

Accessing Services: Trafficking Victims' /Survivors' Experiences in the  
UK

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## List of Acronyms

**AIT:** Asylum Immigration Tribunal  
**BIA:** Borders and Immigration Agency (UK)  
**BID:** Bail for Immigration Detainees  
**COYOTE:** Call Off Your Tired Old Ethics  
**CATW:** Coalition Against the Trafficking of Women  
**ECP:** English Collective of Prostitutes  
**ECPAT:** End Child Prostitution, Pornography and Trafficking  
**EWL:** European Women’s Lobby  
**GAATW:** Global Alliance Against Traffic in Women  
**IAA:** Immigration Appellate Authority  
**IAT:** Immigration Asylum Tribunal<sup>1</sup>  
**IAS:** Immigration Advisory Service  
**IND:** Immigration and Nationality Directorate  
**ILO:** International Labour Organisation  
**IOM:** International Organisation for Migration  
**IUSW:** International Union of Sex Workers Rights  
**NGO:** Non Government Organisation.  
**NSWP:** Network of Sex Work Projects  
**OHCHR:** Office for the High Commissioner for Human Rights.  
**RWRP:** Refugee Women’s Resource Project at Asylum Aid  
**SEF:** Statement of Evidence interview/form  
**SOCA:** Serious Organised Crime Agency (UK)  
**US TIP:** United State Department’s Trafficking in Person’s reports  
**UKHTC:** United Kingdom Human Trafficking Centre  
**UNHCR:** United Nations  
**WHO:** World Health Organisation

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<sup>1</sup> Replaced by the Asylum and Immigration Tribunal (AIT) in April 2005.

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## Preface

As I wrote my research proposal to Newcastle University in April of 2002 and later to the Economic Social Research Council (ESRC), I was aware of a lack of research, academic, Non Government Organisation (NGO) or policy interest on the subject of trafficking within the UK, and as a result I found it difficult to reference many relevant studies in my proposal. Throughout my time as a PhD student I have observed a dramatic growth in interest in the subject within research, the media, policy and practice, and these observations have informed my theoretical understanding of human trafficking as a developing social problem.

I first became aware of the term “trafficking” and its contemporary meaning and use, while conducting research for my first MA in Gender, Culture and Development in 2001. The research I conducted for this MA aimed to compare the cultural representations of Hindu widowhood with the lives and experiences of women who had been widowed in India. I accessed my research participants for the study through a women’s organisation in Delhi, India called The Guild of Service. At this time, the Guild of Service was involved in a number of projects regarding women’s human rights, one of which concerned the trafficking of women into prostitution. It was the first time I had heard the term trafficking used in a contemporary sense and I became interested in exploring whether similar situations were occurring in the UK and Europe.

After my MA in Gender, Culture and Development, I applied to Newcastle University and later to the ESRC<sup>1</sup>, with my supervisors Prof Diane Richardson and Dr Robin Humphrey, to conduct a doctoral study on human trafficking to the UK. My application to the ESRC was in 2002, and at this time, I was unable to find much research on the subject in the UK context, with the exception of exploratory studies into the issue by Kelly and Regan (2000) and End Child Prostitution Pornography and Trafficking ECPAT (2001). Since my application was successful in 2002, I have observed increasing interest in the subject in the UK context, and elsewhere, and here I present my research as a reflection and product of this emerging research context.

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<sup>1</sup> This application was for an ESRC 1+3 competition award. ESRC award No PTA-030-2002-00517.

The more recent focus on sexual trafficking within academia, but also by governments, NGOs, and through the media has been rapidly growing since 2003<sup>2</sup> when I first began this research. This concern has often manifested itself in policies, campaigns and services designed to assist those who are believed to be at risk from trafficking harms and/or those who have already experienced trafficking harms. My research, in other words, has been conducted within rapidly and constantly changing academic and policy contexts.

I could give many examples of my observations of these developments but here I will just pick out two, which in particular, relate to my personal experiences within the research context while I was conducting the research, and which informed my methodology. When I first wrote my proposal to the ESRC (1+3) in early May 2002 I used the search engine Google to search the term “human trafficking” hoping to find more references to add to my proposal. I had only around three successful “hits” which were about human trafficking; the majority of references I found at this time were about drug or arms trafficking. Conducting the same research enquiry at the time of writing this thesis (in December 2007), presents me with thousands upon thousands of relevant articles including academic research, media reports, campaigns, policies, and government debates. It became obvious, as I progressed through my PhD research, that something quite significant was happening within the research context itself, and this realisation has informed my theoretical framework and my understanding of the issue.

I also observed that not only was trafficking becoming more talked and written about, but the parameters of the way in which it was being understood were being defined through these dialogues (in Western dialogues especially). During the last week of my fieldwork in London, I stayed in a hotel and as I was trying to finish off my fieldwork, I took some of the work back to the hotel with me. As I was reading one victim’s/survivor’s account of her experiences I put the television on and I began to notice something. The nature of the account I was reading of a young woman from Eastern Europe who had been forced to work in prostitution for an organised criminal gang was being played out in dramatic form on the television screen in front of me. The parallels between the two were striking. The difference between the account I was reading and the account being enacted in front of my eyes on the screen, was that the account I was reading had originally been told to the UK immigration authorities by a trafficking

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<sup>2</sup> According to Doezema (2001) among other writers, anti- trafficking campaigns first re-emerged in the late 1980s and early 1990s, and I have observed that more recently we have seen increasing focus and the telling of stories more widely, especially within the UK context.

victim/survivor at the Poppy Project, and the account on the screen was being acted out by the cast of the US television series Law and Order. The sexual trafficking account had become recognisable as a commonly told story, frequently with the characters and plot lines already defined.

I became interested in how these wider developments had affected the women in my research, and their access to help and services in the UK context. My observations of the developing research context are explored throughout this thesis in various ways, as stories about sexual trafficking have interacted with trafficked women's experiences.

## Chapter One: Introduction

This thesis will document the emergence of a dominant sexual trafficking story and explore the effect that this has had upon trafficked women's access to help and services in the UK. In addition the thesis aims to:

- contribute to current feminist debates on prostitution and trafficking (as explored in Chapter Two) by utilising a) the concept of a continuum of experience (Kelly 1988), and b) Ken Plummer's *Sociology of Stories* (1995) to bridge the polarisation of the prostitution/sex work theoretical divide;
- challenge the one dimensional service provision and social policy framework which currently prevails on sexual trafficking and prostitution, and explore how this fails to address the more complex social realities of trafficked women lives.

Throughout my fieldwork, as I outlined in the preface, I have observed the current and ever increasing interest in trafficking and have engaged with the growing body of knowledge(s), interpretation(s) and portrayal(s). As I analysed the women's accounts I began to notice the very real relationship that this growing focus and subsequent definition has with the problem of sexual trafficking itself. As the body of literature grew, as the media reports became more frequent, as new laws and policies were drafted, as more services were provided and developed for survivors or those considered to be at risk, as more research was conducted and new knowledge obtained, disseminated and dissected, the victims'/survivors' accounts in this research appeared to become, on the one hand, more recognisable, and on the other, the parameters of this recognition were set. The result was that the services, assistance and help developed for victim/survivors appeared to be only accessible to those telling the "correct account", which was recognisable as the dominant "sexual trafficking story".

The parameters of what is known, or believed to be known, about trafficking have shifted throughout my research and although such knowledge has been passionately, and often divisively, debated within academia, where contrasting stories of sexual trafficking, migration and prostitution are told, a dominant account of sexual trafficking appears to have emerged within the popular (Western) imagination. This popular "sexual trafficking story" has been told and retold through many mediums, sometimes as part of a growing body of other human trafficking and migration stories and at other times within the sites of wider gender, patriarchal

and post colonial/imperialist experience. This thesis will explore the growing body of knowledge(s) about trafficking, how the interest in and definition(s) of sexual trafficking has developed, and will consider how trafficking has emerged as a new form of sexual story in the popular imagination, and the relationship this has in the UK context with a) women's trafficking experiences, b) trafficked women's access to help and services, and c) trafficked women's experience as "illegal immigrants" and asylum seekers.

Furthermore, as I will go onto explore in more detail in Chapter Two, the emergence of a dominant sexual trafficking story adds to the ongoing and frequently polarised feminist debates on prostitution/sex work. In my own reading of the literature, I have found a continuum of experience in women's accounts of prostitution/sex work from those who recount their experiences as form of labour, or in a minority of cases an art form, to those who would recall their experiences as violence (the latter description relating to many of the women's stories retold in this thesis). I believe that this spectrum of experience should be, and can be, reflected in public and social policies on sex work/prostitution and trafficking, as well as in theoretical discourse. However, I have found that the current social and policy climate is one in which the multifarious experiences of women are not given discursive space within policy and legislation, and also often fail to be recognised by a number of social theorists (see Chapter Two). Therefore a principal aim of this thesis is to attempt to formulate a challenge to the one dimensional policies currently being developed on trafficking by exploring the complexity of trafficked women's stories, and also to challenge one dimensional feminist positions on either side of the theoretical divide which fail to reflect the complexity of women's social realities.

This introductory chapter will firstly explore the current emergence of a "dominant sexual trafficking story". I will explore through which mediums such a story has emerged and consider its historical precedent, before outlining the structure of the rest of the thesis. Also, in this chapter I will position the findings in this thesis in relation to wider theoretical debates and discourse on the subject.

More and more accounts of sexual trafficking are emerging, some are told by survivors themselves and more still by dramatists, journalists or academics. The telling of experiences by those who have experienced them is often difficult to distinguish from the retelling of these experiences by other groups, and a common recognisable and recognised dominant sexual trafficking narrative is beginning to emerge. Certainly, the telling of stories by those

victims/survivors of sexual trafficking who have been able to speak out, influences and underlies the re-telling and re-enactment of those experiences by other tellers, and the foundation of the dominant “sexual trafficking story” in films, dramas, the media and elsewhere is grounded in retold experiences. In my research, I have also found that the telling and re-telling of trafficking accounts frequently interacts with both the lived realities of trafficking and the ways in which such accounts thereafter may be told.

