, arguably, the laws themselves are exploitative and are harming people…So, let’s promote standards for safe and fair labour for everyone and we’ll get to the root much better.

- - -

Practitioner 13: Before we can get to that, we need better definitions of what human trafficking even is…like the difference between labour abuse and labour trafficking is important when we consider effective victim identification. We need to know what we are talking about…though, if you improve labour rights and standards then the difference doesn’t matter as much.

Practitioner 13 returns to a fundamental challenge highlighted within this thesis regarding how definitions are understood and acted upon, touching upon how labour abuse and labour trafficking are dealt with differently in legal and practical terms. In doing so, Practitioner 13 seems to indicate that the existence of a cultural acceptance toward poor labour standards and rights enables labour exploitation and trafficking; this notion supports findings by the UK-based Labour Exploitation Advisory Group (2016), who have argued that poor labour standards can lead to more extreme forms of exploitation. Moreover, in response to the moral side of the human rights approach, solutions offered by the labour side have tended to focus on labour in relation to sex work, which has been a direct response to the moral side’s predominant focus on making a moral claim about sex. As a result, both the moral and labour
side of the human rights approaches have been led by their differing opinions regarding the role of prostitution and sex work (Wijers, 2015).

However, while the role of prostitution and sex work has been dominant within the labour side of the human rights approach, practitioners have certainly expanded their focus in recent years. They have placed greater emphasis on all forms of labour exploitation and labour trafficking, such as in relation to domestic work and seasonal agricultural workers. In following, the three practitioners were asked: “What are the challenges associated with promoting labour rights as an important response to human trafficking?”

Practitioner 9: No one working in anti-human trafficking seems to agree on anything. Well, they think they agree but they don’t. And then you’ve got the Home Office using our research against us, taking it and applying it completely out of context…you’ve got other charities that collude willingly with the Home Office, ignoring data protection issues, only caring about their image and their funding…essentially just handing over victims to the will of the Home Office…I shouldn’t get into it all, but yeah let’s just say it can be discouraging.

- - -

Practitioner 12: It’s difficult to get everyone on board. We are constantly having to explain the same things over and over again to law enforcement, to police…providing the same evidence over and over. It can seem like no one really cares.

- - -

Practitioner 13: …One thing is that it’s not a priority of the public and anti-human trafficking work is very led by public opinion. While it’s been changing a bit in recent years, people want to buy their clothes and food cheap. The public aren’t going to pay extra for things they’ve been able to buy for less in the past…and cheap goods means cheap labour and cheap labour means people are probably not being paid or treated the way they should be…and that’s everywhere, not just in the UK.
Despite the promotion of labour rights and standards being a response to structural inequality and violence, the response of Practitioner 13 importantly indicates that the public has been led to believe that the action of individuals is a key method of anti-human trafficking prevention (i.e., that a person’s decision of what company to buy chocolate or clothing from is critical). While the consumer decisions of the public are not unimportant and support awareness-raising, focusing on these decisions as a core prevention strategy makes it challenging to address the wider structural issues that enable human trafficking in the first place. Beyond the need to raise awareness about human trafficking to the public, this thesis would argue that the focus on individual action stems from how the UK government has portrayed migrants as a public risk via the ‘illegal’ migration and organised crime approaches to anti-human trafficking. As deeming something to be a public risk requires justification, one aspect of achieving this is through distraction (Raco, 2002). In this case, getting the public to focus more on the actions of individuals removes the focus on the state's actions, thus allowing the state to progress anti-immigration policies that have led to harm for PVOTs and VOTs.

Moreover, Practitioners 9 and 12 reiterate how the moral side of the human rights approach and its alignment with the ‘illegal’ migration and organised crime approaches has contributed to the imagined notion that human trafficking is an issue that holds political consensus. As a result of the belief in political consensus, it has been difficult for the labour side of the human rights approach to critique the other approaches, as the critique is perceived as in opposition to morality. A more recent response by the Home Office to these critiques is to refer to those that challenge the government’s decisions through the law as “activist lawyers” or “lefty lawyers” who oppose justice, particularly in cases where smuggling for an asylum claim is conflated with human trafficking (Townsend, 2020). However, Practitioners 20 and 11 engaged with these critiques directly regarding the labour side of the human rights approach:

Practitioner 20: The only argument against our approach is the so-called feminists that see prostitution as a woman exerting her bodily rights when the woman is clearly being harmed...And they want to make that legal? They’re literally wanting to legalise abuse.
Practitioner 11: You can say what you want about us but at least we are getting women out of the sex industry and saving them. We’re giving life back to these women. Sex work is not freedom and it never will be.

Due to the way that the ‘illegal’ migration and organised crime approaches have engaged with the migration system in relation to human trafficking, the labour side of the human rights approach has largely sought to separate itself from migration debates except when necessary, such as regarding how visa status impacts vulnerability to labour exploitation. Though the practitioners are actively engaged with the anti-human trafficking sector, the focus of policy commentary engages more closely with labour abuse and improving labour standards and is less focused on human trafficking terminology. To give an example of the labour side of the human rights approach in practice, the Seasonal Workers Scheme has been challenged by practitioners that align with this anti-human trafficking approach. The Seasonal Worker visa is a temporary work visa that allows migrants to come to the UK for up to 6 months to work in the edible horticulture sector, such as by picking vegetables, flowers, or fruit (Home Office, 2022). A pilot was initially conducted, requiring businesses to be licensed by the GLAA. Companies were required to cover the costs of migrant workers’ visas and travel, and workers were not eligible to access public funds during this time. Before the pilot, the government launched a campaign known as “Pick for Britain” to address labour shortages in the edible horticulture industry and focused on recruiting UK citizens (National Farmers’ Union, 2020). While this campaign was ongoing, practitioners advocated for fair labour standards, pay and packages for seasonal workers. However, the campaign was unable to employ enough workers partially due to the unique conditions of the Covid-19 pandemic. It became evident that migrant workers were required to fill this gap and that the government would pursue the temporary visa route (FLEX and Fife Migrants Forum, 2021). Thus, practitioners within the labour side of the anti-human trafficking approach were required to engage with how the migration route would function in practice.

However, this was not the first time a visa of this nature was introduced. From 1943-2014, the Seasonal Agriculture Scheme was operated, which as FLEX and Fife Migrants Forum (2021, p. 8) argued, never independently assessed the experience of these workers. Thus, practitioners within the labour side of the human rights approach sought to foreground the potential impact on workers when assessing the Seasonal Worker visa pilot. Several risks
for forced labour were noted within the pilot’s assessment, such as the potential for deception during the recruitment process, the difficulty or impossibility associated with leaving a potentially exploitative employer, and the potential for life and work under duress (FLEX and Fife Migrants Forum, 2021, p. 9). For instance, workers on the pilot reported unsafe housing and the impact of the productivity payment system paired with zero-hour contracts (FLEX and Fife Migrants Forum, 2021). Moreover, workers on the pilot indicated that they received less money than they had been promised before temporarily migrating to the UK (FLEX and Fife Migrants Forum, 2021, p. 10). The Seasonal Worker Scheme came up in discussion with two practitioners during interviews prior to the introduction of the Seasonal Worker visa, who chose to place their focus elsewhere:

Practitioner 7: Do you know about the [Seasonal Worker Scheme]?... Well, imagine if we had people going to those farms and identifying labour exploitation…if we had enough people aware of what the signs of human trafficking are. We could have saved the [PVOTs] from the abuse and exploitation that they reported to face. The problem was that not enough people knew how to spot the signs.

Practitioner 20: Take the seasonal workers and all the problems they faced. If [the charity] were working at the borders, we would have questioned [the PVOTs] and prevented them from ever coming. We would have advised border control if given the opportunity that [the migrants] should not be coming to the UK. The vulnerability would have been obvious.

Thus, Practitioner 20 identified effective border control as both a cause and solution to migrant workers' exploitation through the Seasonal Worker Scheme and Practitioner 7 focused on indicators of human trafficking. In contrast, FLEX and Fife Migrants Forum, along with associated advocates and practitioners, responded to the new pilot by predominantly focusing their recommendations to the government on ensuring an improvement to labour standards for seasonal workers, as the organisations sought to address structural issues that enable labour exploitation. For instance, some of the recommendations included requiring employment contracts to be translated into the migrant’s native language,
clearer terms on the employment contracts, regular inspections and monitoring, the provision of a destitution fund for vulnerable workers, and requirements that reduce the risk of debt bondage (FLEX and Fife Migrants Forum, 2021); thus, the distinction in approach is evident. As the labour side of the human rights approach has advocated for the lens of migrant workers in the UK to be included, this chapter additionally argues that this approach would be improved with further insight from hopeful migrants before their travel to the UK.

When considering all the data from the practitioners and identifying four anti-human trafficking approaches as the thesis’ themes, it became clear that the lens of hopeful migrants or PVOTs was needed. While being led by the lived experience of those subject to certain policies, interventions, or programmes is always critical, the differences in definitional interpretations within the anti-human trafficking approaches made it especially necessary to understand how notions such as risk and freedom are understood for hopeful migrants. By engaging with the decision-making processes of hopeful migrants, insight is provided about the effectiveness of practitioners’ victim identification processes and how anti-human trafficking approaches could be improved.

7.3 Risk, freedom and becoming

7.3.1 Practitioner 15

In advance of the conversations with hopeful migrants, preparation was sought to learn more about the context of human trafficking on social media, including how potential victims are lured by traffickers and what the role of the social media company is in preventing exploitation. Thus, one practitioner was selected for an interview because they worked in anti-human trafficking for a prominent social media company. This interview has been included in a longer form because it highlights the lens of the social media company and the practitioner’s lived experience as a survivor of labour trafficking. Before the interview, it was not known that the person was a VOT partially because the person did not consider themselves to be a VOT. Moreover, it was extremely unexpected that the conversation with Practitioner 15 would develop in this way, as the agreed interview topic was about the specifics of how the social media company works to prevent and respond to human trafficking. As the information about the practitioner being a VOT was later revealed, it was interesting that the person did not consider themselves to be a survivor of human trafficking, mainly because the person had spent the last decade working in the anti-human trafficking sector, and thus knew all the factors that would legally constitute a case of human trafficking. In a tone of surprise, the practitioner shared the story with me, saying that they had
experienced a “horrible situation in her first job abroad.” The details of how the conversation about the practitioner’s lived experience as a VOT arose are included below:

Me: Can you help me to understand how frequently [the social media company] identifies posts that have led, or are believed to have led, to cases of human trafficking?

Practitioner 15: We see it all the time. A girl will post something that sounds vulnerable online and the post can be noticed by traffickers immediately.

Me: What would be an example of a vulnerable [social media company] post?

Practitioner 15: We just had an interesting case a few months ago that we were analysing with police recently, to see if there’s anything we could have done sooner.

Me: What happened?

Practitioner 15: So, a young girl, a minor, posted on her [social media company] status ‘I hate my parents.’ Within 24 hours, someone that she was friends with on [social media], a family friend, contacted her. He said he’d help her out and they agreed to meet up at a location in the country. After that, she was missing for three months...had been trafficked for sex. Eventually, they were able to trace her, and she was found. Within 24 hours though! It was so quick. They are so quick to prey on the vulnerable, to notice the slightest weakness, and then they pick their target, focus on that one person, and lure them in.

One way Practitioner 15’s discussion of how quickly someone can be enticed into an exploitative situation can be explained through the negatives of network effects or when a digital platform becomes more valuable when the number of users increases. In the same way that a company will use a platform to attract more customers to their business, which will be more successful when there are more users on the platform, a trafficker may use a social media platform more successfully to facilitate crime digitally due to how difficult it is to
regulate such a large platform effectively. Arguably, the negatives of network effects produce a form of objective risk that relies on structural inequality. Moreover, Gallagher (2012) refers to this ability to ‘[exploit] the vulnerability of another’ as the primary leverage point for perpetrators of human trafficking. In following, the practitioner was asked how often this happens on social media platforms, to which the practitioner responded:

Practitioner 15: Oh, it happens all the time, most times it goes unnoticed. Actually...I got in a pretty horrible situation myself when I was young, though, a long time ago. I guess you could say I was exploited for labour. At the time, I just thought I was unlucky. I thought that’s just what happened. But yeah, I was young.

Me: Oh wow. I’m so sorry to hear that happened to you.

Practitioner 15: Yeah, you know, people do horrible things, and these are evil people we are talking about. I haven’t really talked about it before, I don’t even know why I am telling you. It really was not so bad. It could have been worse.

Me: Are you comfortable talking more about that? Please say no if you’d prefer not to.

