



Big Voice London  
Summer School 2015:  
Report on Human Trafficking



**Big Voice**  
London

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# Big Voice Summer School 2015 in conjunction with Landmark Chambers

Welcome to Big Voice London's Report on Human Trafficking. This report follows a week long, evening summer school run in conjunction with Landmark Chambers. During which, 20 students from Greater London came together to study, discuss and

debate the modern world of Human Trafficking. Over the next few pages we will engage with the students as they discover, and attempt to address, current issues in one of the most misunderstood and devastating global criminal activities.

## Summer School Report 2015

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# Introduction

## Before we start, we'd like to say a bit about Big Voice London, who we are and what we do...

Big Voice London was set up in 2011 as a one off project with the Supreme Court and a local sixth form college. Over the past four years we have expanded to work with hundreds of students and a number of different schools all across London. All of the schools we work with are non-fee paying schools, a requirement we impose to ensure that we reach out to the students in most need of the opportunities that we offer. We do not however require our applicants to meet any kind of grade threshold, as we believe that all students, regardless of academic ability, should have access to projects that help them engage with the law and legal policy that affects their day to day lives.

Our aims are two fold:

- We seek to empower young people from disadvantaged backgrounds, predominantly aged 16-18, through knowledge of the law and legal policy. We believe that these young people have rights that they deserve to understand and opinions that deserve to be heard, and as such we give them an opportunity to develop and express them.
- We also believe that these young people should have access to the legal profession as a career. Through the opportunities we provide to the students, we aim to enable them to explore the law as a potential vocation, as such increasing diversity within the solicitor profession and the Bar.

We achieve these aims by running projects and activities, such as judgment writing competitions, mooting competitions and the country's only Model Law Commission, in which our students investigate four areas of law for legal reform, draft legislation and publish a report, which is launched at an event in Parliament.

We couldn't run without the help of our volunteers and the generosity of those who support us. In particular; Landmark Chambers for providing us with barristers and a location, LexisNexis for publishing this report, and City Law School for providing us with classrooms. Thank you for your continued help, we value it greatly.

## Summer School 2015

The Summer School is one of our annual projects. This year the topic was Human Trafficking. Over 5 evenings the students came together to consider the legal issues surrounding trafficking, exploring current law and considering their alternatives. The event culminated in a debate before a panel of judges from The Salvation Army, ECPAT, and Eaves Poppy Project.

We chose to look at Human Trafficking this year in light of the new Modern Slavery Act, which many have criticised for being too focused on border control and criminalising activities, rather than tackling the source of the problem. We thought it was time that someone asked young people whether or not they agreed. The students that took part either came with some knowledge of trafficking or none at all, but we asked them to think about Human Trafficking as if there were no laws in place.

## What would they do?

We've tried to incorporate into this report all the discussions we had throughout the week in an attempt to document every opinion. It is our hope that you will appreciate just how engaged, passionate and hard working these young people were throughout the project. It was a pleasure to witness.

Without further ado, it is time to give our students' voices the floor. Please enjoy.

## Big Voice London Team



# Part 1

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## The Definition of Human Trafficking

### What is Human Trafficking?

According to the UN, at any one time 2.4 million people are victims of human trafficking. To put that in perspective, that's a quarter of the population of London. These victims are part of what is a \$32 billion criminal industry; an incredibly complex and widespread practice, much of which we never see or hear about.

So what do we currently define "Human Trafficking" as?

The international definition is this:

"the recruitment, transportation, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

*Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons*

The Modern Slavery Act 2015 defines the offence, as follows:

- (1) A person commits an offence if the person arranges or facilitates the travel of another person ("V") with a view to V being exploited.
- (2) It is irrelevant whether V consents to the travel (whether V is an adult or a child).
- (3) A person may in particular arrange or facilitate V's travel by recruiting V, transporting or transferring V, harbouring or receiving V, or transferring or exchanging control over V.

(4) A person arranges or facilitates V's travel with a view to V being exploited only if—

- (a) the person intends to exploit V (in any part of the world) during or after the travel, or
- (b) the person knows or ought to know that another person is likely to exploit V (in any part of the world) during or after the travel.

(5) "Travel" means—

- (a) arriving in, or entering, any country,
- (b) departing from any country,
- (c) travelling within any country.

(6) A person who is a UK national commits an offence under this section regardless of—

- (a) where the arranging or facilitating takes place, or
- (b) where the travel takes place.