Popular western depictions of sexually trafficked women in films, fiction, art and the media frequently follow similar plotlines. They overwhelmingly involve non-western (often Eastern European) women who have been tricked or duped into forced prostitution situations, in which, invariably, extreme forms of violence and control are used by predominantly male trafficker(s). These depictions often involve organised criminal gangs and/or mafia style criminal networks. These stories also frequently involve rescue by (often western) individuals or institutions. For instance, in “Human Trafficking”, a US mini series, first shown in 2005, a young girl from the Ukraine is tricked into forced prostitution via a fake modelling agency and another young woman from the Czech republic is tricked into prostitution by a “boyfriend”, both are trafficked to the US by an organised criminal mafia style gang, subject to sexual violence and abuse, and are later rescued by the US Department of Homeland security. Elsewhere in “Sex Traffic”, a British and Canadian production first shown on Channel 4 in 2004, two Eastern European sisters are trafficked into the UK, forced into prostitution, subject to rape and extreme violence, and one later escapes and is rescued partly through her association with a Western (male) charity worker<sup>3</sup>.

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<sup>3</sup> For similar stories see also Svetlana’s Journey (2004) where a child from Bulgaria is trafficked into prostitution via an adoption agency, is forced to work in prostitution and escapes by surviving an attempt to commit suicide (by jumping from the building in which she is being held and surviving the fall); Lilya-4-Ever (2002) in which a young woman from Russia is tricked into prostitution by a “boyfriend” and later commits suicide; Julia Bell’s fiction for teenagers, “Dirty Work”, in which an Eastern European girl is forced into prostitution and rescued by her association with a British teenage girl. The British teenage character is also (accidentally) captured by the traffickers but not, unlike the Eastern European character, forced into prostitution. More recently the Hollywood film “Trade” (2007) depicts two young women, a Romanian woman tricked and forced into working in prostitution and a Mexican woman who is abducted and forced into prostitution. They are rescued by a US policeman (Kevin Kline) and the Mexican woman’s brother. See also similar story lines in British drama the Bill, and in US dramas such as Crime Scene Investigation and Law and Order, among others.

Countless newspaper reports (for example Arie 2003; Athmore 2003; Gibb 2003; Bindel 2004; BBC News 2004; Valancy 2004; BBC News 2005; Buckley 2005; Cowan 2005; The Times online 2005, BBC News 2007, among others), and documentaries (for example “Macintyre Investigates” 2002, “The Real Sex Traffic “ 2005, in the UK; “Sex Slaves” 2007, in the US, among others) have also told similar stories and the story is further recounted in numerous recently published books of investigative journalism (see for instance McGill 2003, Malarek 2004, Waugh 2006, Gupta 2007). More recently the sexual trafficking story has been told in collections with other human trafficking stories. Rahila Gupta’s “Enslaved”, for instance, re-tells a collection of stories about human trafficking, one of which is the story of a woman trafficked into prostitution. Also see volumes by Kevin Bales (2000, 2005), where sexual trafficking stories are told alongside other human trafficking stories, under a wider umbrella of apparently associated stories about “modern day slavery”.

I use the term “story” throughout the thesis, not to suggest in any way that these accounts are fabrications, unrelated to trafficked women’s experiences. On the contrary, this thesis frequently retells parts of the “sexual trafficking story” as described above, and argues that the “sexual trafficking story”, as told by other tellers, is frequently reflective of some women’s experiences whose accounts I have analysed<sup>4</sup>. I understand the telling of stories to be a politically formed set of practices, and one that can have both negative and positive consequences for tellers and for those who stories are told about. As Ken Plummer argues:

Stories are not just practical and symbolic actions: they are also part of the political process. Sexual stories ooze through the political stream. Power can be viewed as a flow, a process, a pulsate, undulating through the social world and working to pattern the degree of control people experience and have over their lives. Power connects processes which make a difference to the conduct of life: it is a flow of negotiations and outcomes... This flow is negative--repressing, oppressing, depressing--and positive--constructive, creative, constitutive. It flows into situations, making some open and flexible, making others closed and rigid. It flows through the negotiated social order, controlling and empowering, closing

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<sup>4</sup> This is due in part I argue in Chapter Four, to the manner in which I accessed my data, though an organisation whose admittance criterion reflects the dominant “trafficking story”. Furthermore, some of the depictions of sexual trafficking in the dramas and documentaries I have described in this chapter were based upon the accounts analysed for this thesis. I accessed my research data through the Poppy Project, who were consulted during the making of ‘Sex Traffic’, and in addition one of the British documentaries exposing sex trafficking scenarios in the UK involved a woman from this research. Also, many of the women’s stories I have analysed for this thesis have appeared in various newspaper reports, as the media often approaches the Poppy Project for stories of, or interviews with trafficking victims/survivors.

and opening. Sexual stories live in (a) flow of power. The power to tell a story or indeed not to tell a story, under conditions of one's choosing, is part of the political process (Plummer 2006: 2)

For Plummer, the boundaries of what can be discussed openly and what cannot is constantly changing, moving and being reconstructed. It is common for politicians, writers, journalists, campaigners and some academics to talk about trafficking as a new, emerging and increasing problem, which is frequently considered to be increasing to new and alarming proportions. Forced prostitution, however, is not a new occurrence, levels of force within prostitution, however experienced, have been documented by feminist researchers for many years prior to the current rise of sexual trafficking as a recognised and discussed social problem (See Barry 1979, 2005; O'Connell-Davidson 1998, O'Neill 1996a). The current level of discussion and public narration, throughout the world, of force within prostitution is however new (albeit with some historical precedent), and this, I have found, often dictates how force within prostitution is presently understood and vocalised<sup>5</sup>.

Stories involving the sexual trafficking of women are not specific to the last three decades and parallels can be, and have been, drawn with the past (for instance, by Doezema 2001; Self 2004; Kempadoo 2005). The late nineteenth century saw a similar growth in concern over the sexual trafficking of women. The concern led by feminists such as Josephine Butler and the Abolitionist Movement, and taken up by the media of the time is said to have spurred a moral outrage at the fate of the "innocent trafficked prostitute" (Walkowitz 1980; Burton 1994, Chapkis 1997, Derks 2000, Doezema 2001, Self 2003). Chapkis (1997), among other writers, argues that in fact there was nothing new at this time about the recruitment techniques that led women into prostitution. What was new was increasing levels of migration at the time, and more accessible transport to assist transit between national borders moved the procurement of prostitutes from national to the international locations. Doezema (2001) has pointed out that contemporary historians are unanimous in arguing that the actual number of "white slavery" cases was far less than the "white slave panic" presented in the media at this time, and that the legislation developed as a result was used against women working in prostitution, who were mainly marginalized working class women (Doezema 2001).

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<sup>5</sup> A number of writers have referred to the present dominant media depictions of sexual trafficking as sensationalistic stories (see for instance Brennan 2005; Kempadoo 2005), or as a moral panic (Doezema 2001; Self 2004) or part of a modern day "moral crusade" (Weitzer 2005, 2007).

Some of the same arguments could be applied to the present day. An increasingly global world economy, increasing levels of migration and mobility have all, arguably, contributed to the rise of trafficking in human beings (Salt 2000). The increasing mobility of populations has seen an increase of migrant and non-British women working in the commercial sex industry in London, in the UK (Poppy Project 2004). Also Self argues that there are parallels between what she refers to as the present day “moral panic” over sexual trafficking, and similar “moral panics” over trafficking or “white slavery” in the past, in which increasing concerns over sexual trafficking have usually been accompanied by a parallel concern at the apparent increase in economic migration and asylum seeking (Self 2004).

The theoretical conflicts in the present day debate over the nature of trafficking are also not new. Self (2004) argues that the present day debates around sexual trafficking are a “carbon copy” of those of the past (see also Doezema 2001; Scully 2001; Sharma 2005). The “White Slave Trade” position of the late nineteenth century held by Josephine Butler and the Abolitionist Movement in many ways occupies similar discursive ground to campaigning groups such as the Coalition Against the Trafficking of Women today (Barry 1995, Hughes 2001, Leidholdt 2002, CATW 2003). The trafficked woman within these theoretical frameworks is always a victim, and, it is claimed, that the position allows little theoretical space for the agency of women in the sex industry (see for instance, Doezema 1998; Murray 1998). Theoretical conflict is concerned with what constitutes agency and force, and the constitution of female sexuality in both past and present debates. These contemporary debates will be engaged with in various ways throughout the thesis and are explored in detail in Chapter Two, *Sexual Trafficking: the Emergence of a Social Problem*. In this chapter I will consider the emerging focus on sexual trafficking in academia, and elsewhere, and will document the ways in which sexual trafficking has been discussed and debated. This chapter will also outline relevant policy developments in the UK and internationally, and will consider the potential effects of these upon women working in prostitution and/or migrating women more generally.

In Chapter Three, *My Research Story*, I will explain the methods used in the research and reflect upon the research process and my personal research journey.

In Chapter Four, *Trafficking Stories*, I will present my analysis of twenty-three women's accounts of their trafficking experiences as told to the UK authorities in order to claim asylum to remain in the UK. I will consider the relationship of these accounts to the popular and dominant "trafficking story" and to wider academic literature on the subject.

In Chapter Five, *Accessing Services in the UK*, I will explore trafficked women's experiences of accessing services in the UK and the way in which UK immigration and asylum policies act to shape women's trafficking experiences, through both direct interaction and discursive processes. I will also explore in this chapter, how different identities, such as "illegal immigrant"; "asylum seeker"; "trafficked woman"; "trafficking victim"; "prostitute"; and "migrant" interact within trafficked women's lives, and how these have shifted with the emergence of popular trafficking concern.

In Chapter Six, *Sexual Trafficking: A Recognisable Social Problem: The Example of the UK Asylum System*, I will consider sexual trafficking as an emerging social narrative, and will assess how this process has affected the success rates of trafficked women's asylum applications in the UK. I will consider how, where and when the "sexual trafficking story" became a recognisable story in the British asylum system and a credible ground for an asylum claim.

In Chapter Seven, *The Reception of Trafficking Stories in the British Asylum System*, I will examine the processes involved in proving a trafficked woman's story credible in the British asylum system and how the asylum system, and wider discourse, shapes how trafficking stories can be told. I will also explore how this process may relate to the telling of 'popular' trafficking stories outside of the asylum system.

Finally, in Chapter Eight, *Conclusion*, I will summarise my research findings, consider new agendas for research and reflect upon the fast changing context of research and policy on sexual and human trafficking.

In the following section I will outline my use of key terms in the thesis and thereby my own position in relation to the debates I am about to explore in the next chapter *Sexual Trafficking: the Emergence of a Social Problem*.