Practitioner 15: Oh yeah, that’s not a problem. Carry on. Actually, I should talk about it more. I was living in [Eastern European country] at the time, in my early 20’s. I saw this job being advertised, just on a notice board you know. Next thing I knew, I had my flights paid for and I was on my way. My brother came too actually. He got a job too. I didn’t expect anything. My brother and I were separated once we arrived. He was somewhere in the North of [different European country]. He got it worse than me actually. My passport was confiscated right away. I didn’t feel freedom to go anywhere. I guess they never beat me or anything, but the threat was enough for me. I was locked in this factory, forced to sleep on the floor. It’s a horrible feeling...feeling like you have no freedom of movement. I guess it could have been worse though, it could have been a lot worse.
Practitioner 15 later stated that they never considered themselves a survivor of human trafficking, but just saw themselves as unlucky. Practitioner 15’s decision not to identify as a VOT is not unusual. For instance, Brunovskis and Tyldum (2005) identified that VOTs would go to great lengths to hide their experiences of exploitation and human trafficking, even from their own families. Moreover, Tyldum (2010) has depicted the stigma attached to identifying as a VOT that varies based on one’s cultural context, particularly in cases of sexual exploitation and labour exploitation where a person promised to send money to their family or community. Practitioner 15’s separation from the term ‘survivor’ may also represent what Westin (2020, p. 108) refers to as “entangled freedom”, as the practitioner may have been experiencing an internal conflict due to her differing and shifting concepts of freedom. Freedom for the practitioner evolved from developing personhood to having their movement restricted to becoming an individual who works in anti-human trafficking, which forced them to uniquely develop their understanding of what freedom and risk constitute.

In returning the interview with Practitioner 15 to the role of the social media company, the practitioner importantly noted that their work is “often reactionary” and that they tend to “work with law enforcement when a case comes up” rather proactively. The reactionary stance was depicted as an issue of capacity and time for employees working in trust and safety, a matter of priorities at the company, and a challenge due to the extent of monitoring required to be proactive. In terms of how the social media company sought to improve their proactive victim identification, the practitioner stated that algorithms have been developed and are regularly improved based on data they collect, findings from researchers, and intel from law enforcement. However, the bulk of the social media company’s victim identification work came from user reports, whereby other users on the platform reported instances of potential exploitation or abuse. After a user report is submitted, a review process begins, which helps the company determine the next steps required. In the case of potential exploitation or human trafficking, cases are referred to law enforcement for further investigation.

7.3.2 The decision-making process for hopeful migrants

After introducing myself in the Facebook message as a researcher in the process of seeking informed consent, the interviewees were asked whether they had heard any stories about people getting into bad situations while trying to find jobs in the UK. As a reminder of what is briefly mentioned in Chapter 1, the term ‘human trafficking’ was not used in these
conversations, as the initial review of the job advert groups revealed that the term was rarely used. However, some users warned other users of ‘bad situations’ and ‘scammers’. This is perhaps demonstrative of what Hoyle et al. (2011, p. 315) refer to as “the product of sometimes competing motivations and of disincentives for one label or understanding of a social phenomenon over another.” Though Hoyle et al. (2011) are referring to the discourse around victimhood and the social construction of its surrounding terms, this chapter would argue that this can be applied to how the term ‘human trafficking’ is used. As evidenced in the preceding chapters, varying incentives involved in anti-human trafficking have made the phenomenon a complex topic to define through a victim-centred lens. Thus, terms like ‘human trafficking’ are misunderstood on social platforms because they do not sufficiently describe the experience of the hopeful migrant’s situation. Practitioners may critique these misunderstandings as demonstrative of the need for awareness-raising, which to some extent is true, but can also be indicative of an unwillingness of the practitioner to be led by the lived experience of the hopeful migrant. The insistence on using terminology that does not accurately depict the hopeful migrant’s experience is another example of how the issue has been framed to meet competing and contrasting priorities.

Several hopeful migrants noted that they were especially interested in this research as they wanted to help others avoid getting into bad situations when attempting to migrate. In response to the question about whether the hopeful migrant had heard of these bad situations happening through the social media group or in their communities, the interviewee stated the following:

HM 3: Actually, yeah. It happened to me. Well it almost happened… The recruiter found me online. I had replied to a job posting. I found out that he actually did not live far away from me, just 10 minutes maybe. I was on my way to the airport. I sent him some money and he got me a passport. He got me a ‘job’…I know it was fake now. It was just a fake job. I was actually on my way to the airport to get on my flight. I was supposed to go from the Philippines to Dubai to the UK. On the way to the airport, I passed the person’s house. The guy I mean. There were all these police there, so many police officers…I called the guy. He said if I contacted him again that he would turn me into the police. That’s when I knew it was fake. That something really bad could have happened to me. I spoke to a government social worker after, which helped me to understand.
Me: Thank you for sharing that. That is really horrible! Are you still trying to find a job in the UK?

HM 3: Yeah, I look every day. I am more careful now. I am more aware of the bad things that can happen, that some people just want to hurt you.

Me: Even after that happened to you? You are still trying to find a job the same way?

HM 3: Honestly, it is worth the risks. Even a low-paying job in the UK will go so far in my country…and so far for my family… I like my country. This is where I grew up. But I will keep trying until I can move. But don’t worry. I am fine. I am more careful now.

The excerpt from this conversation reveals how tied human trafficking is with the issue of there not being legal, long-term migration routes for all ‘skill levels’ and how little attention is given to identifying solutions that reflect the global labour market. Further, it reveals a fundamental gap in understanding how to engage with the issue of exploitation within the international development sector. What also stood out about this conversation was that the person appeared to affirm Alwang et al.’s (2001) concept that engaging with risk increases resilience; thereby, the person was committed to continually trying to find a way to make life in the UK a reality regardless of their previous potential trafficking situation. Moreover, in saying that “some people just want to hurt you,” the person seemed to suggest that the potential trafficking scenario was due to finding the wrong person to help with the migration process rather than taking an issue with the nature of risk in the general migration process. Thus, the person depicts that mobility across borders is a fundamental expression of one’s freedom, regardless of what an outsider perceives as risky. In another instance, one migrant depicted their willingness to embrace risk as such:

Me: If you don’t mind me asking, why do you want to move and find a job in the UK?

HM 41: Life [in Iran] is not easy.
HM 41: Money is better, jobs are better. I want to provide for my family so they can have a better life.

Me: What is the hardest part about life in Iran?

HM 41: Everything is hard. I do not know how to name only one thing. Me: No problem. I have heard stories of people trying to move to the UK to find a job and getting in bad situations. Have you ever heard of that happening?

HM 41: Yes, of course.

Me: What happens?

HM 41: Most people just scam money. They tell people they will help them move but take money and the person is left with nothing and the scammer does not help and stops responding to messages.

Me: I have heard of that happening too. Have you ever heard a story of anyone successfully moving to the UK and getting in a bad situation once in the UK?

HM 41: Yes, but I do not know the details. When they leave, there are people that you do not hear from again. No one knows where they are or what they are doing. I hear those situations end up bad.

Me: How common is it for that to happen?

HM 41: I have heard stories of it happening to a few people. It is hard to know who is a real employer and who is fake or who wants to scam for money.

Me: Do you ever worry about these risks?

HM 41: Not really, it’s normal.
Risk was approached in a similar way for the majority of the other hopeful migrants:

HM 5: The ads are not always so clear about what you need to do for a job. But a job is a job and so I go with it.

HM 20: My neighbour got in to trouble using Facebook and messaging people. They took his money and tried to take him to some job…He ran away when they took the money and it was ok…It is not common to have trouble. Even if I get into trouble, it will be worth it.

HM 28: I am doing what is needed for my boys and their future. Whatever is needed. They can have a better life. I can get my family [to the UK] when I save money up.

HM 29: I have thought about this for a long time. I know it is right. I can make more money [in the UK]. More than I can get [in Vietnam].

HM 39: Why should I not go? That is what I said to myself. I pray and I pray. I do not know what will happen or what job I will do but it will be right…if I am unlucky at first, I will try again.

HM 33: If you told me it was going to turn out bad I would still try to go…it will be better than life here.
Within these statements, the hopeful migrants indicate that they will do whatever they can to migrate despite the potential risks of getting “unlucky.” When considering anti-human trafficking approaches, this is a significant finding, as it suggests that a person’s willingness to take risks does not change based on the restrictiveness of an immigration system. In contradiction to these findings, there has been some critique of the notion that migrants are willing to take every risk they can and will continue to despite the potential for exploitation. For instance, Heitmueller (2005) has argued that migrants are more risk-averse than the general population in their country of origin. There has likewise been debate regarding a correlation of risk with ‘skills’, such as that someone less ‘skilled’ may be more willing to take risks (Hartog et al., 2002). Nevertheless, the finding in this thesis that migrants embrace risk does align with some literature on migration risk, which has likewise suggested that migrants are more willing to embrace risk than the general public within their country of origin (Chiswick, 1978; Todaro, 1980 Zimmerman, 1995). Moreover, though a person may take time to reflect or re-consider how to go about their migration journey if an incident were to occur, the responses suggest that the migrants retain the desire to migrate. The sentiment was likewise noted in one of the practitioner interviews within a discussion of how migrants end up in exploitative situations:

Practitioner 7: It’s the smarter people who have a sense of opportunity and really want to go and have energy. In some ways, in tough, poor communities, it’s the best that end up in the worst situations, the ones with ambition… People with energy and opportunity and imagination get caught up.

Thus, the labour side of the anti-human trafficking approach remains promising, as the improvement of labour standards in destination countries and the advocacy for multitudes of labour migration routes is functional within the migrant mindset regarding risk. In addition, several migrants also attach the willingness to take risks with their hope for better life outcomes. Migrating for a better life outcome is a well-established motivator in relevant literature, particularly regarding migration push and pull factors (Alpes and Sorensen, 2015; Appadruai, 2004; Bartram and Hendriks, 2019; Böhme et al., 2020; Locke and Zhang, 2010). Migrating to seek better life outcomes due to challenging life circumstances was likewise acknowledged in the interviews with practitioners:
Practitioner 8: …so it may be that young people are made to believe that, because of the common belief in their environment, that the UK is a brilliant place to go and that they should take every risk they can.

- - -

Practitioner 15: A lot of young people especially have this view of the UK being a place of the ultimate source of opportunity. They want to go after this idea of what they think that can achieve [in the UK] and even a low-wage salary [in the UK] is so much more than what they could earn in many of their home countries.

- - -

Practitioner 9: You can’t blame [migrants] for wanting a better life. People are desperate, so of course they will take these incomprehensible risks…

Within expressing a desire for better life outcomes, only one person spoke to the role of inequalities being embedded structurally within their country of origin:

HM 11: I want to move to the UK so that my family can have a better life one day.

Me: Will you try to bring your family with you if you are able to find work?

HM 11: No, not possible. I will send money back.

Me: If it was possible, would you eventually want to move back to Uganda or would you rather your family also moved to the UK?

HM 11: I hope that they can come to the UK too. There is not much for them in Uganda and there are better opportunities in the UK. The schools are better and there are more jobs.
Me: What are the schools like in Uganda?

HM 11: They do not teach you things that help you get jobs.

Me: Why do you believe there are more jobs in the UK than in Uganda?

HM 11: I see it on the news that people have more money. And the government helps more.

The implications of structural issues mentioned are widespread, as the person identified the following push and pull factors as relevant: dissatisfaction with Uganda’s education system; belief that more jobs are available in the UK; desire to improve family’s circumstances; and dissatisfaction with Uganda’s government. While not all of these are examples of structural violence, the person linked disappointment and distrust in Uganda’s institutions with their inability to attain their potential. Therefore, even dissatisfaction in a country’s systems has value, whether we call it structural violence or not, due to its ability to cut off the process of self-actualisation and one’s ability to live in hope (Kierkegaard, 2000 [1978]). Freedom is found in one’s ability to pursue opportunities that they have determined to be hopeful. Moreover, the absence of discussion regarding structural factors provoking migration decision supports the argument that structural violence theory would benefit by including the role of risk, as risk helps to explain individual responses to structural inequalities.

Perhaps less acknowledged is migrants' willingness to embrace potential danger as an informed risk which, this thesis argues, enables the migrant to take a ‘leap of faith’ migration decision. However, though a practitioner or an outsider may perceive the decision as an embrace of potential danger, it is arguably more so an embrace of the unknown. The migrant suspends their uncertainties in favour of mystery as the mystery allows the migrant to envision a new, hopeful future. In speaking with another hopeful migrant, the person began by stating that they had not heard of anyone ending up in a bad situation due to their migration decision. In following, the interviewee was asked whether they had any success with finding a job through the Facebook group, to which the person responded:

HM 31: I am trying to find a job in the UK, yes, but I have not had any luck.
Me: Do you know of anyone that has been able to migrate to the UK?

HM 31: Not to the UK, no. Many people try. I am still trying. My brother got to Saudi. The person that helped him said he could help me.

Me: To get to the UK?

HM 31: Yeah.

Me: Did your brother find a good job in Saudi?

HM 31: I think good, a factory job. I do not know much actually. I have not talked to him in five months.

Me: Is that normal for him to not call?

HM 31: No actually. It has been a long time.