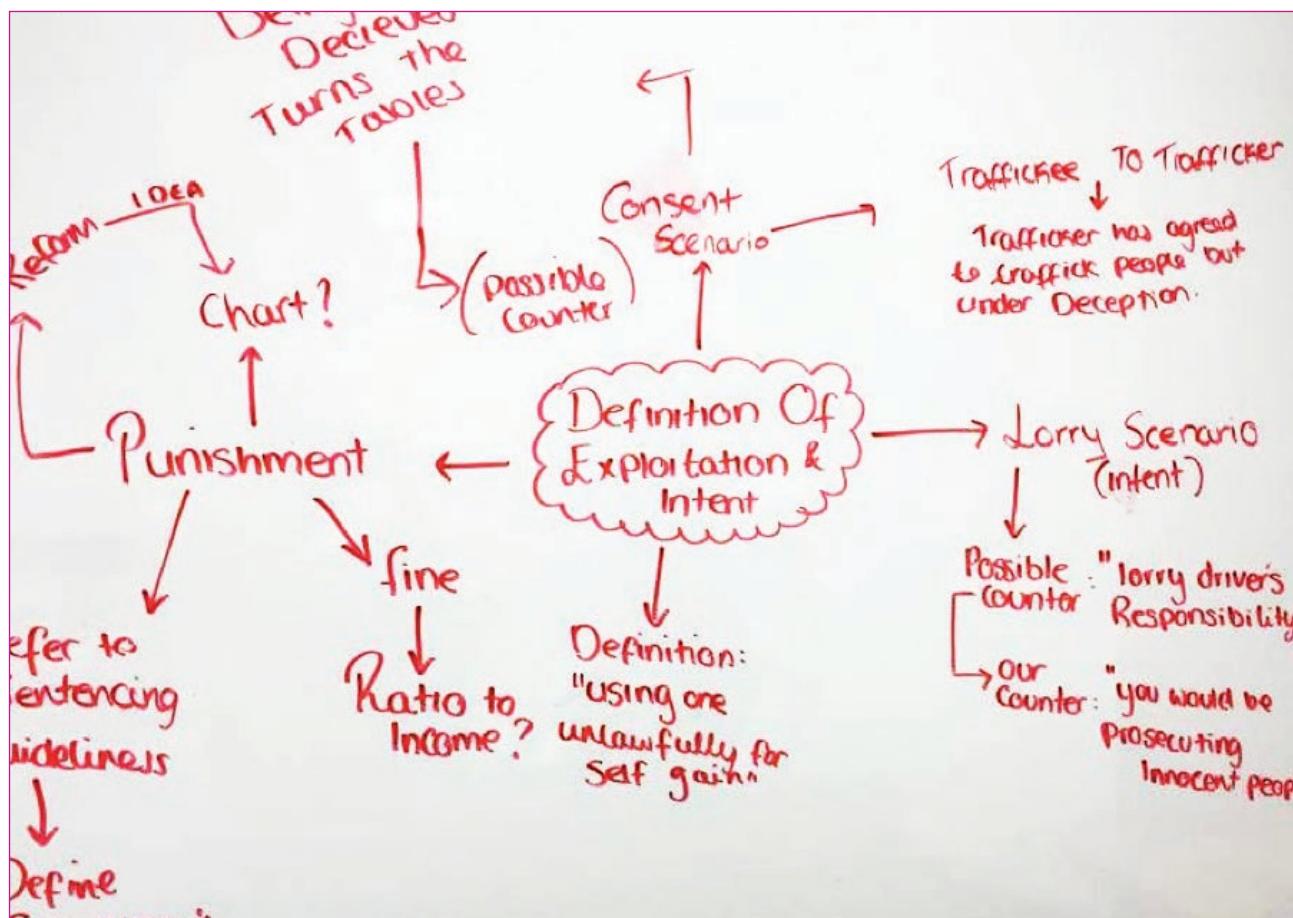
(7) A person who is not a UK national commits an offence under this section if—

- (a) any part of the arranging or facilitating takes place in the United Kingdom, or
- (b) the travel consists of arrival in or entry into, departure from, or travel within, the United Kingdom."

How would our students describe it?

The students were concerned that the definition, internationally, was too long and didn't address the ideas of culpability, intent and consent. There were two schools of thought on how to build their own definition.

The first group wanted to cut the definition right down. They were of the opinion that the current definition allowed for too many loop holes. "Simplifying makes it stricter". The second group wanted to make it exhaustive, however, which involved adding a list of the types of exploitation included.



Two words came up over and over again when discussing the definition: exploitation and intent. Whilst the government has focused on the consent and mind of the individual being trafficked, Big Voice students preferred to focus on the mindset of the offender. As a result human trafficking, as defined by the students, was (in draft form):

"The movement of people with the intent to exploit them for:

- sex work
- forced labour
- domestic servitude
- drug smuggling
- organs
- for the benefit of others".

So what was the difference between our definition of trafficking and smuggling?