**Sexual Trafficking:** Some writers argue that the term “Sexual Trafficking”, can act as an oppressive discourse which portrays women from developing countries as victims and limits the agency of migrating women and women working in prostitution through anti-trafficking

legislation<sup>6</sup> (Bindman 1997; Murray 1998; Doezema 1998, 2001; Saunders 2000; Kapur 2004; McDonald 2004; Sharma 2005; Agustin 2006). Certainly much of the dominant anti-trafficking policy has been argued to have adverse effects upon these groups (Kempadoo 1998; Sharma 2005; Weitzer 2005, 2007; GAATW 2007). However, as I have explored the emergence of sexual trafficking as a discourse and its relationship to trafficked women’s access to services in the UK and credibility in the asylum courts, I have found the effects of discourse to have at once, and at different times, and for different women, positive and adverse effects.

While I would agree that the emergence of trafficking as a social problem has wider, and often negative, connotations for migrating women and has had, at times, an adverse effect upon prostitute women’s rights, I argue in this thesis that the emergence of trafficking as a problem has also highlighted violence against migrant women who work as prostitutes and has developed help and services for those women who have found themselves subject to trafficking harm. I have found through my study of the social construction of “sexual trafficking”, that discourse has varying effects, and vocalises some women’s stories while silencing and stifling others (Plummer 1995). I therefore, tentatively, while being aware and not dismissive of the possible wider negative effects and potentially oppressive power of the term, use the terms “sexual trafficking” and “trafficked women” throughout this thesis.

I maintain throughout the thesis that sexual trafficking is reflective of some women’s experiences in prostitution, though not all; and some women’s experiences of migration, though again not all. I do not pretend to guess at, nor see how any other writer feels able to suppose, the extent to which the trafficking stories such as those presented in this thesis, or anywhere else, can reflect all migrant women’s experiences or all women who are working in

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<sup>6</sup>For example John Davies has argued: “Trafficking will eventually be remembered as an act of social terrorism inflicted on the migratory poor by the ignorant, misinformed and the selfish, whose fear of the other was never justified. That it was also co-opted by many middle class women to assault the sexual and informal economy of working class women and to deny many migrant women occupational rights and protection from exploitation, while they sought to make their transitions to other lives, will eventually be considered a considerable shame” (Davies 2002: 10).

the commercial sex industry experiences, as a whole, as all women's stories are told through and within multi sited experiences of gender, ethnicity, sexuality and culture. I therefore feel able only to reflect upon the twenty-three women's experiences which I have analysed for this thesis, for whom, in the main, the emergence of sexual trafficking as an identifiable social problem discourse has led them to the help and services they so very much desired, needed and deserved. Albeit, I will argue, within the boundaries of constructions of gender, sexuality and ethnicity, which acts to privilege some women's experiences over others, at different historical junctures.

**Human Trafficking:** Throughout this thesis, I have observed that at times "human trafficking" is considered to be overly synonymous with "sexual trafficking", and many theorists have argued that the overriding focus on "sexual trafficking" within the work on human trafficking has been unhelpful and has acted to silence other trafficking stories and experiences, such as those involving labour exploitation more generally (Lackzo 2005; Surtees 2006). At other times, and certainly increasingly in more recent debates, I have observed "sexual trafficking" stories to be subsumed under the umbrella of a variety of "Human Trafficking Stories" or "Modern Slavery Stories" (Bales 2000, 2005), thereby potentially silencing gender and sexuality experiences within these debates.

For these reasons, I have chosen to distinguish between sexual trafficking, which I take to be the trafficking of women for the purposes of prostitution, and human trafficking, which I take to be the trafficking of persons for other purposes. While I make this distinction, I do not consider it to be an ideal one, but rather an uneasy divide I have made principally for the purposes of clarity. Included in this research are the experiences of women who were not trafficked into prostitution but who experienced similar experiences to those women who were, especially with regards to sexual violence. Gender and sexuality, therefore, often shape the experiences of women who have been trafficked, regardless of the trafficking purpose and frequently, as I will argue in Chapter Seven, it is the division of experience into private/public dichotomies which denotes the validity of some experiences as legitimate narratives on sexual trafficking.

**Victim/ Survivor:** I have used the term victim/survivor throughout the thesis rather than victim or survivor, as I believe that trafficked women are at once, and at different times,

victims and survivors in their accounts. As Schneider has argued, victimization and agency are inseparable:

Neither victimization nor agency should be glorified, understood as static, viewed in isolation, or perceived as an individual or personal issue, because gender subordination must be understood as a systematic and collective problem – one in which women experience both oppression and resistance (Schneider 2000: 76)

Kelly, Burton and Regan have also questioned the separation of victim and survivor, and have argued that neither victim nor survivor is an adequate definition, as the separation of the two terms fails to recognise the survival and coping strategies at the time of an assault and to term someone a survivor afterwards suggests they have reached a point where their experiences don't touch them anymore, or that it won't happen again (Kelly, Burton Regan 2002).

With regards to debates about the trafficking of women, often the criticisms of the dominant sexual trafficking story relate to the wider effects of this discourse on migrating women and women working in prostitution, as it is frequently argued that a dominant trafficking discourse is presently being used to suppress these groups' agency in prostitution and migration (see for instance, Doezema 2002; Sharma 2005; Agustin 2007; GAATW 2007). While this may be true, the trafficking victim's/survivor's accounts retold in this thesis and elsewhere (Bales 2000; Hughes 2001, 2002; Poppy Project 2004) are *also* the stories of migrating women and women in prostitution, in which women are often victims in relation to wider patriarchal and imperialist structures. The solution then, is not to silence the stories involving women's experiences as victims in order to hear women's stories as agents, but rather to accept that women are both, at different times, and in different ways, victims and agents, and victims and survivors.

**Agency:** Through my reading of trafficked women's accounts I have understood agency to be constructed in different ways, for different women, at different times. For instance, when the women in this study decided to migrate, as many of them did, this was not always simply forced migration due to poverty or other circumstances, but was chosen by some women as freeing from poverty, and was chosen by some women to make better lives for themselves or their families (this is similar to findings by Lazardis and Anthias 2000). Agency and structure therefore are in a relationship with each other and are experienced through the political, the

social, the economic and the cultural by different individuals, at different times, in different ways and through different gender, ethnic and class positions (Anthias 1998, 2002).

**Prostitute/ Sex Worker:** The present literature offers only the terms “prostitute” or “sex worker”, both of which are problematic terms and neither of which, I feel, adequately relates to women’s experiences as retold in this thesis. These terms are often divisive and are the basis of the different perspectives used by different NGOs and organisations (see Chapter Two). The term ‘prostitute’ has historically had a stigmatising effect upon women and has acted as a mechanism through which dominant (hetero) sexualities are established and policed, through the Madonna/whore dichotomy (Pheterson 1989, 1993; Self 2003, among others). The term “sex worker”, on the other hand, while seeking to avoid the stigmatisation of the term “prostitute” risks the normalisation of practices, by calling such practices “labour”. Whereas the experience of, and engagement in (however engaged), of such practices are inevitably part of the subordination of some gender, ethnic and class positions to others (O’Connell Davidson 1998).

I have chosen to use the terms “prostitute” and “prostitution”<sup>7</sup> throughout the thesis, while acknowledging that they are limiting and stigmatising terms, as these are the terms used by the women in their own accounts and in my interviews with them. At no point did any of the women refer to their experiences as “sex work”. I have, however, struggled with this decision and do not use the term “prostitute” to reflect a particular position in the prostitute/ sex work debate. I feel the available terms to choose from are inadequate and suggest that new terms are needed to address this, as I believe that both the terms “prostitute” and “sex worker” are inadequate to describe the multifaceted experiences of those women to which they frequently pertain.

**“Illegal immigrant”/ asylum seeker:** Where I use the term “illegal immigrant” I have done so in inverted commas, this is to reflect my understanding of the term as an imposed, and often negative identity through which many of the trafficked women have been prevented from accessing help and services. At other times I have used the term asylum seeker where the women in this study were seeking asylum, although I acknowledge that in some contexts this

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<sup>7</sup> The women in this thesis often recalled working as ‘prostitutes’ i.e. selling sexual services for money. On occasion some of the women recall being forced to work in lap dancing clubs, so also in other areas of the sex industry are involved in the women’s accounts.

term also has similar negative connotations to the term “illegal immigrant”. I have explored the negative connotations of these labels throughout Chapters Four to Seven. Elsewhere I have used the term undocumented migrant to represent the women’s lack of citizenship status in the UK. Undocumented migrant may refer to someone who is in the UK “illegally”, who also may be seeking asylum or be a failed asylum seeker.

In the next chapter, *Sexual Trafficking: the Emergence of a Social Problem*, I will explore other writer’s arguments and positions relating to some of the terms I have just outlined, and will consider where the findings from this study fit into, or contrasts with those debates.

## **Chapter Two: Sexual Trafficking: the Emergence of a Social Problem**

They are young, vulnerable and have become prey to a dark criminal element specialising in human trafficking – a billion dollar industry where humans are bought and sold for the business of sexual gratification. (Human Trafficking- the complete mini-series 2005: back of DVD box)

Police estimate that 10,000 illegal immigrants are working as prostitutes in Britain today. Many are from Eastern Europe, brought here by ruthless Balkan pimps who sell them for as little as £150. John Gibb travels from the mountains of Moldova to the saunas of King's Cross and Chingford on the trail of the human traffickers (Gibb in *The Observer Magazine* 2003: 25).

Many are starved, imprisoned, beaten, sexually violated, physically abused and made to work eighteen hours a day, seven days a week. The scenarios are many and varied: a massage parlour on your local high street where a trafficked woman sells her body; a beach where cockle pickers work in the middle of the night; the kitchen of a middle-class family where the 'servant' sleeps; or the bedroom in which a man imprisons his 'foreign' wife (Gupta 2007: 2).

Trafficking in human beings is an abhorrent crime. Many describe it as modern-day slavery, where victims are coerced, deceived or forced into the control of others who crudely and inhumanly seek to profit from their suffering. This year, it is 200 years since parliament passed the act to abolish the slave trade in the British Empire. Whilst we reflect on the past with numerous events planned to mark the end of the bicentenary, we must not forget the plight of the thousands of people who are still forced to live in slave-like conditions as a result of inhuman criminal practises perpetrated by 21<sup>st</sup> century traffickers (UK Home Office 2007: 2).