Me: Do you trust the person that helped your brother?

HM 31: I do not know him really, but my brother has a job now. So, I will try. It is worth taking the risks. My brother has been lucky.

It was shocking to hear that the person was not suspicious of the fact that his brother had not called in five months and that, though it was out of the ordinary for his brother not to call, he still trusted that his brother was safe with a job and that he could trust the employer to help him find a job in the UK. In considering migrating, the person embraced the expected uncertainties based on the simple fact that he imagined his brother to be lucky, having successfully left his country of origin, which in this case was Ghana. The example of Hopeful Migrant 31 affirms Beck’s (2013, p. 121) notion of ‘generalised trust,’ whereby an innate attitude of trust allows a person to take a ‘leap of faith’ decision. Though some level of trust is experienced in relation to the employer, the trust is primarily experienced in relation to the migrant, as suspending uncertainties through ‘leap of faith’ decisions requires a high level of self-trust. Nine other hopeful migrants indicated similar sentiments regarding self-trust:
HM 25: I have learned what I need to learn to work in the UK. I’m ready to go but need an opportunity to go.

- - -

HM 21: I have also spoken to tech companies in the UK trying to get a tech visa. I haven’t had luck yet but I will get there…The UK says they want to recruit migrants with the skills I have but it’s not easy. I don’t know maybe because I’m Indian…I’ll get it one day but it’s taking time.

- - -

HM 15: The question is when can I go. If you have any ideas you tell me…my sister got a good job there getting a lot of money…I know that can be me.

- - -

HM 14: Migrating will allow me to claim what I have lost in my country. And I can be who I want to be.

- - -

HM 16: I will get lucky soon.

- - -

HM 1: I am ready for what is next and I know it will happen for me.

- - -

HM 34: No one can help me here. The government does not help me they do not care… I can start a business in the UK. I can make money for my family.

- - -
HM 30: Europe has everything. Life is good there. I am saving up for a business to start when I arrive…I have less choice here for business. [Europe has] more prospect.

- - -

HM 35: If I leave, it will be hard but I will be strong. It is in my blood and so I must do what is right for me.

In these conversations, the hopeful migrants affirm Möllering’s (2007, p. 105) argument that the “leap of faith” can be depicted as “the essence of trust.” Similarly, Hopeful Migrants 34, 30, and partially 21 exemplify Hardin’s (1993) notion of ‘as-if’ trust when applied to institutions, as the migrants depict some level of trust in the UK government and the support the UK’s systems can offer the migrants upon arrival. Moreover, in the migrants’ willingness to work with smugglers or potential employers through the Facebook jobs group, the migrants demonstrate how a ‘leap of faith’ migration decision is based on constructions of fiction or ideations of hopeful outcomes (Möllering, 2007, p. 113). Thus, found in the conflict of uncertainty and future possibility, freedom for hopeful migrants is perhaps firstly discovered through the lived experience of imagination, or the ability to hope, and how what is imagined comes into agreement with oneself. The interviews with hopeful migrants further depict the need for safe employment routes to the UK. The conversations evidenced that if someone who wishes to migrate can experience hope, it’s unlikely that the person will stop pursuing migration, as the imagination can obscure the most apparent forms of objective risk.

When considering the confusing terminology regarding human trafficking, exploitation, and ‘modern slavery’ in relation to how they’ve been applied by the anti-human trafficking approaches represented in this thesis, the restrictive definitions of freedom have contributed to the ineffectiveness of these approaches (Davidson, 2010). When freedom for hopeful migrants is related to the lived experience of imagination or the ability to hope, the understanding of freedom as only related to physical aspects is inadequate (i.e., freedom being equated solely to someone not being controlled or held against their will, for instance). Thus, not only should more attention be given to a PVOT’s context, as Davidson (2010) has argued, but also to how a hopeful migrant’s decisions have shaped the development of their
personhood and how and where the migrant has ascribed meaning and agency to their decisions.

The ‘leap of faith’ decisions also indicate that the migrants have some level of agency in their decisions. While it can be argued that a person does not have agency if their decision is based on structural violence or inequalities, the quotes above certainly demonstrate that rational, careful thought has gone into the decisions to pursue potentially irregular migration decisions. Moreover, it should be noted that these ‘leap of faith’ decisions are used by those that follow certain anti-human trafficking approaches to support their arguments that VOTs ‘consent’ to their human trafficking or exploitation. The above statements demonstrate that the hopeful migrants have possibly agreed to use an irregular migration route and thus willingly break immigration laws. However, this chapter would argue that full ‘consent’ to irregular migration is not possible, as the risks described are demonstrative of the “dangerous ‘fake’” that emerges in a person’s imagined reality, which lends itself to what Möllering (2007) has described as a special type of risk-taking. As the ‘leap of faith’ has required the person to suspend their uncertainties about the migration decision, the person has placed a significant amount of trust in what they have imagined as a potential outcome of their decision. That said, the hopeful migrants were asked, “How do you think the UK can help people that end up in these bad situations when they take a job abroad?” Five responses focused on how the UK can support migrants more broadly:

HM 9: They can make sure people don’t get into bad situations. They make [migration] easy so that people don’t need these [Facebook] groups.

- - -

HM 24: Give migrants rights.

- - -

HM 14: Help us before we go so we know what to do and what is a bad situation and what is not. Help us choose the right ones.

- - -
HM 15: Give us rights then there are less problems.

- - -

HM 36: If it was easier to go to the UK then there would be less bad things happening to us.

Thus, these hopeful migrants drew a link between ‘bad situations,’ or human trafficking and exploitation, with the need for safe and legal routes for migration. Similarly, Hopeful Migrant 14 helpfully indicates that, for them, a decision to migrate or not is not based on knowledge of whether the migration decision is likely to end in exploitation or not. In other words, the person would ‘go’ either way but still expresses that insight about which decisions are more likely to be ‘successful’ would be welcome. It should be noted that there is some evidence that awareness-raising about human trafficking and exploitation can reduce trafficking risks (Mahmoud and Trebesch, 2010, p. 175). Reported exploitation and human trafficking incidents have been found to be lower in regions with high awareness of human trafficking (Mahmoud and Trebesch, 2010). There is a possibility that human trafficking is not being reported in these regions for various reasons, which could affect this finding. Still, one would expect that low reporting would be consistent across a country regardless of public awareness of human trafficking if that were true.

In addition to these responses, seven hopeful migrants connected how the UK can help people avoid ‘bad situations’ by supporting their country:

HM 34: The UK can help our country to be better and give us some of their money. They can help our economy so we are all like equals. Right now we are not equal…Pay reparations.

- - -

HM 11: Invest in our schools because education is everything.
HM 21: Righting the wrongs of colonization is a start so that we have the same opportunities that we would have had an India if it weren’t for colonization. [The UK] has done some but not enough.

HM 8: Help the people [in Morocco] to make enough money so that they don’t need to go there. Some of us would not go if we did not need to.

HM 26: Support trade between our countries and help our economy to grow. Put leaders in place that will support African industries and not lie and take from them.

HM 42: The UK should re-join EU. Why hoard everything for yourself? We suffer from these decisions.

HM 38: You should help us to educate so that people do not get in these problems. All our education can be better. United Kingdom would make it better. Doing this would be good.

Thus, though only Hopeful Migrant 11 had previously connected a desire to migrate with structural factors within their country in a direct way, a link had been drawn for some of the migrants with structural inequalities and vulnerability to exploitation and human trafficking. The fact that these migrants were all willing to use Facebook job recruitment groups with the knowledge of the potential risks evidenced how Levi’s (1988) notion of ‘grey zones’ has been applied. In response to structural violence, the hopeful migrants have been pushed into positions where they need to make challenging decisions to move past these experiences. Similarly, having to consider ‘risky’ jobs abroad due to poor education within a
country or how the history of colonisation has impacted a country’s development, as these migrants expressed, adds support for Bourgois’s (2009) argument that the complexity of structural violence is often not recognised. Finally, in response to the same question, a further four individuals questioned whether a ‘bad situation’ was actually bad and stated:

HM 37: I don’t know if you can call these things bad when they are better than our lives at home.

- - -

HM 32: I am not sure how to answer because what is bad to you is more money than I get now. It is worth it whether something is good or not good.

- - -

HM 22: Going to the UK will always be better for us so I don’t know.

- - -

HM 10: Rights are already bad and not working for me so what is the difference…UK the money is better. If something happens, you get away and life is still better.

These comments may be based on understandings of exploitation that do not reflect what a person may experience. For instance, Hopeful Migrant 32 suggests that the money they would secure from one of the advertised jobs on the Facebook group would be much better than what they currently earn. As a reminder, the advertised jobs indicated salary amounts that are almost certainly too good to be true, such as a salary for a housekeeping job being paid over £2000 per month for someone with no experience or education. Hopeful Migrant 13, therefore, may be indicating that they believe these salaries to be accurate representations. Despite this consideration, the migrants speak to Davidson's (2010) and Anderson’s (2007) arguments regarding the negotiations of freedom versus unfreedom and one’s beliefs about their physical circumstances. Practitioners are placed in a difficult position when they must determine what is exploitative and what is not, particularly when the
PVOT or VOT does not consider their circumstances to be exploitative and when the outcome of recognising the person as a VOT is deportation to their country of origin where the person will suffer more. Furthermore, the hopeful migrants provide additional evidence to Vogt’s (2013, p. 765) ethnographic research and its suggestion that “migrants do not conceptualize the violence they experience along the [migration] journey as new or unique.” In confirming Vogt’s statement, the hopeful migrants also evidence Bourgois’s and Scheper-Hughes's (2007) concept of structural violence in depicting structural violence as a continuum of experience.

In concluding the conversations with the hopeful migrants and with the ‘illegal’ migration and organised crime approaches to anti-human trafficking in mind, a final question was asked, “What is one thing that you wish people in the UK understood about you and people that want to migrate?” Besides the hopeful migrants that responded with some variation of “I don’t know” or “not sure,” a selection of the others responded in the following ways:

HM 16: Tell them we are like you. We have dreams like you. We are making our dreams come true.

HM 31: We aren’t asking for their help. We are coming there because we want to set up businesses and be entrepreneurs.... Not steal things or whatever.

HM 41: I’m like you just with brown skin.

HM 18: Don’t charge these extortionate visa fees and all these hoops to jump through because it makes migrants travel in other ways. Make it easier for us to come because we are going to come.
HM 1: Migrating is who I am. It is what my people have always done.

- - -

HM 37: Believe in me like I believe in me and like I believe in my future.
That is what I would tell them.

- - -

HM 28: I’m not migrating because I want to. I don’t want to leave my
children, my wife, my aunties…this is about changing the story for the future
of my children.

- - -

HM 27: We are not criminals. People should know we are doing what we need
to do to survive.

- - -

HM 35: There is nothing different between us and them. It’s humanity…the
human picture. One day it could be your people in this position needing help.
History and the universe remembers what you did or did not do when there
were people in need.

- - -

HM 8: Migration is a human right and it’s my right. Respect it!

The responses of Hopeful Migrants 16, 41, and 35 emphasise how the migrants want
their shared humanity to be recognised by those in the UK, thus suggesting that they feel de-
humanised to some extent by how they or other migrants have been treated due to their desire
to migrate to the UK. While it’s unknown whether any of these individuals had ever come in
contact with any type of anti-human trafficking practitioner, it certainly supports the need to
do even more to centralise PVOTs and VOTs and their lived experience within the human
rights approach to anti-human trafficking. Similarly, Hopeful Migrants 31 and 27 emphasise
negative stereotypes attributed to migrants in the UK, such as that they are “criminals,” that
they “steal things,” and that they will be reliant on the UK government for help once in the
UK. Thus, it could be argued that the narratives about migrants, which are evident within the
‘illegal’ migration and organised crime approaches especially, harm migrants' sense of self.
Though many practitioners within these approaches seek to prevent people from being
exploited or trafficked, separation is created between migrants and the UK government or
some practitioners through criminalising language. Moreover, Hopeful Migrants 31 and 27
further confirm the culture of fear experienced by migrants upon arrival to the UK, as they
indicate that some migrants are aware before travelling that they will be criminalised or will
be treated as less than because of their status as migrants.

The impact on sense of self that migrants experience also supports Henslin’s (1968, p.
54) argument that embracing an imagined reality, such as through a migration decision,
actively gives a “definition of self.” In doing so, the migrant validates that they are keenly
engaged in their social context (Giddens, 1994). Henslin’s (1968) argument is furthered by
the statements of Hopeful Migrants 1, 37, and 8, who connect their personhood with their
desire to migrate. For these migrants, being able to migrate is an essential expression of the
migrants’ agency, freedom, and human rights. Finally, Hopeful Migrants 18 and 28 further
confirm that migrants will pursue migration and labour opportunities abroad no matter the
risks, as already evidenced in this chapter. The migrants’ responses indicate that further
advocacy related to safe and legal migration routes is needed. The labour side of the human
rights approach to anti-human trafficking is certainly well positioned to identify specific
policy gaps related to labour migration. As current advocacy tends to only include generic
statements, (e.g., ‘the UK needs safe and legal migration routes’), this chapter argues that
including the lived experience of migrants in relation to risk will allow for more nuanced and
specific policy development recommendations.