We spent a long time discussing the "lorry driver scenario", in which a lorry driver was stopped and fined for having trafficked victims, or people smuggled on board. The difference between smuggling and trafficking is essentially consent. If a person willingly goes across borders in full knowledge of the other side, then they are smuggled. The smugglers will make a profit on the passage, and not the exploitation of the victim.

All too often though, these become mixed up and confused; a family member who is tricked; a smuggled person who becomes trafficked. Our students thought that all manner of people movement should be considered under trafficking laws.

So back to our lorry driver; in our students' definition, he would be guilty of a lesser offence of trafficking, rather than smuggling.

## Part 2

### Tackling the crime

Once we'd considered what the crime actually consisted of in the modern world, it was time to discuss what we would do to stop it. It was quickly realised that it is unrealistic to stop an activity completely. The aim was to reduce and dissuade.

#### Prevention

There are two aspects to prevention; conquering the root of the problem and creating a deterrent that is severe enough to outweigh the benefits of breaking the law. Both are easier said than done, as we are talking about a global, billion dollar criminal industry.

#### Root of the Problem

Our students were asked to think about how they would deal with the issues at home. One of their ideas was to legalise some of the end results of human trafficking; specifically in the sex industry and in the drugs industry.

Although prostitution is legal, a lot of the acts associated with it are not; such as owning a brothel or soliciting. As we have seen in many countries like Amsterdam, which also has legal drug use, it is commonly assumed that legalising makes things like prostitution safer. There is no data that supports that specifically though, as Irina DoCarmo from the Poppy Project, noted during our debate.

However, there was a discussion in the group over whether or not it would make trafficking less profitable. Illegality bumps prices up and therefore makes the benefit greater than the costs. One trafficker could earn around £40,000 per annum from one sex worker.

Not all the students were convinced. There was a heated debate surrounding the human cost of prostitution. Regardless of its legality and the willingness of those involved, the health implications of prostitution remain the same.



#### Deterrent – Sentencing and Punishment

Sentencing of offenders is one of the most obvious issues when considering human trafficking. What happens when someone is caught trafficking? Currently, the minimum sentence for trafficking is one year in prison. The maximum is 14 years, but may become life under the new Modern Slavery Act. What kind of crimes are worthy of each sentence? It's difficult to be prescriptive when discussing sentencing for traffickers, because in reality they are being sentenced for many different things.

The CPS has published a policy for dealing with sentencing of trafficking offences and focuses on the following examples;

- sexual exploitation
- forced labour
- domestic servitude
- enabling others to acquire benefit
- organ harvesting



It's easy to see, therefore, that each of these offences warrants a different kind of trafficking, and subsequently a different level of sentence. More often than not, offenders face multiple charges under different areas.

We were asking our students to approach Human Trafficking with a blank slate, so what would they include in sentencing?

#### **Lowering the sentencing for smuggling related offences**

As we've already mentioned, there are differences between smuggling and trafficking but these can become blurred. There was a lot of debate over whether unwitting parties to smuggling should be charged at all. Our lorry driver scenario was one that followed through the whole week, with some very heated views on strict liability.

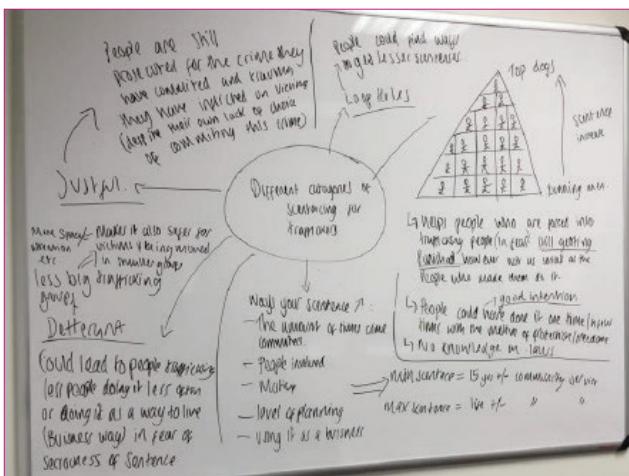
The students considered that, when including smuggling offences within the remit of human trafficking, they had to be strict liability in order

to avoid escaping conviction on lack of evidence; a common problem. Some students were uncomfortable with charging a potentially innocent party, to which the other side responded that the lesser sentence made strict liability a necessity to enforce it at all.

There were also concerns that traffickers might get off on the lesser offence of smuggling if it couldn't be proved that they intended to exploit the victim. This was considered very much circumstantial; dependent on how the victims were discovered and in what state. It only confirmed the views of those who believed that some sort of punishment needed to be enforced through strict liability at a lower level to ensure some sort of retribution.