Since the beginning of the twenty-first century, the sexual trafficking of women has become one of the highest priorities of the international community (Saunders 2000; Erez, Ibbara and McDonald 2004; McDonald 2004) and many governments throughout the world (Kempadoo 2005; Lackzo and Gozdzik 2005) As a result, there has been an explosion of legislation and policies, both nationally and internationally (see Appendix One, p216), dedicated to the prevention of the sexual trafficking of women. In addition, as discussed in Chapter One, there has been heightened media interest and coverage with the frequent depiction of sexual trafficking in films, dramas and in documentaries.

The above quotations reflect just some of the stories presently being told about sexual trafficking by the media, policy makers, governments and some researchers. The relationship of these stories to trafficking, prostitution and experiences of migration has been questioned

by a number of authors. For instance Kamala Kempadoo argues, “many of the claims made about trafficking are unsubstantiated and undocumented, and based on sensationalist reports, hyperbole and conceptual confusions” (Kempadoo 2005: 1; see also similar arguments by Self 2004; Weitzer 2005, 2007). This chapter will consider how sexual trafficking has been theorised and understood within the growing body of literature and evidence, which considers its occurrence and consequence, and the effects that this has had upon policy and legislation relating to sexual trafficking, prostitution, migration and asylum seeking. The chapter will also consider how this process has affected and interacted with women’s experiences in prostitution and women’s experiences of migration, and explores how a ‘sociology of stories’ (Plummer 1995, 2003) can assist in understanding the often complex and conflicting debates involved.

### **Shifting Stories**

The resurgence<sup>8</sup> of interest in the sexual trafficking of women, by feminist groups, is often traced back to the late 1980s, early 1990s (Doezema 2001; McDonald 2004). These developments echo earlier and growing bodies of knowledge(s) relating to the vocalisation and awareness of violence against women. Liz Kelly wrote of a knowledge explosion around sexual violence in the 1970s/1980s, and in 1988 wrote:

For each form of sexual violence there now exists an ever-increasing amount of papers and books based on empirical research, reviews and commentaries, theoretical perspectives, and specialist discussions of legal and/or treatment responses (Kelly 1988: 44)

Also in the 1970s and 1980s a plethora of books and films were created depicting violence against women, large volumes of research on violence against women were commissioned and agencies were developed to assist victims/survivors (Kelly 1988). Around this time, dialogues were first vocalised on issues such as rape, child sex abuse and domestic violence (Plummer 1995). And during this period language and terms relating to violence against women were created, debated and contested. The more recent emergence of sexual trafficking as a priority on feminist and international agendas is a reflection of these previous dialogues and presents

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<sup>8</sup> Concern over the sexual trafficking of women has a historical precedent in the “white slavery” discourses of the late nineteenth and early twentieth century (Walkowitz 1980; Wijers and Lapchew 1997; Doezema 2000, McDonald 2004; Self 2007), as discussed in Chapter One.

older debates with new and complex issues relating to violence against women, prostitution, ethnicity, migration and globalisation.

There have been significant changes in the way in which sexual trafficking is presently understood. Prior to the 1990s sexual trafficking was primarily understood as a problem that occurred outside of the West, usually in South Asia and South East Asia. Whereas since the beginning of the twentieth-first century, sexual trafficking is frequently understood to involve the trafficking of women to countries in the West, and the exploitation of non-Western women in Western contexts (Erez, Ibbara and McDonald 2004).

The current focus on the sexual trafficking of women echoes earlier knowledge explosions on violence against women. The feminist debate focuses on women's experience(s) in prostitution, women's experience(s) when migrating and when abroad, and women's position(s) in local and global economies. In addition, these issues are increasingly being incorporated into wider, and existing, dialogues on ethnicity, migration, globalisation and relationships between North and South. Often when sexual trafficking is discussed in the literature or in language and terminology, emphasis is placed upon one or other of these dialogues, rather than reflecting the fluidity of the relationships between each. Contemporary incidences of sexual trafficking are thus often theoretically situated between competing agendas on issues such as globalisation, migration, labour relations and the regulation of sexuality (Munro 2005).

For example, sometimes in the literature, depending upon the writer's perspective, the term "Human Trafficking" is sometimes synonymous with "Sexual Trafficking" thereby arguably subsuming other experiences of exploitation to focus on gender experiences of forced prostitution (Surtees 2006). Elsewhere "Human Trafficking" is also, and more frequently of late, used as a term to describe exploitative labour conditions in areas other than and/or including prostitution such as forced domestic labour and/or debt bondage (Wijers and Lapchew 1997). These developments potentially may de-emphasise or even silence some gender experiences, by arguably conflating often extreme forms of violence against women with exploitative labour conditions and/or debt bondage relating to unregulated labour (Kelly 2003).

More recently both terms have become conflated with the term “modern slavery”, which partly relates to the anniversary of the abolition of the slave trade and inevitable comparisons between the past and the present. This new development in terminology also marks a shift in the way trafficking is being currently being (re) conceptualised by dominant powerful (often US based) campaigning organisations such as Free the Slaves and also by the US State Department (GAATW 2007). The term “modern slavery” further conflates violence against women with unregulated and exploitative labour conditions and thereby potentially de-emphasises complex relationships between gender, sexuality and ethnicity within these debates (as in Bales 2000, 2005).

Throughout my research, I have observed this shift in the focus of grey literature reports and research studies. Sexual trafficking is sometimes considered to be part of the broader problems of labour exploitation and migrants rights, in which the focus on the sexual trafficking of women is often seen as detrimental to the vocalisation of other forms of trafficking experiences. For instance, Rebecca Surtees states, at the outset of a research paper written for the NEXUS Institute to Combat Human Trafficking and International Organisation for Migration, that her research paper:

...[a]ims to challenge the hegemonic representations of trafficking in minors, which have primarily focused on trafficking of young adult women for sexual exploitation (Surtees 2006: 2)<sup>9</sup>

Surtees argues in this paper that too much focus has been given to young women trafficked for sexual exploitation<sup>10</sup> and attention should now be turned towards children and young people

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<sup>9</sup> See similar arguments in Lackzo 2005 and Kelly 2005a.

<sup>10</sup> Certainly much of the research on trafficking prior to Surtees paper does focus on the sexual trafficking of young women (see for example Kelly & Regan 2000, Research Centre for Transnational Crime 2002 and Monzini 2004, among many others), and many of the anti-trafficking campaigns and legislation have focused on the sexual trafficking of women and children, such as campaigns by the Coalition Against Trafficking in Women (CATW) and the Global Alliance Against Traffic in Women (GAATW).

trafficked for other purposes<sup>11</sup>. This shift is reflected elsewhere in the present wider focuses of NGOs and campaigning groups. For example in a 2007 Amnesty International campaign entitled “People for Sale”<sup>12</sup>, stories of sexual trafficking are told alongside stories involving people being exploited picking daffodils, working in restaurants and domestic work (see also a similar range of stories told in Bales 2000; Gupta 2007). This suggests that sexual trafficking is currently being re-framed as part of a wider migration or “slavery” problem, which indicates a shift from the apparent “hegemonic representations” of sexual trafficking that Surtees describes.

Definitions of the terms “sexual trafficking”, “human trafficking and/or “modern day slavery” are in a permanent and ongoing state of flux. Meanings of the terms are changing and being contested. Early feminist definitions, which focused upon the sexual trafficking of women and children, prostitution, and gendered and sexual violence against women within these experiences, are currently being challenged. They are being challenged on the one hand, by sex workers’ rights groups (as I will argue below), and also through the broadening of definitions of trafficking to incorporate more diversified migration and/or forced labour experiences. It is through these processes that the boundaries of inclusion or exclusion of certain groups of people or certain experiences are created. It is also through these processes that some stories can be told while others are silenced (Plummer 1995).

### **What is Sexual Trafficking?**

Debates around sexual trafficking, within academia and elsewhere, often focus upon the meaning, the extent and/or the existence of sexual trafficking as an extensive reality (Doezema 1998; Murray 1998; Davies 2007). The principal disagreements evident in these

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<sup>11</sup> This was an opinion also expressed by a number of representatives from anti trafficking NGOs and anti-slavery groups at two conferences I recently attended, where a number of delegates expressed the opinion that the current and recent focus on the sexual trafficking of women was detrimental to the rights of other exploited migrant labour groups. The conferences were The European Slave Trade: Character, Causes, Challenges at Trinity College Dublin, attended in July 2007 and Slavery: Unfinished Business. An International Interdisciplinary Conference, Wilberforce Institute for the Study of Slavery and Emancipation (WISE), Hull, attended May 2007.

<sup>12</sup> The campaign was designed to lobby the UK government to sign the Council of Europe Convention on Action Against Trafficking in Human Beings.

frequently polarised debates are theoretically situated in wider sociological debates around agency and structure, different understandings of power and constraint, and are related to past, and equally polarised, debates within feminism on prostitution, pornography, the constitution of female sexuality and the constitution of female sexual exploitation. As Alison Jaggar commented in 1994:

The divergence in the competing definitions of prostitution does not result from failing to consult a dictionary or from paying insufficient attention to ordinary usage. It results from normative disagreements on what constitutes freedom, on the moral status of certain activities and, ultimately, on a certain view of what it means to be human. Thus, the disagreement on what constitutes prostitution is merely a surface manifestation of a disagreement over the fundamental categories to be used in describing social activities and over what are the important features of social life which need to be picked out. The inability of moral theorists to agree on what constitutes prostitution is an instance of the interdependence of principles and intuitions, of theory and data, even of fact and value (Jaggar, 1994: 110-111).

Similarly, Agustin (2006: 126) has argued that part of the conundrum of present day discourses on sexual trafficking lie inherently in the inability of social theorists and policy makers to agree on what constitutes enigmatic terms such as “force”, “consent”, “coercion”, “deceit”, “abuse” and “exploitation” (see also Sanghera 2005, among others).

There are two broad positions evident within the literature and feminist campaigns on trafficking (Simmons 1998; Peterson 2001; Gulcar and Ilkkaracan 2002; O’Connell Davidson 2002). These have some parallels with earlier feminist positions on prostitution, violence against women, pornography and sexuality. I will here call them the abolitionist position and the rights position<sup>13</sup>, which essentially reflects two different and broadly conceived positions on the constitution of prostitution. These positions are reflected in the theoretical positions taken by two feminist campaigning groups, which have emerged to campaign specifically upon sexual trafficking. The most influential of these groups are the United States based Coalition Against Trafficking in Women (CATW 2007, also often represented by work by Barry 1979, 1995; Hughes 2000, 2001; Leidholt 2002; Hughes and Roche 2006, and by the European Women’s Lobby), who take an abolitionist stance towards prostitution and are argued to have greater influence with governments and policy makers than other campaigning groups

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<sup>13</sup> In earlier debates on sexuality these positions are similar to “anti sex feminism” and “pro-sex feminism” (as in Dank 1998).