7.4 Conclusion

The purpose of this chapter was to engage with the final theme revealed from the data
analysis, which has been referred to as the labour side of the human rights approach to anti-
human trafficking. In the preceding chapters, there was a clear overlap with how the ‘illegal’
migration and organised crime approaches to anti-human trafficking were applied in practice.
Additionally, though the moral side of the human rights approach to anti-human trafficking has sought to distinguish itself from the ‘illegal’ migration and organised crime approaches, the latter approaches have largely adopted the language of the moral approach to control the narrative of anti-human trafficking within the UK. Thus, the moral side of the human rights approach to anti-human trafficking was found to function indistinctly in relation to the ‘illegal’ migration and organised crime approaches. On the other hand, the labour side of the human rights approach emerged as a more unique perspective and model for anti-human trafficking. As evidenced within this chapter, the thesis’ theoretical framework offers further depth to this approach, which can support the approach’s strategic development.

Three sub-themes structured this chapter, initially including ‘promoting labour rights’ that looked at what the labour side of the human rights approach advocates for from the lens of practitioners. As such, a practical challenge was highlighted within this approach which was that the confusion regarding the application of the moral side of the human rights approach has caused much of the focus of the labour side to be on internal critique that has particularly been focused on sex work. As a result, the labour side of the human rights approach, at times, has been limited in its functional scope. The approach certainly requires further focus on labour access and its relationship with migration. A further two sub-themes, ‘risk’ and ‘freedom and becoming’, were identified based on the conversations with hopeful migrants, which were structured together in this chapter due to their overlap in conversation. The discussions with the hopeful migrants largely focused on their decision-making processes when considering a migration decision. Focusing on decision-making processes arose in response to the significance of the consent/coercion debate highlighted in the thesis’ definitional and legislative framework, as well as in the interviews with practitioners.

Finally, the chapter demonstrated why structural factors related to the migration system add value to the labour side of the human rights approach. The findings from the interviews with hopeful migrants further problematised how freedom is understood within the anti-human trafficking and migration sectors, adding to the arguments of Anderson (2007) and Davidson (2010) especially. In doing so, an essential link was drawn between freedom and ‘leap of faith’ migration decisions, whereby freedom was found to be initially discovered within one’s imagined reality of a potential life outcome of a migration decision. The ability to hope or imagine likewise contributed to the hopeful migrants’ experience of becoming or developing their personhood. Thus, this chapter argued that discussions of risk within anti-human trafficking would benefit from the inclusion of the role of a ‘leap of faith’ within
migrant decision-making. Moreover, these findings bring further insight regarding the effectiveness, as well as the ineffectiveness of anti-human trafficking approaches.
Conclusion

Due to the ambiguous terminology within the anti-human trafficking sector, an initial exploration of this research’s core terms was required to build context for the definitional and legislative framework of this thesis. Discrepancies within the existing body of literature and legislation regarding the terms ‘human trafficking’, ‘exploitation’, and ‘modern slavery’, in particular, have led to inconsistent understandings and applications within anti-human trafficking approaches. As a core purpose of this thesis was to explore how understandings of human trafficking relate to anti-human trafficking approaches, existing definitions have been analysed to depict these distinctions. While definitional discrepancies were previously known in academia, such as with the consent/coercion dichotomy, using these distinctions to show how they are practically applied and interpreted through anti-human trafficking approaches was identified as a gap within the body of literature. In doing so, the chapter demonstrated how differing interpretations of core terminology have led to the development of incohesive and contradictory anti-human trafficking approaches, leading to ineffective victim identification. The thesis spoke to key challenges highlighted within the existing body of literature, including: how human trafficking can be perceived as an issue that holds political consensus (Anderson, 2007); that human trafficking research tends to be based on emotions and moral frames (Stolz, 2007); how the power holders have defined terms (Davidson, 2010); how human trafficking has been used as an umbrella term for a range of abuses (Davidson, 2010); and how human trafficking has been problematically represented to the public (O’Brien, 2016).

As thematic analysis revealed four prominent themes that were identified as their anti-human trafficking approaches, two approaches were identified as prominent in the UK: the organised crime and the ‘illegal’ migration approach. To critique these approaches, the thesis introduced a theoretical framework which also demonstrated how the incorporation of theoretical knowledge could build upon the human rights approach to anti-human trafficking. A core critique of anti-human trafficking approaches within academia is how popular strategies are disengaged with broader structural issues as they relate to vulnerability to and the prevention of human trafficking (Kenway, 2021). Thus, Galtung’s (1969) definition of structural violence theory was presented as a key frame to offer improvements to existing anti-human trafficking approaches in the UK, as common approaches were identified to be deeply embedded in UK structural systems. Structural violence theory was likewise informed by a critical discussion of risk as depicted through Beck’s (2013) concept of a ‘risk society’
to address the thesis’ core research questions. Risk was likewise discussed in relation to Kierkegaard’s (1980) notion of a ‘leap of faith’ to address the issue of ‘individualisation’ posed by Beck (2013), whereby individuals are forced to take risks due to the lack of prevention in one’s state or structural institutions. Expanding upon risk in this way engaged with the role of individual choice in migration decisions, which addressed a gap within the body of literature regarding the impact of the consent/coercion dichotomy and how ‘grey zone’ decision-making plays out in practice in anti-human trafficking approaches and in understandings of human trafficking (Doezema, 2005; Haag, 1999; Levi, 1988; Wijers, 2015).

The initial empirical chapter explored the organised crime approach to anti-human trafficking. It argued that the criminalising language and criminal lens of analysis used in anti-human trafficking work take away from the state's role, thus removing the state and other actors from a level of responsibility. Two sub-themes related to practitioner perspectives of human traffickers structured the chapter, with one sub-theme focusing on the criminalisation of traffickers and the other on identifying traffickers as informed decision makers. The data from the sub-theme that emphasised language and strategies that criminalised traffickers revealed that the perspective was based on understandings of human trafficking that prioritised its most severe forms. Thus, the finding added to the arguments of Anderson (2007) and Davidson (2010) regarding how human trafficking terminology has contributed to a binary opposition of slavery and freedom, which has forced practitioners to create their own boundaries for ‘appropriate’ versus ‘inappropriate’ exploitation. The data likewise demonstrated that prioritising the most severe forms of exploitation has caused a dichotomy of victim versus perpetrator to emerge, which supported the argument that the state is absolved of responsibility in the organised crime approach. In doing so, the chapter added to existing literature regarding the ‘ideal victim’ by demonstrating how the ‘ideal victim’ narrative has emerged through the organised crime approach to anti-human trafficking (Greer, 2017; Kleinman and Kleinman, 1996). The data from the second sub-theme that identified traffickers as informed decision-makers revealed the importance of recognising structural determinants of crime through engaging with the moral justification of human traffickers. Data related to both sub-themes, and the support of two legal case files that were included to demonstrate the approach in practice, demonstrated that the organised crime approach is not functional and has led to the criminalisation of VOTs.

In following, the thesis examined the ‘illegal’ migration approach. It argued that the UK’s hostile environment policies have created ‘everyday borders’ for migrants in the UK,
which has undermined the UK’s ‘modern slavery’ agenda. Data from the initial sub-theme, ‘the climate for migrants,’ revealed that ‘everyday borders’ have created a climate of fear for migrants through monitoring migrants and the limitation of migrants’ rights. Through this discussion, the chapter added evidence to the body of literature regarding nationalism and the politicisation of the border by arguing that the UK’s current border policies institutionalise structural violence and racism, which enables vulnerability to exploitation (Anderson and O’Dowd, 1999; Pickering, 2011; Vaidya, 2018). Moreover, data presented in the second sub-theme, ‘direct policymaking,’ revealed that the ‘illegal’ migration approach creates a representation of a good versus a bad migrant, which, in turn, has led to the creation of the good versus bad victim in this anti-human trafficking approach. There is substantial literature around the notion of the ‘ideal victim’ and the social construction of such terminology, but less so that has been in reference to the UK’s hostile environment specifically (Christie, 1986; Davidson, 2010; Hoyle et al., 2011; Kapur, 2002; Morgan, 2002; Munro, 2008; Walklate, 2006). In response, this chapter has added to the existing literature by demonstrating how the VOT narrative, enabled through the ‘illegal’ migration approach, has contributed to definitional issues experienced by practitioners, thereby leading to ineffective victim identification processes. Data from both sub-themes within this chapter, such as through a case study of how the UK has handled the overseas domestic worker scheme and other related examples, demonstrated that the ‘illegal’ migration approach has been inadequate in protecting and identifying PVOTs and VOTs. As such, the ‘illegal’ migration approach was deemed to be incompatible with the UK’s modern slavery agenda.

Data from the ‘human rights approach and the moral lens’ was used to argue that the moral side of the human rights approach functions similarly to the organised crime and ‘illegal’ migration approach in practice. The influence of the organised crime and ‘illegal’ migration approaches on the moral side of the human rights approach was evidenced through the initial two sub-themes, which engaged with practitioner perspectives of the consent/coercion dichotomy; this was likewise argued to be a core challenge with the moral side of the human rights approach. Engaging with these sub-themes revealed how the idea of being ‘victim centred’ transpired for practitioners within the moral side of the human rights approach. The initial sub-theme linked consent with migrant decision-making, which was argued through a discussion of how the practitioners view and use vulnerability indicators within their victim identification processes. In doing so, the chapter argued that the moral side of the human rights approach has largely ignored the role of racism within anti-human trafficking, evidenced in how practitioners have adopted vulnerability indicators based on
identity markers. Data regarding the use of vulnerability indicators, in general, demonstrated a flaw in the moral side of the human rights approach, as the focus becomes on the actions of individuals, leaving structural factors beyond the approach’s scope.

Moreover, insight from practitioners within this approach exemplified a shift regarding how risk was approached. The moral side of the human rights approach interpreted risk in relation to the PVOT and VOT. In contrast, the organised crime and ‘illegal’ migration approaches discussed risk in relation to the state. Thus, engagement with vulnerability indicators added to Beck’s (2013) notion of “definitional power”, whereby risk is determined by the power holder, as the chapter argued that the current structuring of victim identification processes creates a natural power imbalance between practitioners and PVOTs. Recognising this shift in how risk is approached differently in anti-human trafficking approaches added evidence to existing literature regarding how practitioners determine freedom and unfreedom for PVOTS and VOTs (Anderson, 2007; Davidson, 2010). In the second sub-theme, consent was deemed a non-issue, as the practitioners stated that victims cannot consent. As a result, a second core challenge to the moral side of the human rights approach emerged through the ‘victims cannot consent’ sub-theme in that the data revealed that this perspective removes agency from PVOTs and VOTs. By revoking agency, the chapter argued that the most extreme forms of exploitation and human trafficking are prioritised, such as through the use of tragic stories of victimhood to remind other anti-human trafficking approaches why VOTs should not be criminalised. The chapter further argued that the focus on severe exploitation has enabled the institutionalisation of language promoted by moral crusade activists, which has contributed to the false sense of political consensus amongst anti-human trafficking practitioners. Once the merging of the organised crime, ‘illegal’ migration, and the moral side of the human rights approach were evidenced, the chapter argued that this merging has led to the development of a ‘saviourism’ narrative, which the data had revealed as a final sub-theme. A core effect of ‘saviourism’ was deemed to be how the application of ‘saviourism’ has led to challenges for law enforcement in particular, whereby the practitioners must navigate their roles as both state protectors and humanitarian interveners. In following, case studies from Nepal, South Africa, and Kenya were used to ground the practitioners' data further and introduce the role of ‘leap of faith’ decision-making for hopeful migrants.

The final chapter examined the labour side of the human rights approach. It argued that the theoretical framework presented in this thesis could support the approach’s strategic development, as it was deemed notably distinct from the other anti-human trafficking approaches and offered the most opportunity to be built upon through the thesis’ data. Three
sub-themes structured this chapter: 'promoting labour rights', 'risk', and 'freedom and becoming.' A challenge revealed through data from the initial sub-theme was that confusion regarding how the moral side of the human rights approach has been applied has, at times, led to a narrow focus on the sex work and prostitution debate and its relation to labour rights. As has been evidenced, structural violence theory has been applied in different ways by the anti-human trafficking approaches, which this thesis argued has largely led to the institutionalisation rather than the prevention of structural violence.