It was concluded that a fine would be most suitable for these offences. This would be either per victim discovered or relative to income; to ensure small haulage companies were protected from extortionate fines and subsequent bankruptcy.





### Increasing the sentences for trafficking

In a similar move to the Modern Slavery Act, the students were of a mind to increase the minimum and maximum sentences for those caught trafficking. Whilst the bottom line ranged between 1 to 5 years minimum sentence for a first time offender; the debate was felt most strongly at the top end.

### Bringing back the death penalty?

Although not the strongest view in the group, the students still considered whether or not to bring back the death penalty for the most serious of offences.

The human cost, one student argued, was much greater in some circumstances than a serial killer or mass murderer. Many of the actions of traffickers would have the same outcomes, but that the profitability meant that prison for life wasn't a good enough deterrent.

When debating this with barristers, they were keen to point out that the punishment has to be relative to the views of society. Were we really ready to suggest that trafficking was worse than any other crime committed in the United Kingdom?

The death penalty debate is not confined to our classrooms, but it was interesting to consider the arguments for something that most countries are now abolishing, or being persuaded to abolish.

In general, the students said that 14 years, was just not enough. Like the government, they believed that a longer sentence, combined with their other ideas and techniques, may be the best way forward.

### Sentencing Categories and Guidelines

Finally, the students wanted to create a sentencing guideline full of categories of offender. They recognised that at each stage in the process, there was a different level of involvement and that that should be reflected in the sentences handed down to offenders. Then, on top of that, they would introduce personal and criminal mitigating and aggravating circumstances. A slight twist on the modern sentencing system.

In each circumstance though, the students felt like some sort of retribution was justified, even within prison walls. With a life sentence came community service, with a fine came community service. Convicts would find ways of giving back to the community, even when behind prison walls.

## Part 3

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### Supporting victims globally

Finally, the students considered the victims.

Do we prosecute victims of human trafficking?

Never. In theory, the students felt that prosecuting victims was an absolute last resort. To expand on this idea, they discussed scenarios in which the victim may not be a victim anymore.

#### Recruitment

Often people expect those who recruit victims to be one and the same as the ones that transport them. With any criminal gang chain, however, there are stages to the process. Recruitment is one of the most complex aspects of trafficking; it can turn a victim into a perpetrator or even a family member into an enemy. Often, traffickers persuade victims to help them recruit more people, in exchange for letting them go sooner. Some of the students felt like this were too broad a catch-all, they felt that in a case like this, although the victim was aware of their actions, they were still broadly influenced by someone else and that lack of autonomy justified not prosecuting them

#### Over stayers

Sometimes, a victim of trafficking would be in the country illegally, having escaped their trafficker. They might deliberately avoid the authorities in order to avoid being deported or criminal prosecution for related activities.

Again, the students felt that the arrival of the victim into the country was not done by their own volition and that fear was playing too large a part for a criminal prosecution to be morally acceptable. However, this scenario raised the question of how to deal with victims once their traffickers have been prosecuted.

#### Dealing with victims in the aftermath

Although some people are trafficked within the United Kingdom, a vast majority are trafficked across the borders. So how do we support victims whilst dealing with concerns of immigration?

Although these are often vulnerable people, they don't necessarily have the right to reside in the UK and, certainly with such a large amount of people being trafficked, immigration control is a concern. We asked the students; would you send them home?

#### Safehouses

The students all felt that a detention centre was the wrong place for a victim of trafficking; there was not enough support there to help someone recover and rebuild their lives. At the same time, they were uncomfortable with the idea of sending them home. They considered, as an alternative, a safe house, where victims would stay for a certain amount of time to recover and receive education. An under 18 would stay until they were at least 18.

In an ideal world, some of these victims would be able to act as ambassadors against trafficking in their own country; the idea being that educating and giving victims tools to survive would decrease the likelihood of more people being trafficked from their area.



## An international problem

None of this works without the recognition that this is a problem that crosses borders. We see news every day that people are trying to come over from Calais or Italy in their droves. This en masse exodus from countries suffering extreme hardship allows traffickers to pounce. They benefit from desperation and globally, we have to tackle this. We may close our borders but it doesn't solve anything; these are human beings, not statistics. We have to work together with modern and forward thinking solutions to what is a new day in an old crime.

One thing all of us here at Big Voice London can agree on is this: this has to stop. Like many NGOs across the UK have been saying. The Modern Slavery Act 2015 is a step in the right direction but it doesn't cover everything we need it to. So let's hope people keep listening and keep talking about this, all over the world, until human trafficking isn't a term we recognise anymore.



Big Voice London is always looking to grow our support from organisations and individuals who share our passion for increasing youth access to the legal system. For more information or to view our other publications, please visit our website at <http://bigvoicelondon.com>