(Doezema 2001; McDonald 2004; Weitzer 2007). The other main feminist campaigning group is the Global Alliance Against Traffic in Women (GAATW 2007a, also represented in work by Wijers and Lip Chew 1997, Wijers 2004; Dottridge 2007), which in its understanding of prostitution distinguishes between force and choice.

At the same time as these two groups have emerged<sup>14</sup> to campaign against the sexual trafficking of women for the purposes of prostitution, sex workers' rights groups have emerged to challenge earlier feminist discourses on prostitution and the state regulation of sex work (see for example Pheterson 1989, 1993), such as International Union of Sex Workers (IUSW) and the UK Network of Sex Work Projects in the UK; Call Off Your Tired Old Ethics (COYOTE) in the US, (also represented in the work of Pheterson 1989, 1993; Doezema 1998, 2001; Murray 1998; Lopez 2004, among others). These organisations tend to be prostitute/sex worker led and campaign for the recognition of prostitution as sex work on international and national agendas. They tend to have more discursive similarities to the 'rights' position than the 'abolitionist' position in terms of the debates on sexual trafficking (see Doezema 2004). They claim to represent sex worker's voices, whereas it is argued that other theoretical positions and especially those underpinning the state regulation and control of prostitution often do not. It is argued that these are *about* rather than *for* the rights of the prostitute/sex worker. As Pheterson has argued:

Be it the doctors and politicians who fought for the state regulation of prostitutes or the feminists and religious crusaders who fought for abolition of prostitution, activists have historically worked to protect, supervise, reform and/or condemn those who sell sex (Pheterson 1989: 3).

The debates between these various actors and groups often appear to be acrimonious and any common theoretical or campaigning ground between CATW and the Sex workers' rights groups, in particular, appears to be limited. However, despite the ferocity by which these positions are often defended and debated throughout the literature and by campaigning groups, in my own reading of each I have found some amount of common theoretical ground. All claim to be primarily concerned with the welfare of migrant women who work or "work" in prostitution. All acknowledge that violence against women occurs in prostitution, although they frequently disagree about the extent to which it does and about the underlying causes of

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<sup>14</sup> CATW was set up in 1989 and GAATW in 1994.

that violence. All argue for something to be done with regards to violence against women in prostitution. However, proposed solutions to violence against women in prostitution is perhaps where the positions differ the most.

I will now explore the choice/force dichotomy inherent in these debates and consider where and how it has established itself with regards to the theoretical literature on prostitution, and more latterly on sexual trafficking. I will then explore the complexities involved when attempting to apply these concepts to women's experiences in prostitution and/or when women are trafficked. I am not arguing that any theorist's work necessarily always sits comfortably within one of the broad positions outlined above and in fact, from my own reading of the literature, have discovered varying opinion and debate evident within each and often significant areas of common ground and cross over. As Stacey has argued, "Feminist Theory is not an object that can be neatly package and consumed, and neither it is the product of a few stars writing in a vacuum, but rather it is a process" (1997: 76).

#### *The Choice/ Force Dichotomy*

Theoretically the literature on the sexual trafficking of women often centres on debates about what constitutes 'choice and/or agency' and what constitutes 'force' in prostitution. Debate is frequently most divided where the constitution of female sexualities and/or exploitation is contested, and/or where theorists propose solutions to the problem of trafficking or violence against women in prostitution. Doezema (1998) has argued that the main disagreement in debates on prostitution and sexual trafficking centrally relate to whether a person can choose prostitution as a profession.

The abolitionist position takes the narrowest view with regards to 'choice' in prostitution. Theoretically underpinning the abolitionist's position are understandings of patriarchy and women's position(s) within patriarchal worlds. This is drawn from Kathleen Barry's work on prostitution in 1979 and 1995; and reflected in later work by Hughes (2000, 2001); Leidholdt (2002) and the position taken by the CATW (CATW 2003). The position is influential in the United States (Weitzer 2007) and this is reflected in much US policy with regards to sexual trafficking (see below). The position is also evident in anti-trafficking legislation in Europe (Kilvington, Day and Ward 2001) and in prostitution and anti-trafficking legislation in the UK (Bindman 1997; Adams 2003; Gilbert 2007), as well as having an impact elsewhere throughout the world (Sugiyama 2004; Ditmore 2005; Shah 2006; GAATW 2007).

The universal nature of patriarchy for Barry takes on different forms in different localised contexts (Barry 1995). These forms are expressed through specific localised economic, political and cultural oppressions, which impact on women's lives in different ways at different locations. More recently, writers such as Hughes and Leidholt, have attributed similar attributes to global, political, economic and cultural structures, and their effect on women when migrating, which, they argue, often result in women<sup>15</sup> being trafficked into prostitution and forcibly exploited (Hughes 2000; Leidholt 2002).

The underlying assumption of the abolitionist position is that prostitution is never chosen but formed principally through patriarchy and other structural forces, and that all prostitution is violence against women (Hughes 2001; Kelly 2003<sup>16</sup>). This has been one of the most contentious issues for sex workers' rights activists as theoretically little space is considered to be available for the agency of women and the varying nature of their experiences within prostitution and/or sexualities, and no space is available for women to choose prostitution as a profession<sup>17</sup>. Sex workers' rights groups frequently take the opposing theoretical position and argue that many women choose to work in prostitution, and it is often the state regulation<sup>18</sup> of the work that renders those who work within it, vulnerable to violence, stigma and trafficking harms. In addition, for writers such as Murray (1998), Kempadoo (1998), Doezema (2000) and Adams (2003), women who are trafficked are often women who are migrating to work in prostitution, but are made vulnerable to trafficking and exploitative labour conditions due to

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<sup>15</sup> A minority of men are also trafficked for sexual purposes (Skrobanek 1997; Brown 2000; Gulcar & Illkaran 2002; Hopkins & Nijboer 2003). However these sexual trafficking experiences are experienced through the prism of gender. For example, although Brown discussed a number of men trafficked for the purposes of prostitution in Thailand. She found that the majority of their initial trafficking experiences took place under the age of 18. Moreover she found a marked difference in the working conditions of sexually trafficked men or boys to trafficked women or girls and argues that men have more autonomy and control over their working conditions in trafficking situations than their female counterparts (Brown 2000).

<sup>16</sup> Kelly (2001) has argued that previous feminist dialogues and campaigns on violence against women have concentrated on campaigning for wider definitions of violence within women's lives. The understanding of violence in prostitution evident in the abolitionist position is a reflection of these earlier feminist campaigns.

<sup>17</sup> Also organisations such as Anti-Slavery International (1997) have argued that if we dismiss all of the sex industry as abusive this obscures the violation of rights within it.

<sup>18</sup> Although prostitution itself is not technically illegal in many countries, the UK included, it is often argued that the regulation of actions associated with prostitution make it a dangerous and stigmatised occupation (Kantola and Squires 2002).

the illegality of their migration and prostitution itself (Kempadoo and Doezema 1998; Murray 1998). However, writers such as Kelly (2004) contest this. Kelly argues that female migrants are often not aware of the work that will be involved, or, if they are, the levels of involvement or control will have been seriously misrepresented to them, see also Chapter Four.

Sex workers' rights groups also campaign for the unionisation of sex workers and the framing of prostitution as a form of labour or work. This would allow for a greater degree of agency of women working within prostitution and activists sometimes link this to freedoms within female sexuality<sup>19</sup>. Sex workers' rights groups campaign for prostitution to be recognised as a profession through the decriminalisation or legalisation of prostitution (Lopez 2004; IUSW 2007).

Problematically for many<sup>20</sup> of the sex workers' rights groups, decisions (if taken at all) to work as a prostitute are made within material and structural conditions (O'Connell Davidson 1998; Self 2004), and choices are made within the structural conditions of the economic, the political, the cultural and social structures (Anthias 1998, 2002). Helen Self has said that arguments about choice are luxuries only applicable to women in the West. In fact, for many women, as Lazardis argues, "Prostitution is (partly) the result of a series of processes of marginalization and exclusion that have taken place and have distanced these women from alternatives to prostitution" (Lazardis, 2001: 70). Ultimately, the concept of sexual labour as free choice<sup>21</sup> sometimes evident in the sex workers' rights position is too simplified as it frequently fails to address the social contexts within which women live and work (Sturdevant

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<sup>19</sup> However sex worker rights groups also sometimes reinforce traditional (and potentially oppressive) gender and sexual stereotypes. For example, the International Union of Sex workers' rights explain the necessity of prostitution through its ability to quell overwhelming and uncontrollable male sexual desires and prevent "Other" women from attack, thus reinforcing heterosexual stereotypes and the binary of the prostitute/ respectable woman which has been critiqued by other sex worker rights activists (such as Pheterson 1989, 1993): "Rather than encourage rape, prostitutes are there for people who have a strong sex drive and cannot find anyone to have sex with. They cope with all those with confused and repressed sexualities, removing the risk of attack to other women ("Prostitution is Beneficial to Society" International Union of Sex Workers 2003).

<sup>20</sup> I say "many" as there is diversified opinion within sex workers' rights groups and associates around the issue of "choice" in prostitution. I am conscious that I am perhaps simplifying complex debates by focusing upon the extremes in the debates. I do acknowledge, however, that each position here described contains a continuum of opinion.

<sup>21</sup> However, there are some sex workers' rights activists/theorists who recognise the structural forces inherent in prostitution, so again I am simplifying more diverse opinion within the positions I am presenting here (see for instance Doezema and Kempadoo 1998).

& Stolfus 1992). The act of prostitution, or choice to work in prostitution, is always experienced in a plethora of complex social relationships and social spaces (O'Connell Davidson 1998; O'Neill 2001).

The sex workers' rights position is often espoused by powerful figures in the pornography industry, women as well as men. As with the abolitionist anti-trafficking lobby, stories abound within the sex workers' rights literature of the experiences of working in prostitution and other areas of sex work. In these sex worker's narratives, the focus is upon positive experiences rather than coercive conditions and choice and free will is often the overriding theme.