However, the chapter argued that the labour side of the human rights approach engaged in positive and considerable ways with structural factors contributing to exploitation. Data from interviews with hopeful migrants likewise revealed that the labour side of the human rights approach was the best-fitting anti-human trafficking approach for practitioners to adopt. The reason that the labour side of the human rights approach was deemed most appropriate was due to the way that risk is understood and acted upon for hopeful migrants, which is where this thesis has predominantly offered new insight. In adding to Beck’s (2013, p. 30) notion of risk as social construction, the data discovered that some migrants are willing to take every risk they can to migrate, despite an awareness that exploitation or human trafficking is a possible outcome. The finding has further depicted the necessity for advocacy on safe and legal labour routes for all ‘skills’ in the UK to be a prominent feature of this approach. The chapter argued that imagination and the ability to hope were essential to hopeful migrants’ experiences of becoming, which was argued to be critical to ‘leap of faith’ migration decisions. Thus, the chapter further problematised how freedom is comprehended within anti-human trafficking approaches, adding to the arguments of Anderson (2007) and Davidson (2010) especially.

The way that the organised crime, ‘illegal’ migration, and the moral side of the human rights approach address risk is incompatible with the findings in this thesis. For the organised crime approach, risk was perceived in relation to the human trafficker or the organised crime network, which has led to its criminalisation solutions. The ‘illegal’ migration approach considered migrants or PVOTs to be public or national risks, which has led to the harmful and inhumane treatment of migrants, PVOTs, and VOTs in the UK. Risk was deemed through a human rights lens for the moral side of the human rights approach but has been applied in a way that has restricted migrants’ rights and has increased the vulnerability of migrants. However, for the labour side of the human rights approach, risk has been perceived in relation to structural inequalities, making the approach best suited for incorporating knowledge from lived experience. Thus, to integrate discussions of risk with the lived
experience of hopeful migrants in mind, the thesis argued that all anti-human trafficking approaches would benefit from including knowledge on the role of a ‘leap of faith’ in migrant decision-making when considering victim identification processes.
Bibliography


Court of Appeals (2012) ‘R v. N. and R v. Le.’ Available at: https://sherloc.unodc.org/cld//case-law-


Garbers, K. et al. (2021) ‘Amendments to Part 5 of the Nationality & Borders Bill from the House of Lords.’ Available at: https://static1.squarespace.com/static/599abfb4e6f2e19ff048494f/t/62333883148ed319f


Nagesh, A. (2022) ‘Sir Mo Farah reveals he was trafficked to the UK as a child.’ Available at: https://www.bbc.co.uk/news/uk-62123886 [Accessed July 25, 2022].


Reed, S. et al. (2018) ‘The economic and social costs of modern slavery: Research report 100.’ Available at:


UK Parliament’s Petitions Committee (2021) ‘Reinstate the pre-2012 Overseas Domestic Worker visa with a route to settlement.’ Available at: https://petition.parliament.uk/petitions/326765 [Accessed October 5, 2021].

UK Parliament, Hansard, 2016-2021. ‘Keyword: Trafficking.’ Available at: https://hansard.parliament.uk/search?startDate=2016-01-01&endDate=2017-12-31&searchTerm=trafficking&partial=False#EndDate [Accessed May 12, 2021].


### Appendix 1. Key anti-human trafficking actors in UK

<table>
<thead>
<tr>
<th>Actor</th>
<th>Type of actor</th>
<th>Primary aims and objectives</th>
<th>Implications on victim identification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Police (including British Transport Police)</td>
<td>Law enforcement</td>
<td>Victim identification; identify exploitation sites; find and arrest perpetrators</td>
<td>Police data is used in policymaking and the UK’s national strategy to combat human trafficking and modern slavery; create and update indicators used for victim identification used across sectors; work with first responders and NGOs/charities to directly determine a person’s potential victimhood</td>
</tr>
<tr>
<td>2. Home Office</td>
<td>Government</td>
<td>Use National Referral Mechanism data (NRM) to create policy; data analysis; victim identification; oversees immigration and border security</td>
<td>Assist in developing national policymaking and the UK’s national strategy to combat human trafficking and modern slavery; data analysis is used to provide up-to-date indicators to UK Border Agency; make decisions on asylum rights and on who is considered a victim</td>
</tr>
<tr>
<td>3. National Crime Agency</td>
<td>Law enforcement</td>
<td>Oversee and analyse data collected through the NRM process;</td>
<td>NRM process is crucial to determining who is a victim and who</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
</tbody>
</table>
| 4. **UK Border Agency** | Law enforcement | Victim identification by monitoring UK border entrance/exit sites (airports, seaports)  
First point of contact a person has with being identified or not identified as a potential victim; use indicators that are given to them by other law enforcement and government agencies to determine victimhood; involved in determining a person’s right to stay/leave the UK |
| 5. **Airlines (flight attendants, staff, and pilots)** | Transporter | Transport potential victims; victim identification at/between national borders  
Use indicators provided to them by law enforcement to identify potential victims on flights |
| 6. **Bus drivers** | Transporter | Transport potential victims (indirect involvement or direct if part of the criminal network)  
Unclear whether they are trained in victim identification; their indirect or direct role is a crucial part of the criminal organisation network; if trained, could provide data on human trafficking routes used in the UK to transport victims |
<table>
<thead>
<tr>
<th></th>
<th>Transporter</th>
<th>Transport potential victims (indirect involvement or direct if part of the criminal network)</th>
<th>Unclear whether they are trained in victim identification; their indirect or direct role is a crucial part of the criminal organisation network; if trained, could provide data on human trafficking routes used in the UK to transport victims</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. <em>Train conductors and train staff</em></td>
<td>Transporter</td>
<td>Transport potential victims (indirect involvement or direct if part of the criminal network)</td>
<td>Unclear whether they are trained in victim identification; their indirect or direct role is a crucial part of the criminal organisation network; if trained, could provide data on human trafficking routes used in the UK to transport victims</td>
</tr>
<tr>
<td>8. <em>Taxi companies and taxi drivers</em></td>
<td>Transporter</td>
<td>Transport potential victims (indirect involvement or direct if part of the criminal network)</td>
<td>Unclear whether they are trained in victim identification; their indirect or direct role is a crucial part of the criminal organisation network; if trained, could provide data on human trafficking routes used in the UK to transport victims</td>
</tr>
<tr>
<td>9. <em>Uber</em></td>
<td>Transporters</td>
<td>Transport potential victims (indirect involvement or direct if part of the criminal network)</td>
<td>Unclear whether they are trained in victim identification; their indirect or direct role is a crucial part of the criminal organisation network; if trained, could provide data on human trafficking routes used in the UK to transport victims</td>
</tr>
<tr>
<td>10. <em>Tube drivers and staff</em></td>
<td>Transporters</td>
<td>Transport potential victims (indirect involvement or direct if part of the criminal network)</td>
<td>Unclear whether they are trained in victim identification; their indirect or direct role is a crucial part of the criminal organisation</td>
</tr>
<tr>
<td></td>
<td>11. Anti-Slavery International</td>
<td>NGO/Charity</td>
<td>Seek to eliminate vulnerabilities of potential Vietnamese victims; hosts and chairs the Anti-Trafficking Monitoring Group; campaigning on legislation; first organisation to campaign against slavery in modern Britain; research network; if trained, could provide data on human trafficking routes used in the UK to transport victims</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>12. Barnardo's</td>
<td>NGO/Charity</td>
<td>Provides direct support to child trafficking victims through housing, education, and connecting victims to social services available to them; awareness-raising; training local services on victim identification</td>
</tr>
<tr>
<td></td>
<td>13. Salvation Army</td>
<td>NGO/Charity</td>
<td>Hold the government’s victim care contract; first responder that refers potential victims to the NRM; have safehouses across</td>
</tr>
<tr>
<td>14. Hestia</td>
<td>NGO/Charity</td>
<td>Provide safe houses and support to victims of trafficking in London; lobbying and advocacy</td>
<td>Their anecdotes on the victims that they support influence general UK practices on victim identification and public policy</td>
</tr>
<tr>
<td>15. Local governments</td>
<td>Government</td>
<td>Create legislation/public policy; develop the national strategic action plans on combating trafficking; oversee the implementation of the Modern Slavery Act; hold stakeholder meetings with NGOs; data analysis</td>
<td>The policy they create determines a potential victim or victim’s rights once they have been identified as a victim/not a victim; assist in collaboration between all stakeholders that are involved in anti-human trafficking</td>
</tr>
<tr>
<td>16. Black Association of Women Step Out (BAWSO)</td>
<td>NGO/Charity</td>
<td>Provide housing to victims of trafficking that have already been identified in Wales</td>
<td>Their anecdotes on the victims that they support influence general UK practices on victim identification and public policy</td>
</tr>
<tr>
<td>17. EPCAT UK</td>
<td>NGO/Charity</td>
<td>Lobby the government to</td>
<td>Influence general UK practices on</td>
</tr>
<tr>
<td>18. Unseen</td>
<td>NGO/Charity</td>
<td>Safehouse for trafficked children and safehouse for men; have an app for recognising and reporting slavery; victim identification; train the public, businesses, and NGOs to identify victims; social support services for survivors</td>
<td>Recommended by the National Crime Agency for the public to learn about victim identification, so they play a crucial role in developing the overall UK picture of who is a victim of trafficking and how to recognise them</td>
</tr>
<tr>
<td>-------------</td>
<td>-------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>19. Eaves’ Poppy Project</td>
<td>NGO/Charity</td>
<td>Housing for trafficked women; assisting in finding employment opportunities for survivors; research; lobbying</td>
<td>Influence general UK practices on victim identification based on their experiences providing care; the support they provide is based on existing work surrounding victim identification</td>
</tr>
<tr>
<td>20. Hope for Justice</td>
<td>NGO/Charity</td>
<td>Facilitate the West Yorkshire Anti-Trafficking and Modern Slavery Network; work closely with police; coordinate the National Anti-</td>
<td>Their work with police and Crime Commissioners influences policymaking and they advocate for a victim-centred approach to all</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#</td>
<td>Organization</td>
<td>Type</td>
<td>Description</td>
</tr>
<tr>
<td>-----</td>
<td>-----------------------------------</td>
<td>---------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>21.</td>
<td><em>Kalayaan</em></td>
<td>NGO/Charity</td>
<td>Offers support and immigration and employment advice to domestic workers that have been exploited; refer individuals to the NRM as first responders; helped develop the Modern Slavery Bill; member of the Anti-Trafficking Monitoring group; provide English classes</td>
</tr>
<tr>
<td>22.</td>
<td><em>Helen Bamber Foundation</em></td>
<td>NGO/Charity</td>
<td>Provide specialist psychological care and rehabilitation services to survivors of trafficking</td>
</tr>
<tr>
<td>23.</td>
<td>NSPCC Child Trafficking Advice Centre</td>
<td>NGO/Charity</td>
<td>Have Home Office and NCA representatives and run a hotline and advise on child trafficking issues</td>
</tr>
<tr>
<td>24.</td>
<td><em>Migrant Help</em></td>
<td>NGO/Charity</td>
<td>Provide housing for survivors of trafficking in England, Scotland, and Northern Ireland; facilitate social support</td>
</tr>
</tbody>
</table>