The sexual stories evoked within the so termed "pro sex" feminist literature tend to concentrate on those women who have consider themselves to have chosen to be prostitutes rather than those who do not consider their choice to have been so freely made (see, for instance, sex worker's stories told in Nagle 1997; Brewis & Linstead 2000). The stories of sex workers' rights activists often represent a select group of Western sex workers, who portray themselves as free acting agents who have freely chosen prostitution or pornography as a profession. As Dires comments:

When women in "pro sex" work are discussed there is a tendency to limit the discussion to either a first person account by a "sex worker" (often Nina Hartley) or to focus on woman owned/ produced pornography (often Candida Royale or Annie Sprinkle). While this type of work sheds light on the workings of various sectors of the industry, it cannot stand in for a critical macro level approach that explores how capitalism, patriarchy, racism and first world economic domination provide the economic and cultural space for international, mass scale pornography production. To focus only on those women who have the resources to produce and distribute pornography is as limited as looking at worker-controlled co-operatives to explore how labour is organised under capitalism (Dires 1998: 62).

Indeed, the evidence espoused in some of the sex workers' rights literature depends upon a select group of sex workers' accounts, often involving pornography or women who work on sex chat lines. Moreover, many of these women speak experiences of sex work in the West, and these women not usually women trafficked from or within Eastern Europe, South America, Africa or South Asia or South East Asia, and thereby arguably not all ethnically diversified experiences are told. These narratives certainly do not, for instance, reflect the

experiences of the women whose accounts have informed this thesis. This is not to argue that these sex workers accounts are not reflective of some women's experiences, but to concede that life stories tend to be subjective biographies, experienced through a certain class, ethnic, cultural position or locality. They are not and cannot be reflective of every experience, as all experiences are constructed through a plethora of relationships and/or positions relational to social structures.

Even when non-first world women in prostitution do speak out for sex workers' rights (as they do variously in an edited collection by Doezema & Kempadoo 1998) their voices cannot be considered to be reflective of every subjective experience of prostitution from and/or in their localities. Brown (2000) has argued that we must consider how these women have gained access to a voice, and who has been silenced within that process. Brown has argued that even where non-first world prostitutes campaign and speak out for sex workers' rights their voices are not representative of the whole. Brown is not confident that they always "speak for young, coerced girls and women that have yet to be seasoned or women that never acclimatise to the work" (Brown 2000: 56).

Regarding sexual trafficking, some activists have tried to locate a 'middle ground' in the midst of this divisive debate on prostitution. This position, which I have called here the rights approach, is evident in the work of campaigning groups such as the Global Alliance Against Traffic in Women. GAATW makes distinctions between "force" and "choice", and arguments are made that prostitution may involve either, or both<sup>22</sup>. It is where prostitution becomes sexual trafficking that "force" is considered to be involved. In this way, women who have chosen to migrate and to work as prostitutes and later find themselves in abusive circumstances are also represented, and the agency of, and the choices made by women are incorporated more easily than in the either abolitionist or sex worker's right positions. GAATW have arguably become more influential in legislation and policy circles in the last two decades<sup>23</sup> (Zatz 1997), although abolitionist groups are still often argued to be more powerful and have more influence (McDonald 2004; Weitzer 2007; GAATW 2007). While the rights

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<sup>22</sup> In addition in GAATW's definition trafficking may be for purposes other than prostitution and prostitution may be chosen as a legitimate occupation. This definition of trafficking allows for the distinction between "trafficking" and "forced migration and/or "slavery like practises" (Wijers & LapChew 1997).

<sup>23</sup> This was arguably seen in their influence on the "forced" and "free" definition in the UN protocol, see also below.

position allows for shift and movement between experiences of agency and structure, it has come under criticism from both sides of the debate. Abolitionists have argued that prostitution cannot involve choice, and some sex workers' rights activists have argued that a discourse which distinguishes between "force" and "victimhood" is likely to have an adverse effect on migrant sex workers' rights (Doezema 2002).

#### *Solutions?*

The complexity and divisive nature of these debates lies in the difficulties of explaining what "choice" and "force" may mean, and in offering understanding(s) of how power is experienced and exercised in different lives, at different times. This has also led different activists and organisations to call for different solutions to the "problem", which are dependent upon what they believe the "problem" to be. The abolitionists call for the elimination of prostitution as a solution to the violence and abuses they consider to be universally inherent within it. While sex workers' rights groups and advocates of the rights position on trafficking often argue for the decriminalisation or legalisation of prostitution and the reframing of prostitution as a form of work or labour. This, they believe, will challenge the state control of prostitution which marginalizes and acts to stigmatise those working within it.

In terms of sexual trafficking, which frequently involves women's experiences of (often irregular) migration, it is difficult to see how either offers a coherent solution to the difficulties of all women working in prostitution or of sexual trafficking. This is especially the case where women have migrated using irregular means, as the stigma and rights violations associated with "illegal immigration" and the state regulation of the "illegal immigrant" (see also Chapter Five), is unlikely to be superseded by the decriminalisation of practices surrounding prostitution or the framing of prostitution as work, as advocated by the rights side<sup>24</sup>. Equally, it is difficult to see how focusing on the criminalizing of the "clients" of prostitute women, as frequently advocated by abolitionist groups, will effectively challenge the global structural social and economic conditions of prostitution from which abolitionists believe the oppressions of prostituted women stem. As O'Connell Davidson has argued of the debate:

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<sup>24</sup> Additionally, O'Connell Davidson (2006) has argued that the sex work discourse has overemphasised the role of laws and policies in creating stigma, as stigma is embedded in more complex social and political processes than just the regulation of prostitution by the state.

Although the ‘abolitionist’ and ‘pro sex worker’ feminists clearly hold divergent moral and political understandings of prostitution, it seems to me that the view of power in both sides of the analysis is equally unidimensional. The former offers a zero-sum view of power as a ‘commodity’ possessed by a ‘client’ (and/or third party controller of prostitution) and exercised over prostitutes. The latter treats the legal apparatus of the central source of power that subjugates prostitutes. However the power relations involved in prostitution are far more complicated than either of these positions suggest (O’Connell Davidson 2003: 204).

The proposed solutions by either side are arguably inadequate to tackle the complexity of the women’s diverse experiences in prostitution, which include sexual trafficking. Again as O’Connell Davidson (1998) has argued this is principally due to the attempt of applying singular theoretical and policy solutions to divergent and complex realities, which are embedded in historical, social and political processes. She argues of the debates I have explored here that:

What is wrong with much contemporary Euro-American feminist debate on prostitution is that it disallows the possibility of supporting the rights of those who work in prostitution as workers, but remains critical of the social and political inequalities that underpin market relations in general, and prostitution in particular (O’Connell Davidson 2002:84-85).

In response to these difficulties, I argue throughout this thesis, that the experiences of women in prostitution operate along a continuum and this should be reflected in social and political debate, as well as when social policies are devised and implemented.

### **What is Known About Sexual Trafficking?**

It is commonly asserted in the literature that the knowledge base concerning sexual trafficking is relatively weak (for example by Kelly 2002, 2005a; Kempadoo 2005; Sanghera 2005; Agustin 2006b). A great deal of the available research on trafficking has been conducted by NGOs or campaigning organisations<sup>25</sup> (Kelly 2002; 2005a) and tends to focus on service provision for trafficking victims/survivors, exploring legislation and considering prevention strategies. She also argues that there is a distinct lack of research by social scientists (Kelly 2005a). Kelly states that:

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<sup>25</sup> Lackzo (2005) reports that the International Organisation for Migration alone has commissioned 40 studies on the subject since 1995.

As the issue has gained policy recognition and financial resources were mobilized, many more players entered the increasingly competitive field and non-government organizations (NGOs) and international non-government organisations (INGOs) activity. While engagement in research and documentation of international bodies, including at least five United Nations agencies, is welcome, it does not necessarily ensure a deepening of the knowledge base. Publications may primarily reflect a claims making process, vying for influence over how the issue is understood and where is located intellectually, symbolically and materially (Kelly 2005a: 236).

As a result, much of the research literature on trafficking is concerned with the extent of trafficking, mapping trafficking routes and determining causes (For example Lackzo & Thompson 2000, Research Centre for Transnational Crime 2002; Surtees 2005), what is known and what needs to be known (For example, Kelly 2002; Adepoju 2005; Brennan 2005; Gozdziaik and Collet 2005; Kelly 2005a; Lackzo 2005) and analysis' of the effectiveness of various legislative measures and laws which have been developed for anti-trafficking purposes or analysis of the assistance available to victims/ survivors (For example Jordan 2002; Limanowska 2002; OHCHR 2002; UNICEF, 2005; UNHCR 2005; La Strada 2005; GAATW 2007).

It is widely accepted in the available literature that the apparent rise of the sexual trafficking of women is due to a number of interlinking and intersecting factors. These include, poverty; the rise of irregular migration to the West and the position of migrants in the global economy (Sangera 1997; Lackzo & Thompson 2000, Enrenreich and Hochschild 2003; Kelly 2004); the fall of the Eastern Bloc and the collapse of civil society in Balkans<sup>26</sup> (Jordan 2002; Luht 2003; Rees 2003; Haynes 2004; Heyden 2004; Kelly 2004; Tavcer 2004); and the growth and expansion of global and local sex markets and a more substantial presence of migrant women in prostitution<sup>27</sup> (Kelly 2001, 2004; Poppy Project 2004). All of these can be understood as having gendered impacts where women are more vulnerable to sexual trafficking due to their

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<sup>26</sup> Often linked to this factor is an apparent growth in organised crime in Eastern Europe (see for example O'Neill- Richards 1999; Taran 2000; Hughes 2002; Mameli 2002; Shelley 2002). See also the conflation of concerns with organised crime in the UK, with concerns over trafficking by the Home Office and the UK police (see NCIS 2002).

<sup>27</sup> In the UK the Poppy Project report that only 19% of women they located working in London's sex industry are from the UK, the rest are from overseas, including 25% from Eastern Europe and 13% from South East Asia (Poppy Project 2004). Also Skrobaneek Boonpakdi, Jantakeero (1997) report a similar trend elsewhere in the West.

socio-economic position both globally and locally<sup>28</sup> (Enhrenriech and Hochschild 2003; Sassen 2003; Shearer Demir 2003; Kelly 2004), and women are especially vulnerable when involved in forms of irregular migration (Sassen 2003). This is often argued to be due to the increasing feminisation of migration (see Castles and Miller 1993; Anthias 2000; Enhrenriech and Hochschild 2003; Sassen 2003; Heyden 2004; Tavcer 2004) and the tightening of Western immigration controls (Derks 2000; Koser 2000; UNHCR 2002; Duvell and Jordan 2003; Hayter 2003; Kapur 2005). In addition, I would argue, that the vocalisation and condemnation of violence against women by activist groups, in the past and at present (Kelly 2002), has contributed towards creating the narrative space for the present dialogues on sexual trafficking (Plummer 1995).

It is widely accepted that the extent of trafficking is not known and statistics on sexual trafficking are frequently understood to be wide-ranging and disparate (Wijers and Lapchew 1997; Jordan 2002; Kelly 2002, 2005; McDonald 2004; Agustin 2006; Weitzer 2007, among others). Statistics are often based upon differing definitions of trafficking (as explored above), which frequently raises questions about their validity, reliability and representativeness (Salt 2001; Kelly 2002; Kelly 2004, 2005; McDonald 2004; Weitzer 2007). As McDonald puts it:

Many descriptions of the size and nature of the trafficking problem exist...they are little more than guesses...Some estimators openly admit their purpose is ideological, not accuracy. Some government estimates are based upon methodologies that are unpublished and unverifiable. Moreover sudden changes in estimates may not be explained. Qualitative descriptions appear to be crafted to support a politically acceptable view of the problem...There is remarkable willingness in the field to quote estimates whose basis is unknown and everyone agrees are just guesses. The measurement weaknesses are a serious obstacle to objective policy assessment and constitute a freedom to construct the problem as one wants (McDonald 2004: 145).

As already argued, prior to the rise of sexual trafficking as a social problem in its present form, sexual trafficking was considered to be a problem only in non-western contexts and focus was frequently on South and South East Asia. Since the beginning of the 21<sup>st</sup> Century Western countries have become commonly understood as destination countries to where non-western women are trafficked (Erez, Ibbara and McDonald 2004). Much has been written about the routes of trafficking and a great deal of literature is dedicated to mapping origin, transit and

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<sup>28</sup> Some writers also link this to a global growth in violence against women. For example Watts and Zimmerman (2002).

destination countries of trafficking (see for instance Lackzo and Thompson 2000). In many of these mappings trafficking victims/survivors are invariably from non-western countries, whereas destination countries frequently include countries in the West. Despite this, the problem of trafficking is usually viewed by the international community as a non-western problem and is seen as the responsibility of governments and communities outside of the West (see the discussion on the US State Department Trafficking in Persons reports below for example).

### *Trafficking to the UK*

Relatively few studies have been conducted on sexual trafficking in the UK, although research activity has recently increased. Growth in awareness of sexual trafficking in the UK was slightly behind mainland Europe and the United States. The first legislative action criminalizing the trafficking of persons was not enacted until late 2002, and no service provision for victims/ survivors was available until 2003 (Munro 2005; Women's Commission for Refugee Women and Children 2005). In 2000, Kelly and Regan carried out the first comprehensive study of trafficking of women for the purposes of prostitution in the UK (Kelly and Regan 2000). While in 2001, End Child Prostitution Pornography and Trafficking (ECPAT) undertook the first study of the trafficking of minors into the UK (ECPAT 2001). However, both of these studies were based upon professional's opinions of the trafficking situation in the UK, rather than on trafficking victims/ survivors experiences<sup>29</sup>.

In all, very few empirical studies have been undertaken with trafficking victims/survivors in the UK (Agustin 2006b), with the exception of research undertaken by an NGO which assists sexual trafficking victims in the UK, the Poppy Project (2004a; 2004b; 2006; 2008), and a study by Zimmerman et al (2006) on the health consequences of trafficking which included trafficked women's experiences in the UK<sup>30</sup>. Agustin (2006) has highlighted a dearth of research in the UK context, therefore in this thesis I have often had few studies to compare my findings with.

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<sup>29</sup> Also media sources and secondary data were used in both studies. These are similar to the methods used in other more recent studies on trafficking in the UK, for example ECPAT 2004, Craig et al 2007.

<sup>30</sup> Many of these accounts were accessed through the Poppy Project.

As with all quantitative knowledge concerning sexual trafficking, it remains difficult to confidently assess the extent of sexual trafficking to the UK. Kelly and Regan estimated in 2000 that between 142 and up to 1420 women are trafficked each year into the UK for sexual purposes (Kelly & Regan 2000)<sup>31</sup>, and this is an often-quoted statistic elsewhere in the UK context (for instance by the Poppy Project 2003, UK Home Office 2007). The Poppy Project, which was first funded by the UK Home Office in 2003 to assist victims/ survivors of trafficking, have assisted 107 trafficked women in total ( according to their statistics at the time of writing). These women were assisted between March 2003, when the project was launched, and August 2007 (Poppy Project 2008).

#### *UK Anti-Trafficking Policy Context*

Government concern about trafficking within the UK has been growing and increasing legislative measures reflect this concern. The UK government's approach to tackling human trafficking has in the past tended to view trafficking as a migration problem rather than a human rights problem. Consequently, policy and action has tended to focus upon the prosecution of traffickers and migration control rather than the protection needs of victim/survivors (Taran 2000; The Future Group 2006; Women's Commission for Refugee Women and Children 2006). See also Chapters Five and Six for further exploration.

Sexual Trafficking was first defined as a criminal act in the Nationality Immigration and Asylum and Act of 2002<sup>32</sup>, which was later, superseded by the Sexual Offences Act 2003<sup>33</sup> and from this date the prosecution of trafficker(s) became possible. Since its introduction, and at the time of writing, eight trafficker(s) have been found guilty of sexual trafficking charges as set out in the Asylum and Immigration bill (Gilbert 2007). Trafficking for other forms of exploitation became an offence in 2004 with the introduction of the Asylum and Immigration (Treatment of Claimants) Act 2004 (sections 2 and 4). However, to date, no prosecutions have been made under this law in the UK (Gilbert 2007).

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<sup>31</sup> This was based upon projected estimates from an analysis of the numbers of known or suspected cases by the UK police, and is considered by some to therefore be methodologically unsound (such as Agustin 2006).

<sup>32</sup> Although prior to this legislation traffickers could be prosecuted for a "patchwork of individual offences which might arise as in the execution of a trafficking operation" such as rape, the incitement to rape, assisting illegal entry, kidnapping. This was evident in the case of *R V Plakici* (2004), which predated the Asylum and Immigration act of 2005 (Gilbert 2006)

<sup>33</sup> Under s57(2), s58(2) and s59(2) of this act the maximum sentence available at crown court is 14 years and at Magistrates Court there is a maximum sentence of 6 months.

The Poppy Project UK was set up in March 2003 to help and assist female survivors of sexual trafficking and was specifically designed for those who had been forced to work in prostitution. Before the development of the Poppy Project no help and assistance was available or designed specifically to assist sexual trafficking victims/survivors in the UK. Eaves Housing for Women<sup>34</sup> were however assisting women who would later be officially identified as trafficking victim/survivors, before the funding of the Poppy Project, on an informal basis. Very little other service provision for victims/ survivors has been developed besides the Poppy Project<sup>35</sup> and Poppy often reports a higher demand for their services than they have available space (Poppy Project 2004, 2008). The provisions of the Poppy Project have been criticised due to the strict (Home Office set) criteria (see for instance Women's Commission for Refugee Women and Children 2005). For an in depth discussion of the Poppy Project criteria, see Chapter Three, p71-72).

At the same time as trafficking has emerged as a social problem, heightened concern with illegal immigration to the UK, especially from Eastern Europe, has been expressed in the media, in government legislation and elsewhere. There have been a number of developments in UK asylum and immigration law, which appear to be specifically designed to tighten immigration controls (Duvell and Jordan 2003; Hayter 2003) and reduce the scope for applying for asylum in the UK (Asylum Aid 1999, Ensor, Shah and Grillo 2003, Women's Commission for Refugee Women and Children 2005, among others). The Immigration and Asylum Act of 1999 and the Nationality, Immigration and Asylum Act of 2002 have together introduced legal changes including: increased powers to arrest, search and fingerprint;

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<sup>34</sup> Prior to government funding to set up the Poppy Project in 2003 Eaves Housing for Women were working with female victims of domestic violence and women who worked in prostitution. The Poppy Project is now run with Home Office funding by Eaves Housing for Women. Some of the women Eaves Housing worked with prior to the existence of Poppy had been subject to extreme forms of exploitation within the sex industry but were not British nationals and therefore could only be assisted if they were seeking asylum in the UK. The set up of the Poppy Project in March 2003 initially gave those identified as trafficking victims/survivors a one month reflection period to remain in the UK, longer if they were willing to testify against their trafficker(s) and/or assist law enforcement agencies with their enquires.

<sup>35</sup> Although the new UKHTC centre in Sheffield now has 7 beds for victims/survivors, it isn't clear at the time of writing how these will be used, or what services will be available to victims/survivors. Also the Medialle Trust, a Catholic organisation, reportedly has a network of safe houses for trafficked women in the UK. Information on how many women they have assisted, if any, is not available.

increased use of detention; ending support to asylum seekers who do not claim asylum on arrival in the UK; the introduction of a list of safe countries, from which asylum claims will be presumed to be unfounded; and the establishment of accommodation centres for asylum seekers and their children. The only means by which trafficked women may benefit from long-term assistance at the Poppy Project is where they are seeking asylum or are refugees. Many commentators have expressed a belief that the increasing introduction of such measures regarding immigration and asylum in the UK may act to undermine protections introduced for trafficking victims/ survivors (see for example, The Women's Commission for Refugee Women and Children 2005). Also see Chapters Six and Seven, for a more detailed exploration of this, with relation to women's asylum applications in this study.

In addition to legislation measures and help and services being developed for survivors, law enforcement agencies have also launched a number of operations to "rescue victims" in the UK. Two specialist police operations have been launched from 2005 to the time of writing. Operation Pentameter 1 was launched in 2005 to "identify and rescue victims of human trafficking" and after the operation 88 women and children were reported as rescued<sup>36</sup>, and latterly Pentameter 2 which was launched on October 1<sup>st</sup> 2007 with a similar remit. Responses by the UK police are often linked to concerns over organised crime and illegal immigration to the UK (see for example these concerns expressed in NCAS 2002). A representative from the UK's new Serious and Organised Crime Agency was reported in the Observer newspaper as saying:

Human Trafficking for prostitution is one of the UK's fastest growing industries. It will be one of the priorities for the new Serious and Organised Crime Agency. Yet we only have piecemeal anecdotal knowledge of the women trafficked, by whom and in what circumstances (The Observer 2006: 15).