256
<table>
<thead>
<tr>
<th>No.</th>
<th>Organisation</th>
<th>Type</th>
<th>Services/Activities</th>
<th>Influence General UK Practices on Victim Identification</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.</td>
<td>Palm Cove Society</td>
<td>NGO/Charity</td>
<td>Provide housing for survivors of human trafficking</td>
<td>Work with victims of trafficking after they have already been referred to them, so their experiences in providing care influence general UK practices on victim identification</td>
</tr>
<tr>
<td>26.</td>
<td>Stop the Traffik</td>
<td>NGO/Charity</td>
<td>Work with communities to educate them about human trafficking; provide training to frontline professionals, businesses, and schools; have an app to report incidents that appear to be trafficking</td>
<td>Direct influence on victim identification as they train key influencers in communities to identify trafficking and how to report it</td>
</tr>
<tr>
<td>27.</td>
<td>The Medaille Trust</td>
<td>NGO/Charity</td>
<td>Operate a safe house, social support and services provision</td>
<td>Work with victims of trafficking after they have already been referred to them, so their experiences in providing care influence general UK practices on victim identification</td>
</tr>
<tr>
<td>28.</td>
<td>The Children's Society</td>
<td>NGO/Charity</td>
<td>Provide support to child trafficking victims that are being exploited by</td>
<td>Their work in recognising how a child may be criminally</td>
</tr>
<tr>
<td></td>
<td>Organizational Type</td>
<td>Description</td>
<td>Work Focus</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---------------------</td>
<td>-------------</td>
<td>------------</td>
<td></td>
</tr>
<tr>
<td>29. Protecting Children and Uniting Families Across Borders (CFAB)</td>
<td>NGO/Charity</td>
<td>Has an inter-country social work team to assist child migrants that have been separated from their families across borders; have an advice hotline; help connect children to social support and care as needed.</td>
<td>Work with victims of trafficking after they have already been referred to them, so their experiences in providing care influence general UK practices on victim identification; gain an understanding of the person's family context, which is used to gain information about victim identification.</td>
<td></td>
</tr>
<tr>
<td>30. Shiva Foundation</td>
<td>NGO/Charity</td>
<td>Oversee a group of hotels in the UK and provide training to hotel staff about identifying potential trafficking victims.</td>
<td>Develop hotel-specific indicators used by hotels to identify victims of trafficking and also use existing indicators given to them by local police.</td>
<td></td>
</tr>
<tr>
<td>31. Gangmasters &amp; Labour Abuse Authority</td>
<td>Government</td>
<td>Works to protect vulnerable and exploited workers; work with law enforcement to disrupt criminal networks; regulates businesses and seeks to identify exploitative scenarios.</td>
<td>Identify exploitative situations and potential trafficking victims through their business regulation and investigations, so have a direct involvement in determining whether an individual may be in an exploitative situation.</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Organisation/Type</td>
<td>Activity</td>
<td>Impact</td>
<td></td>
</tr>
<tr>
<td>-----</td>
<td>------------------</td>
<td>----------</td>
<td>--------</td>
<td></td>
</tr>
<tr>
<td>33.</td>
<td>UN House Scotland</td>
<td>IGO</td>
<td>Organise conferences and stakeholder meetings to improve anti-human trafficking work in Scotland</td>
<td>Collaborations between organisations leads to information sharing about methodology in victim identification and victim support; joint network is policy-influencing</td>
</tr>
<tr>
<td>34.</td>
<td>The Tumbling Lassie</td>
<td>Law</td>
<td>Works primarily with lawyers and advocates to raise awareness about human trafficking and modern slavery in the UK</td>
<td>Collaboratively examine legal cases to consider improvements to prosecuting perpetrators of human trafficking and improvements to legal support offered to survivors</td>
</tr>
<tr>
<td>35.</td>
<td>Purple Teardrop Campaign</td>
<td>NGO/Charity</td>
<td>Awareness-raising; fundraising to support safe houses</td>
<td>Their work in educating the public uses pre-existing evidence about victim identification, so they influence the public’s perception of this information</td>
</tr>
<tr>
<td>36.</td>
<td>Thomas Reuters Foundation</td>
<td>Research/Education</td>
<td>Find under-reported news related to human trafficking and modern slavery; provide</td>
<td>Influences the way victims of trafficking are portrayed in the media through</td>
</tr>
<tr>
<td><strong>37. TrustLaw</strong></td>
<td>Law</td>
<td>Free legal assistance to NGOs and social enterprises for human trafficking cases</td>
<td>Required to use the legal and political construction of who trafficking victims are to shape their case work</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td><strong>38. Law Firms</strong></td>
<td>Law</td>
<td>Defend human trafficking victims and prosecute traffickers</td>
<td>Required to use the legal and political construction of who trafficking victims are to shape their case work</td>
<td></td>
</tr>
<tr>
<td><strong>39. Banks</strong></td>
<td>Business</td>
<td>Identify money laundering in the ‘business’ side of human trafficking</td>
<td>Can identify trafficking routes by uncovering organised crime within financial networks</td>
<td></td>
</tr>
<tr>
<td><strong>40. Aberlour</strong></td>
<td>NGO/Charity</td>
<td>Provide residential and foster care for children that have suffered traumatic experiences, which can include child trafficking victims</td>
<td>Work with victims of trafficking after they have already been referred to them, so their experiences in providing care influence general UK practices on victim identification; gain an understanding of the person’s family context, which is used to gain information about victim identification</td>
<td></td>
</tr>
<tr>
<td><strong>41. City Councils</strong></td>
<td>Government</td>
<td>Partner with police, NHS, and civil society to provide multi-agency</td>
<td>Will assist a local person from the community that thinks they have</td>
<td></td>
</tr>
<tr>
<td>42. Convention of Scottish Local Authorities (COSLA)</td>
<td>Governments</td>
<td>Cross-party organisation that aims to strengthen the local councils voice nationally</td>
<td>Assists in implementing laws passed by government and gives a local community perspective to what the public’s concerns are regarding issues related to human trafficking</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>43. National Health Service (NHS)</td>
<td>Healthcare</td>
<td>Offer training to help healthcare professionals identify potential victims of trafficking</td>
<td>Use medical expertise and psychological indicators to identify victims</td>
<td></td>
</tr>
<tr>
<td>44. Refugee Council</td>
<td>NGO/Charity</td>
<td>Assist individuals with the process of seeking asylum by providing social support services, housing, and English classes</td>
<td>Identify potential victims of trafficking with the refugees they work with and help to establish a person’s immigration status in the UK</td>
<td></td>
</tr>
<tr>
<td>45. Universities</td>
<td>Research/Education</td>
<td>Ensure that the university and the university’s public procurement aligns with the UK Modern Slavery Act 2015; academics are involved in research that is used to inform policy on human trafficking; offer trainings to staff on modern slavery</td>
<td>Seek to identify potential victims of trafficking in their employment processes; general awareness raising and research implicates how the public perceive who is a victim and who is not</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>46. Caritas Bakhita House</strong></td>
<td><strong>47. UNICEF</strong></td>
<td><strong>48. Crown Office and Procurator Fiscal Service</strong></td>
<td><strong>49. TARA (Trafficking Awareness Raising Alliance)</strong></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>NGO/Charity</strong></td>
<td><strong>Provide emergency support to women that have escaped human trafficking; legal and financial assistance; mentoring; accommodation support</strong></td>
<td><strong>IGO</strong></td>
<td><strong>Lobbying the government to improve legislation; research on how anti-human trafficking work in the UK could be improved</strong></td>
<td><strong>Law</strong></td>
</tr>
<tr>
<td><strong>Work with victims of trafficking after they have already been referred to them, so their experiences in providing care influence general UK practices on victim identification</strong></td>
<td><strong>Seeks to improve anti-trafficking process by having country-specific support available to identified victims</strong></td>
<td><strong>Required to use the legal and political construction of who trafficking victims are to shape their case work</strong></td>
<td><strong>NGO/Charity</strong></td>
<td><strong>Crisis accommodation; onward referral for support services; refer individuals to the NRM; advocacy</strong></td>
</tr>
<tr>
<td><strong>Specialists in international reintegration and resettlement; potential victims of trafficking identification; lobbying; awareness-raising</strong></td>
<td><strong>Work with victims of trafficking after they have already been referred to them, so their experiences in providing resettlement assistance influences general UK practices on victim identification</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>51. Scottish Guardianship Service</td>
<td>NGO/Charity</td>
<td>In partnership by Scottish Refugee Council and Aberlour Child Care Trust, provide a child separated from family a guardian that helps them access support</td>
<td>Work with victims of trafficking after they have already been referred to them, so their experiences in providing care influence general UK practices on victim identification; gain an understanding of the person’s family context, which is used to gain information about victim identification</td>
<td></td>
</tr>
<tr>
<td>52. Independent Anti-Slavery Commissioner</td>
<td>Government</td>
<td>Appointed by the government to oversee the UK’s strategy to combat modern slavery and improve anti-human trafficking work</td>
<td>Sets the precedent for how victim identification processes in the UK should function</td>
<td></td>
</tr>
<tr>
<td>53. Children and Young People’s Commissioner, Scotland</td>
<td>Government</td>
<td>Education on child rights; advocating; research</td>
<td>Advocate for continual improvement on victim identification process for children</td>
<td></td>
</tr>
<tr>
<td>54. Women’s Support Project</td>
<td>NGO/Charity</td>
<td>Awareness-raising; public trainings about violence against women, including trafficking</td>
<td>General awareness raising implicates how the public perceive who is a victim and who is not</td>
<td></td>
</tr>
<tr>
<td>55. Action of Churches Together Scotland</td>
<td>NGO/Charity</td>
<td>Awareness-raising</td>
<td>General awareness raising implicates how the public perceive who is a victim and who is not</td>
<td></td>
</tr>
<tr>
<td>56. JustLove</td>
<td>NGO/Charity</td>
<td>Work with university students to educate them about human trafficking, raise</td>
<td>Students may receive training on victim identification from NGOs/charities</td>
<td></td>
</tr>
<tr>
<td></td>
<td>57. <em>International Justice Mission</em></td>
<td>NGO/Charity</td>
<td>Advocacy and lobbying; awareness-raising at universities; education</td>
<td>that visit the university groups, which adds to creating a general, public picture of what victim identification is and looks like</td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------</td>
<td>-------------</td>
<td>-------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>58. <em>CARE</em></td>
<td>Research/Education</td>
<td>Advocacy and lobbying; awareness-raising</td>
<td>Influence public policy on victim identification and seek to improve relevant legislation; Students may receive training on victim identification when the NGO visits the university groups, which adds to creating a general, public picture of what victim identification is and looks like</td>
<td></td>
</tr>
<tr>
<td>59. <em>Prisons</em></td>
<td>Government</td>
<td>Work with perpetrators of human trafficking to reduce re-offending</td>
<td>Gives a unique perspective on who is a victim and who is not; prisoners have in-depth understanding about human trafficking</td>
<td></td>
</tr>
<tr>
<td>60. <em>Restore</em></td>
<td>NGO/Charity</td>
<td>Provide care to trafficking survivors that have</td>
<td>Work with victims of trafficking after they have already</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>61. <em>International Office of Migration (IOM)</em></td>
<td>IGO</td>
<td>Assist government with individual migration cases, which includes human trafficking; research; advocacy</td>
<td>Work closely with the government to determine who is a migrant/victim of trafficking</td>
<td></td>
</tr>
<tr>
<td>62. <em>Refugee Action</em></td>
<td>NGO/Charity</td>
<td>Assist individuals with the process of seeking asylum by providing social support services, housing, and English classes</td>
<td>Identify potential victims of trafficking with the refugees they work with and help to establish a person’s immigration status in the UK</td>
<td></td>
</tr>
<tr>
<td>63. <em>Human Trafficking Foundation</em></td>
<td>NGO/Charity</td>
<td>Coalition of representatives from NGOs, law enforcement, government, and academics to inform policy and make recommendations</td>
<td>Collaborations between actors leads to information sharing about methodology in victim identification and victim support; joint network is policy-influencing</td>
<td></td>
</tr>
<tr>
<td>64. <em>City Hearts</em></td>
<td>NGO/Charity</td>
<td>Safe houses; social support service providers</td>
<td>Work with victims of trafficking after they have already been referred to them, so their experiences in providing care influence general UK practices on</td>
<td></td>
</tr>
<tr>
<td>65. Frontex</td>
<td>Law enforcement</td>
<td>European border and coast guard agency that monitors borders and transit sites to identify cross-border crime, including trafficking</td>
<td>Create and update indicators used for victim identification used across sectors; work with first responders and NGOs/charities to directly determine a person’s potential victimhood</td>
<td></td>
</tr>
<tr>
<td>66. News agencies</td>
<td>Business</td>
<td>Publish stories related to human trafficking and modern slavery for public awareness</td>
<td>Influences the way victims of trafficking are portrayed in the media and perceived in the public eye through the way they communicate about and report news stories</td>
<td></td>
</tr>
<tr>
<td>67. The Clewer Initiative</td>
<td>NGO/Charity</td>
<td>Have a safe car wash app to identify potential victims of trafficking working at car washes; trains Church of England dioceses to develop strategies to detect trafficking and slavery in their communities</td>
<td>Directly involved in training individuals to identify victims of trafficking by using existing indicators and indicators the NGO has developed to determine who is a victim and who is not</td>
<td></td>
</tr>
<tr>
<td>68. ATLEU (Anti-Trafficking Labour Exploitation Unit)</td>
<td>NGO/Charity</td>
<td>Provide legal representation to victims of trafficking and help them to obtain the rights they are entitled to</td>
<td>Required to use the legal and political construction of who trafficking victims are to shape their case work</td>
<td></td>
</tr>
<tr>
<td>69. The Snowdrop Project</td>
<td>NGO/Charity</td>
<td>Provide specialised care to trafficked survivors; assist to help survivors find</td>
<td>Work with victims of trafficking after they have already been referred to</td>
<td></td>
</tr>
<tr>
<td>70. Businesses</td>
<td>Business</td>
<td>Required to comply with the Modern Slavery Act in order to identify potential slavery and trafficking in their supply chains</td>
<td>Required to use the legal and political construction of who trafficking victims are to shape their monitoring</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>71. Landlords</td>
<td>Business</td>
<td>Have a responsibility to identify potential victims of trafficking within their accommodation or potential perpetrators using their accommodation to exploit trafficking victims</td>
<td>Unclear whether they are trained in victim identification; their indirect or direct role is a crucial part of the criminal organisation network; if trained, could provide data on human trafficking methods used in the UK to exploit victims</td>
<td></td>
</tr>
<tr>
<td>72. Short-term letting (such as, Airbnb)</td>
<td>Business</td>
<td>Have a responsibility to identify potential victims of trafficking within their accommodation or potential perpetrators using their accommodation to exploit trafficking victims</td>
<td>Unclear whether they are trained in victim identification; their indirect or direct role is a crucial part of the criminal organisation network; if trained, could provide data on human trafficking methods used in the UK to exploit victims</td>
<td></td>
</tr>
<tr>
<td>73. Letting agencies</td>
<td>Business</td>
<td>Have a responsibility to identify potential victims of trafficking within</td>
<td>Unclear whether they are trained in victim identification; their indirect or direct</td>
<td></td>
</tr>
<tr>
<td>74. Focus on Labour Exploitation (FLE)</td>
<td>NGO/Charity</td>
<td>Works to protect vulnerable and exploited workers; seeks to identify exploitative scenarios; works to promote the rights of individuals exploited for labour</td>
<td>Identify exploitative situations and potential trafficking victims through their business regulation and investigations, so have a direct involvement in determining whether an individual may be in an exploitative situation</td>
<td></td>
</tr>
<tr>
<td>75. AFRUCA</td>
<td>NGO/Charity</td>
<td>Awareness-raising; advisory service to African children in the UK that have been trafficked; advocacy and policy development</td>
<td>Their anecdotes and data on child victims influence general UK practices on victim identification; use or develop existing indicators to identify victims of trafficking, which adds to the overall picture of who is and is not identified as a victim</td>
<td></td>
</tr>
<tr>
<td>76. The Anti-Trafficking Monitoring Group</td>
<td>NGO/Charity</td>
<td>A coalition of NGOs/charities that seek to improve the government and law enforcement’s response to human trafficking</td>
<td>Collaborations between organisations leads to information sharing about methodology in victim identification and victim support;</td>
<td></td>
</tr>
<tr>
<td>No.</td>
<td>Organization</td>
<td>Role</td>
<td>Description</td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>------------------</td>
<td>-------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>77.</td>
<td>Europol</td>
<td>Law enforcement</td>
<td>Victim identification across borders; work with local police and other law enforcement to identify cross-border crime and enhance law enforcement collaboration</td>
<td></td>
</tr>
<tr>
<td>78.</td>
<td>US State Department</td>
<td>Government</td>
<td>Produces the annual Trafficking in Persons report that gives each country a &quot;tier&quot; ranking based on how they are working to combat human trafficking</td>
<td></td>
</tr>
<tr>
<td>79.</td>
<td>Global Slavery Index</td>
<td>NGO/Charity</td>
<td>Attempts to give a statistical amount of the number of slaves in each country and globally</td>
<td></td>
</tr>
<tr>
<td>80.</td>
<td>The Rahab Project</td>
<td>NGO/Charity</td>
<td>Identifies potential victims of trafficking in Westminster, London by visiting brothel sites</td>
<td></td>
</tr>
</tbody>
</table>

| | | | joint network is policy-influencing Europol data is used in policy making and the UK’s national strategy to combat human trafficking and modern slavery; create and update indicators used for victim identification used across sectors; work with first responders and NGOs/charities to directly determine a person’s potential victimhood |

Sets an international precedent of expectations for countries to attempt to meet, which influences victim identification processes

Their quantitative research impacts policy in the UK and affects funding available to certain NGOs involved in the victim identification process

Directly involved in identifying potential trafficking victims by using indicators that they have created or developed to determine whether
<table>
<thead>
<tr>
<th></th>
<th>NGO/Charity</th>
<th>Immigration advice to migrants in London; advocacy; language assistance</th>
<th>Identify potential victims of trafficking with the migrants they work with and help to establish a person’s immigration status in the UK</th>
</tr>
</thead>
<tbody>
<tr>
<td>81. Praxis Community Projects</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>82. Latin American Women’s Rights Service</td>
<td>NGO/Charity</td>
<td>Immigration advice to Latin American migrants in the UK; advocacy; language assistance; assist in connecting individuals to social support services</td>
<td>Identify potential victims of trafficking with the migrants they work with and help to establish a person’s immigration status in the UK</td>
</tr>
<tr>
<td>83. Ashiana</td>
<td>NGO/Charity</td>
<td>Emergency housing for women and girls affected by violence, which may include trafficking survivors, with a particular focus on women from Black and Minority Ethnic backgrounds</td>
<td>Their anecdotes and experiences in providing care influence general UK practices on victim identification</td>
</tr>
<tr>
<td>84. East European Resource Centre</td>
<td>NGO/Charity</td>
<td>Immigration advice to migrants; connect individuals to social support services</td>
<td>Identify potential victims of trafficking with the migrants they work with and help to establish a person’s immigration status in the UK</td>
</tr>
<tr>
<td>85. British Red Cross</td>
<td>NGO/Charity</td>
<td>Housing and crisis centres; social support services provision</td>
<td>Influence general UK practices on victim identification based on their experiences providing care; the support they provide is based on existing work</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td><strong>86. The Ethical Trading Initiative</strong></td>
<td>NGO/Charity</td>
<td>Alliance of companies, trade unions, and NGOs that promote the rights of workers in order to prevent modern slavery</td>
<td>Required to use the legal and political construction of who trafficking victims are to shape their regulatory work</td>
</tr>
<tr>
<td><strong>87. Money transferring companies</strong></td>
<td>Business</td>
<td>Could have an indirect or direct involvement in money laundering network used by criminal organisations in the ‘business’ side of human trafficking</td>
<td>Can identify trafficking routes by uncovering organised crime within financial networks, though it’s unclear whether money transfer companies actively do this work</td>
</tr>
<tr>
<td><strong>88. Schools/colleges</strong></td>
<td>Research/Education</td>
<td>Ensure that the school/college’s public procurement aligns with the UK Modern Slavery Act 2015; may be involved in awareness-raising</td>
<td>General awareness raising implicates how the public perceive who is a victim and who is not, though it is unclear to the extent that schools and colleges raise awareness and educate students/staff</td>
</tr>
<tr>
<td><strong>89. New Pathways</strong></td>
<td>NGO/Charity</td>
<td>Provide counselling and advocacy services to victims of trauma and sexual abuse, which may include human trafficking</td>
<td>Work with victims of trafficking after they have already been referred to them, so their experiences in providing care influence general UK practices on victim identification</td>
</tr>
<tr>
<td><strong>90. Foreign embassies</strong></td>
<td>Government</td>
<td>Assist nationals that were trafficked to the UK and work closely with the UK government with issues concerning a</td>
<td>Required to use the legal and political construction of who trafficking</td>
</tr>
<tr>
<td></td>
<td>91. International Labour Organization</td>
<td>IGO</td>
<td>Sets international labour standards that countries are expected to meet in order to promote individuals’ rights at work</td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------------</td>
<td>-----</td>
<td>-------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>92. A21</td>
<td>NGO/Charity</td>
<td>Awareness-raising; education</td>
</tr>
<tr>
<td></td>
<td>93. Sophie Hayes Foundation</td>
<td>NGO/Charity</td>
<td>Started by a British trafficking survivor; workshops and mentoring to help a trafficking survivor find employment or placement in college/further education; awareness-raising; research; advocacy</td>
</tr>
<tr>
<td></td>
<td>94. The JAM Network</td>
<td>NGO/Charity</td>
<td>Assist in connecting NGOs/charities, academics, and businesses for awareness-raising events and fundraising</td>
</tr>
</tbody>
</table>
Appendix 2. International response to human trafficking (20th-21st century)

1904 – The International Agreement for the Suppression of ‘White Slave Traffic’ was signed in order to protect women from ‘white slavery.’ Some believed the intention was actually for the purposes of preventing European women from seeking work abroad.

1927 – The League of Nations was founded after World War I. The International Agreement for the Suppression of ‘White Slave Traffic’ was changed to ‘traffic in women and children,’ removing a racial discrimination. Children of both genders were included.

1949 – The UN passed the Suppression of the Traffic in persons and the exploitation of the prostitution of others,’ which was the first legally-binding convention

1995 – The UN held the 4th world conference to address the trafficking of women. In this conference, trafficking was further defined and was recognized as an act of violence against women for the first time. This conference led to the establishment of law enforcement institutions to address human trafficking and programmes to address the psycho-social needs of trafficking victims.

2000 – The UN Protocol to prevent, suppress, and punish trafficking in persons defined trafficking.

2002 – Trafficking for sexual exploitation is criminalized in the Nationality, Immigration and Asylum in the UK and the UK outlined its strategy for fighting human trafficking in “Secure Borders, Safe Haven”

2003 – The UK introduced ‘The sexual offences act’

2007 – The UK published a guidance document called ‘Safeguarding children who may have been trafficked’

2008 – The UK government ratified the council of Europe convention on ‘action against human trafficking in human beings’
2009 – The government’s signing of ECAT comes into effect and Home Office funds the Metropolitan Police Service (MPS) to establish a specialized human trafficking centre

2010 – Criminal Justice and Licensing Act (Scotland)

2011 – The ‘action against human trafficking in human beings’ was updated to include the National Referral Mechanism (NRM) introduced in 2009; the UK government released its first published plan to tackle human trafficking through the National Crime Agency; the Salvation Army receives a government contact to manage VOT support services

2012 – The Protection of Freedoms Act is extended to cover trafficking by a UK national where the UK was not the country of arrival, entry, travel, or departure; introduction of the hostile environment

2015 – The UK passes the Modern Slavery Act which consolidates all previous laws into a binding act. As a result, The Modern Slavery Human Trafficking Unit (MSHTU) joins the Organised Crime Command in the NCA; The Human Trafficking and Exploitation Act (Scotland) was passed unanimously by Scottish Parliament

2017 – Human trafficking is believed to be the second most lucrative organized crime in the world, generating approximately £32 million per annum globally
Appendix 3. Interview Information Sheet - Practitioners

Interview Information Sheet

Research project title:

Research investigator:

Research Participants name:

About the Project:
The purpose of this study is to better understand the anti-human trafficking response in the UK through semi-structured interviews with practitioners and participant observation. Specifically, the research will focus on migration policy, proactive victim identification and the theoretical role of structural violence. In terms of victim identification processes, this research seeks to understand what the impact of the UK’s hostile environment policies has been. In the semi-structured interviews, questions be related to different approaches to anti-human trafficking, how they function is practice, and the reasoning behind different approaches. The theme of risk and consent and how they relate to understandings of human trafficking will be explored in particular. This PhD research aims to consider the changing nature of development work and the NGO relationship with public policy.

Who is responsible for the data collected in this study?

Mahlea Babjak, PhD Candidate in International Development at the University of Edinburgh, will be responsible for the data collected during this study. Semi-structured interviews and participant observation are the primary methods being used to collect this data. For the interviews, data will be stored on a secure iPhone recording application and will then be transferred to a password-protected, secure file on the computer. The raw data file will be deleted following the writing of the interview transcripts and the transcripts will be deleted when they are no longer of use, at a period of no greater than 3 years. The transcripts will be sent to each participant for the verification of information. The raw data will not be shared with anyone but the primary researcher. The research has been reviewed by the researcher’s supervisor and has adhered to the University of Edinburgh’s ethical procedures.

What is involved in this study?

Interviews will be conducted in-person or on Skype/phone calls in the UK for a period of approximately 40-60 minutes each. At the time of the interview, the participant will be required to fill out a written consent form. Interview transcripts will be sent to participants within two months of the interview’s completion. The person can opt out of the interview process/data collection at any stage as desired.
In the participant observation, the purpose is to observe practitioners involved in victim identification, which likewise seeks to understand the content depicted in the initial section. Practitioners are able to remove access to the observation site at any time during the observation process.

What are the risks involved in this study?

Images of participants will not be collected. When the participant receives the interview transcript, he or she may request that certain sections are omitted from being included in the research and will be allowed to re-word anything that he or she wishes to modify.

What are the benefits for taking part in this study?

Financial compensation will not be given to participants.

What are your rights as a participant?

Taking part in this study is voluntary. You may choose not to take part and subsequently cease participation at any time.

Will I receive any payment or monetary benefits?

You will receive no payment for your participation. The data will not be used by the researcher of the project for commercial purposes. Therefore, you should not expect any royalties or payments from the research project in the future.
Contact Information

This research has been reviewed and approved by the Edinburgh University Research Ethics Board. If you have any further questions or concerns about this study, please contact:

*Personal contact information omitted for the appendix*

You can also contact the researcher’s supervisor:

*Personal contact information omitted for the appendix*

What if I have concerns about this research?

If you are worried about this research, or if you are concerned about how it is being conducted, you can contact the Research Governance Coordinator of the College of Arts, Humanities, and Social Sciences Ethics Committee, University of Edinburgh:

Old College, South Bridge
Edinburgh, EH8 9YL
Scotland, United Kingdom
Tel: 
Email:
Appendix 4. Interview Consent Form - Practitioners

Interview Consent Form

Research project title:

Research investigator:

Research Participants name:

The interview will take approximately 1-1.5 hours. We do not anticipate there to be any risks associated with your participation, but you have the right to stop the interview or withdraw from the research at any time.

Thank you for agreeing to be interviewed as part of the above research project. Ethical procedures for academic research undertaken from UK institutions require that interviewees explicitly agree to being interviewed and how the information contained in their interview will be used. This consent form is necessary for us to ensure that you understand the purpose of your involvement and that you agree to the conditions of your participation. Would you therefore read the accompanying information sheet and then sign this form to certify that you approve the following:

- the interview will be recorded and a transcript will be produced
- the transcript of the interview will be analysed by Mahlea Babjak as research investigator
- access to the interview transcript will be limited to Mahlea Babjak and academic colleagues and researchers with whom might collaborate as part of the research process
- any summary interview content, or direct quotations from the interview, that are made available through academic publication or other academic outlets will be anonymized so that you cannot be identified, and care will be taken to ensure that other information in the interview that could identify yourself is not revealed
- the actual recording will be destroyed following the completion of the Doctoral thesis
- any variation of the conditions above will only occur with your further explicit approval or a quotation agreement could be incorporated into the interview agreement
Quotation Agreement

I also understand that my words may be quoted directly. With regards to being quoted, please initial next to any of the statements that you agree with:

☐ I wish to review the notes, transcripts, or other data collected during the research pertaining to my participation.

☐ I agree to be quoted directly.

☐ I agree to be quoted directly if my name is not published and a made-up name (pseudonym) is used.

☐ I agree that the researcher may publish documents that contain quotations from me.

All or part of the content of your interview may be used:

- In academic papers, policy papers or news articles
- In a spoken presentation
- On other feedback events
- In an archive of the project as noted above

By signing this form I agree that:

1. I am voluntarily taking part in this project. I understand that I do not have to take part, and I can stop the interview at any time;
2. The transcribed interview or extracts from it may be used as described above;
3. I have read the Information sheet;
4. I do not expect to receive any benefit or payment for my participation;
5. I can request a copy of the transcript of my interview and may make edits I feel necessary to ensure the effectiveness of any agreement made about confidentiality;
6. I have been able to ask any questions I might have, and I understand that I am free to contact the researcher with any questions I may have in the future.

______________________________  Printed Name

______________________________  Participants Signature and Date

______________________________  Researchers Signature and Date
Contact Information

This research has been reviewed and approved by the Edinburgh University Research Ethics Board. If you have any further questions or concerns about this study, please contact:

Personal contact information included here, which has been removed for this appendix

You can also contact the researcher’s supervisor:

Personal contact information included here, which has been removed for this appendix

What if I have concerns about this research?

If you are worried about this research, or if you are concerned about how it is being conducted, you can contact the Research Governance Coordinator of the College of Arts, Humanities, and Social Sciences Ethics Committee, University of Edinburgh:

Old College, South Bridge
Edinburgh, EH8 9YL
Scotland, United Kingdom
Tel: [redacted]
Email: [redacted]
Appendix 5. Interview Information and Consent example – Facebook interviews

Hi! I am a PhD researcher at the University of Edinburgh and I saw your post in the ‘Abroad jobs – USA, UK, Canada, Singapore, Australia’ group. I am contacting people on Facebook job groups to ask about their experiences using the job groups and why they want a job abroad. I am also hoping that this research can be used to prevent bad situations from happening to people that use Facebook job groups in the future. I am a researcher and am not able to help you to find a job abroad.

By accepting this message, you are agreeing to participate in this study. You can remove your consent to participate at any time by saying that you don’t want to participate anymore or by not responding to my messages. Answering the interview questions is voluntary. You will not receive money for participating in this study. You need to be 18+ years old to participate.

All information you share will be kept completely anonymous and will be deleted at a period of no greater than 3 years. If you have any further questions or concerns about this study, please contact [REDACTED]

Thank you for your help!

Figure 23: Screenshot of image from Facebook message to interviewee (2019)
Appendix 6. Semi-structured interview questions

This does not include all interview questions asked, as these interviews were semi-structured.

This only includes questions that were asked to all practitioners. This also does not reflect the order in which questions were asked as this differed based on the interview.

1. How would you describe the goals of your charity/organisation/department?
2. What is your motivation for involving yourself in anti-human trafficking?
3. How does victim identification work in practice at your charity/organisation/department?
4. How does your charity/organisation/department create or use indicators of vulnerability to human trafficking?
5. What would you describe as the most important things to prioritise in your anti-human trafficking work?
6. What is something that is the most encouraging and the most challenging about your role as an activist/practitioner/officer?
7. In your opinion, what role does migrant decision-making play in identifying whether a person is a victim of trafficking?
8. What do you think is an effective way to tackle human trafficking?
9. How do you believe traffickers rationalise their actions?
10. What are steps that can be taken for anti-human trafficking to become more effective?
Appendix 7. Ethical approval form

Monday, October 31, 2022 at 09:25:17 Greenwich Mean Time

Subject: Mahlea Babjak has made a submission using the Ethics Form
Date: Tuesday, 5 February 2019 at 11:32:25 Greenwich Mean Time
From: Graduate School Office
To: [Redacted]
Attachments: Research_proposal20.docx

Hello,

Mahlea Babjak has made a submission for project "Breaking the Cycle of Structural Violence in Combatting Human Trafficking: Proactive Victim Identification in the UK" using the Research Ethics form, and has selected you as their supervisor or course organiser.

If you are handling the processing of this submission, please visit your Supervisor Panel. Please see the guidance on the approval process.

Submission summary

Section 1: Project details

Your name Mahlea Babjak
Your email address [Redacted]
Project name Breaking the Cycle of Structural Violence in Combatting Human Trafficking: Proactive Victim Identification in the UK
Are you a student or staff? Student
Are you an Undergraduate or Postgraduate student? Postgraduate
Is your course Taught or Research? Research
Please select your subject area International Development
Name of supervisor Jeevan Sharma

The phenomenon of human trafficking has become a global multi-billion-dollar industry and rigorous anti-human trafficking strategies have sought to be developed in response, which have highlighted the significance of proactive victim identification. Human trafficking must be understood as not only a severe violation of human rights and an issue of justice, but as an issue deeply embedded in wider structural concerns, being that of security, gender, labour institutions, the economy, and foreign policy. It is within these wider issues that individuals’ actuality intersects negatively with their potential, creating the typically invisible structural violence that governs their lives. For this reason, structural violence will provide the theoretical framework necessary to interpret the intricacies of proactive victim identification in regard to a victim’s point of exploitation. The ideal time to identify a victim of trafficking is while they are in transit (pre-exploitation), but identifying the person at this stage is too early to secure an adequate conviction sentence for the trafficker and too early for the individual to claim certain repatriation and asylum rights. Thus, this research will expand upon the theory of structural violence and how the theory can be used as a tool for more effective and efficient anti-human trafficking work.

Section 2: Potential risks to participants and researchers
Will any human or animal participants be studied either directly or indirectly? Yes

Due to the nature of this subject, ethical responsibilities will be central. Due to the sensitive nature of the topic of trafficking, anonymity will be a primary concern for any individuals involved in order to ensure their protection. The information collected will be fully anonymous for security purposes of the contributing individuals. Any participant that will be involved will have the freedom to consent either via written or oral consent, as deemed appropriate for each scenario to taking part or not taking part in the research. This PhD will maintain a strong relationship with available support systems during the period of fieldwork, i.e. with agencies sub-contracted by Home Office to assist with the formalities of rehabilitation or repatriation and/or psychological and emotional support – in the case that anything unexpected should occur during fieldwork. To be clear, I will not be interviewing victims of trafficking.

State the nature of the risk and what measures will be taken to deal with such problems

...are or may be physically, mentally or psychologically vulnerable?

No

Are you recruiting participants that...

Are you recruiting participants that are or may be vulnerable in other ways?

No

Using facebook job advert groups, I will be doing messenger-based interviewed with individuals that respond to job adverts to learn more about migrants intending to travel to the UK. I am specifically contacting these individuals because the job adverts appear risky or fake. When I introduce myself in messages, I will clearly state my identity as a researcher and will explain the PhD. Because they are not my facebook friends, they can choose to ‘accept’ the message or ignore it completely. Accepting the messaging suggests that the person has taken the choice to reply. I will not be speaking to anyone that is not able to speak conversational English in order to avoid miscommunication. These individuals may be vulnerable if they are willing to take risky migration measures, yet communicating clearly what the purpose of the conversation and research is will ensure protection of participants. All documentation of the conversations will be of complete anonymity and individuals must agree in the message for the research to be used.

Explain and describe the measures that will be used to protect and/or inform participants

Do the researchers need to be cleared through the Disclosure (Protecting Vulnerable Groups) Scheme?

No

Will it be difficult to ascertain whether participants are vulnerable in any of the ways listed above? No (e.g. where participants are recruited via the internet)
Does the research involve sensitive topics (such as participants’ sexual behaviour, illegal activities, their experience of violence, their abuse or exploitation, their mental health or other)?

Yes

It may involve sensitive topics, but this is uncertain. Facebook informants will be sharing personal stories about their experiences of trying to work abroad in the UK and it is possible that these individuals will discuss challenging topics in doing so. Research questions will not be directed toward sensitive topics though and it will completely be the participants’ choice as to whether they want to discuss this or not.

Please give details

Is it likely that this research will lead to the disclosure of information (such as participants’ sexual behaviour, illegal activities, their experience of violence, their abuse or exploitation, their mental health or other) that would require the researchers to breach confidentiality conditions agreed with participants?

No

Is it likely that participation in this research or the dissemination of research findings could adversely affect participants in any other way?

No

Are you planning to reimburse participants for their involvement?

No

Will the true purpose of the research be concealed from the participants?

No

Section 3: Confidentiality and handling of data

Will the research require the collection of personal information from e.g.
universities, schools, employers, or other agencies about individuals without their direct consent?

Does the research involve the collection of sensitive data (including visual images of respondents)?

Will any part of the research involving participants be audio/film/video taped or recorded using any other electronic medium?

What medium is to be used and how will the recordings be used?

Who will have access to the raw data?

Many funders encourage making datasets available for use by other researchers. Will the data collected in this research be made available for secondary use?

Will participants be identifiable, including through internet searches?

How will anonymity be preserved?

Will the datafiles/audio/video recordings, etc. be retained or disposed of after the study?

If disposed of, how will they be securely disposed of?

Will feedback of findings be given to participants?

How and when will this feedback be provided?

I will record interviews on a password-protected, secure iPhone to be transcribed and later destroyed within one year of the completion of the PhD thesis.

I will be the only person with access to the raw data.

Only pseudonyms will be used and and descriptions that could risk an individuals identity being searched (on google, for instance) will be modified or not included entirely.

They will be deleted off the iPhone, off my personal laptop, will not be stored on an external hard drive, and will not be accessible with iCloud.

After the interview is transcribed, if I am using any of the data for the thesis, it will first be sent to the participant. The participant will have the opportunity to opt out if they no longer want their data included in the study.

**Section 4: Participant information and consent**
Does your research project require administrative and/or participant consent? Yes

Does your research project require administrative consent? No

Will administrative consent be obtained in lieu of participants consent? No

Will written consent be obtained from participants? Yes

Please attach a copy of the information sheet and consent forms:

Information_Sheet84.docx, type application/vnd.openxmlformats-officedocument.wordprocessingml.document, 353.9 KB (file uploaded with previous submission)

Interview_Consent_Form_2.docx, type application/vnd.openxmlformats-officedocument.wordprocessingml.document, 350.3 KB (file uploaded with previous submission)

Will oral consent be obtained from participants? No

Why not? Written consent is the preferred method of obtaining consent and it should be feasible to obtain this with the research participants being considered.

In the case of research in online spaces or using online technology to access participants, will consent be obtained from participants? Yes

Explain how this consent will be obtained

Yes, but consent will be in the form of a conversation because it is unlikely that participants would want to go through the effort of finding a location to print and sign documents due to their contexts. So I will state clearly what the research is and the aims and their contribution, if agreed, will be kept anonymous.

Section 5: Travel risk assessment
Will the researcher(s) need to travel for the purposes of their research? Yes
Will they be travelling to a non-EU destination? No

**Section 6: Counter-Terrorism and Security Act 2015**

Does your research concern groups which may be construed as "terrorist" or "extremist"? No

**Section 7: Conflict of interest**

Does your research involve a conflict of interest as outlined above? No

**Section 8: Research Proposal**

Please attach a copy of the research proposal. Research proposal.docx, type application/vnd.openxmlformats-officedocument.wordprocessingml.document, 11.5 KB

Submission ID: 251143
Appendix 8. Notice of ethical form approval

Monday, October 31, 2022 at 09:24:05 Greenwich Mean Time

Subject: ethics
Date: Thursday, 21 February 2019 at 11:43:10 Greenwich Mean Time
From: [Redacted]
To: BABJAK Mahlea

Hi Mahlea,
Just to confirm that your ethics review has been carried out at level 1, and you are good to go.

Best wishes,
Jeevan