More recently, and since completing my fieldwork in 2005, the UK has signed the European

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<sup>36</sup> Including those from the now infamous "Birmingham Brothel Raid" in which British police raided the 'Cuddles' brothel in Birmingham, where trafficking victims/survivors were supposedly being held, nineteen women were "rescued", and then UK immigration service attempted to deport the women from the UK. A campaign was launched to prevent their deportations and a number were later identified as trafficking victims/survivors (O'Connell Davidson 2006).

Convention Against Human Trafficking<sup>37</sup> (in March 2007), set up a United Kingdom Human Trafficking Centre<sup>38</sup> (in October 2006) and has developed the UK Action Plan on Tackling Human Trafficking<sup>39</sup> (in March 2007) to “address the new, alarming and increasing numbers of persons trafficked into the UK” (UK Action plan: 1)<sup>40</sup>. All three initiatives do appear to move towards incorporating a more victim/ survivor rights orientated focus, however, they can only be judged by their implementation in the next few years

The UK government was initially reluctant to sign the European Convention Against Human Trafficking and took over two years to sign. Extensive lobbying of the government was undertaken by both Amnesty and Antislavery in the UK. The government’s reluctance to sign appeared to be due principally to government concern over illegal immigration into the UK, as the convention guaranteed a reflection period to remain in the UK for those identified as trafficking victims. A Home Office minister at the time stated, “People will claim to be victims of human trafficking when they’re not, they’ll use it as a way of extending time here” (Quoted in The Future Group 2006: 3). The convention was eventually signed by the UK government in 2007, on the anniversary of the abolition of the slave trade (see further discussion of this in Chapter Seven).

UK government rhetoric and subsequent responses to trafficking typically describe and respond to apparently ever increasing numbers of trafficking victims in the UK, however as O’Connell Davidson observes these numbers “have a habit of transmogrifying into ‘illegal immigrants’ who must be summarily deported” (O’Connell- Davidson 2006: 6). As I will go on to explore further in Chapter Five, the trafficked woman is often identified, labelled, and

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<sup>37</sup> Signed by the UK Government in March 2007 the convention is not yet ratified in the UK. The ratification and implementation of the convention is anticipated to begin in 2008/9. The European Convention includes measures concerning the prevention of people trafficking, the prosecution of people traffickers and the protection of the victims/ survivors of trafficking (Council of Europe 2005).

<sup>38</sup> The UKHTC was set up in October 2006 and comprises 15 staff from varying backgrounds including the UK Police, the Crown Prosecution Service, the Serious Organised Crime Agency (SOCA) and the Border and Immigration Agency (BIA). UKHTC “will become a central point for the development of expertise and operational co-ordination in relation to the trafficking of human beings” (Home Office 2007: 5).

<sup>39</sup> The main proposals in the UK Action Plan on Tackling Human Trafficking concern the prevention of trafficking; investigation, law enforcement and prosecution of traffickers; and the provision of protection and assistance to victims/survivors (Home Office 2007)

<sup>40</sup> The UK Action Plan on Tackling Human Trafficking indicates a shift in policy focus from trafficking for sexual purposes to incorporating concern over trafficking for forced labour and other purposes, which reflects international shifts in focus on the debate.

treated as an “illegal immigrant” in the UK context, and this directly affects her access to services and assistance in the UK. In the UK context, anti trafficking measures have been equated with increasing powers of UK immigration authorities to commit raids against migrant sex workers (Saunders 2000; Adams 2003). In addition, laws and legislation are often argued to already work against prostitute’s rights in the UK (Bindman 1999; Adams 2003).

As I shall also go on to explore further in Chapters Five, Six and Seven, the way in which trafficking is currently understood or conceptualised has a direct effect upon who is considered to be a “victim of trafficking” and who is not. “Fitting the story”, and telling the story at the right time, in encounters with the UK authorities can often mean the difference between accessing help and services or not, as the UK authorities maintain the power to believe or not to believe, and subsequently the power to help or not to help. It is through an account of her experiences that a woman is able to access services or is granted asylum from her trafficker(s).

In the UK, the current Labour government’s focus upon protecting the rights of trafficking victims does not sit easily with the government’s rhetoric on being tough on immigration and conflicts between the two have frequently arise. The UK government is frequently criticised for having developed an inconsistent system for tackling human and/or sexual trafficking and consequently this is believed to have had an adverse effect upon trafficked women’s access to justice, help or assistance (Women’s Commission for Refugee Women and Children 2005; O’Connell- Davidson 2006; The Future Group 2006; GAATW 2007). This is reflected in the research conducted for this thesis and is explored in various ways throughout Chapters Four to Seven.

### **International Anti Trafficking Policy Context**

There has been a volley of legislative measures taken internationally since 2000 to prevent trafficking, criminalize traffickers and assist survivors both internationally and domestically throughout many areas of the world<sup>41</sup>. As in the UK, these policies act to define sexual trafficking by stating which social actions are to be understood as sexual trafficking. This often has the effect of at once highlighting and then subsequently setting the parameters of the problem. The United States, in particular, has taken a leading role in developing and

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<sup>41</sup> For example, of the most recent policy measures and instruments adopted by the EU on irregular migration since 2002, 3 out of 6 are on human trafficking, while the other 3 are on human smuggling (Balzacq, Carrera 2005 : 27).

implementing anti-trafficking initiatives, the majority of which have implications and consequences beyond the United States (Sugiyama 2004; Ditmore 2005; GAATW 2007).

*United Nations Definition*

The United Nations definition in 2000 has been perhaps the most influential and is used as a defining tool in much of the legislation, and is often quoted in research reports commissioned by NGOs and used to define the problem. The definition of the trafficking of persons in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) is as follow:

Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abductions, of fraud, of deception, of the abuse of power or of a position of vulnerability or of giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation (United Nations 2000, Article 3 (a)).

The UN definition of trafficking is a broad definition and incorporates all forms of trafficking as well as understanding trafficking as a process, in which exploitation could take place at various stages of migration, whether that migration is through legal channels or not<sup>42</sup>. The definition does however have its detractors. For instance Jo Doezema (2002) argues that the protocol may have an effect upon women who choose to migrate and/or women migrating to work in prostitution, leading to the increased surveillance of sex workers and deportation of migrant sex workers. Whereas on the opposing side of the debate Janice Raymond (2002) has argued that limiting the definition to a small number of women who could prove that they had been forced into prostitution may limit protection for a large number of victims (these arguments are a reflection of the choice/coercion dichotomy in feminist debates as explored above). Elsewhere, Munro (2005) has argued that as the definition has used ambiguous terms such as “force”, “coercion”, “abuse” and “consent” it has, as a result, been interpreted differently by different countries and there have been different domestic implementations of its remit in different contexts (see also O’Connell Davidson 2006).

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<sup>42</sup> Thus defining the boundaries between the smuggling of persons, which is deemed an illegal activity by the United Nations (see United Nations (2000) *United Nations Protocol Against the Smuggling of Migrants*, United Nations) and the trafficking of persons. By which a person who had engaged in smuggling which at any point was exploited under the terms of UN Protocol is understood to be a “victim of trafficking”.

*US State Department Trafficking in Persons Reports*

Other notable policy developments have been the yearly US State Department Trafficking in Persons reports (US TIP), yearly since 2000, in which nation states' anti-trafficking policies and assistance programmes are measured against an ideal anti-trafficking (US) model. In the US TIP reports countries are graded according to a tier system<sup>43</sup>. The US TIP reports emerged from the Trafficking Victims Protection Act, which was widely believed to reflect a shift in US domestic policy on trafficking towards an abolitionist position (Chapkis 2003; Weitzer 2007) and to be used as a way to justify curtailing immigration to the US<sup>44</sup> (Chapkis 2003).

The domination of US legislation on prostitution and US anti- trafficking policy by the feminist abolitionist discourse is recent. Prior to the Bush administration, and under the Clinton administration, a two-tier definition of prostitution incorporating the concepts of voluntary and forced prostitution was used in all US policy and legislation on prostitution. Post Clinton, an abolitionist approach to policy development in the US is evident. This policy shift has prevented some overseas NGOs from receiving US funding if they want to help women in prostitution rather than "rescue them"<sup>45</sup>. Since 2003 US policy deems that organisations and NGOs must condemn prostitution (GAATW 2003) Therefore these policy shifts have direct effect on the possible services available to prostitutes in many areas of the developing world.

The US State Department's TIP reports have been widely criticised. Some writers have argued that the US TIP reports are based upon a moral crusade discourse, which is dominant in the US context (Weitzer 2007: 461 see also McDonald 2004). Many have argued that much of the anti-trafficking legislation in the US follows the "anti prostitution model" and

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<sup>43</sup> In the US TIP reports countries are allocated a Tier from One to Three depending on the US State Department's assessment of that countries response to the trafficking of persons. Tier One includes those countries that are believed to have met international standards and are addressing the problem. Tier Two includes those countries that are alleged to be demonstrating commitment to address their problems but have not yet achieved international standards, included in this is a "Tier Two watch list" where countries listed may be vulnerable to an erosion of their efforts. Lastly Tier Three lists those countries that are considered to be failing to meet the minimum international standards and are making no efforts to do so (US State Department 2000-2007).

<sup>44</sup> Chapkis (2003) also argues that the TVPA incorporates and represent the US state's anxiety over sexuality, gender and migration.

<sup>45</sup> As specifically set out in a US measure entitled "Prohibition on the Promotion of or Advocacy of the Legalisation or practise of sex trafficking" enacted in 2003. Since this legislation funding for prevention and assistance projects is only given to organisations that are willing to remove women forcibly from prostitution (Crago 2003; GAATW 2007).

reflects the CATW position on trafficking (see also below). The US Government Accountability Office report also questions this discourse's relationship to evidence on the realities of trafficking

...the 2005 Trafficking in Persons Report asserts that legalized or tolerated prostitution nearly always increases the number of women and children trafficked into the sex industry, but does not cite any supporting evidence (US GAO, 2006: 25).

Elsewhere the US TIP reports have been criticised as being a political document rather than reflecting trafficking situations. There is wide criticism of the inclusion of all first world countries, which are often destination countries, in Tier One. For example, the inclusion of the US and the UK in Tier One of all of the US TIP reports has been criticised. Huckerby assessed the anti-trafficking measures in place in the US against the required standards in the US TIP reports, by which the Bush administration judges countries throughout the world, and concluded that the US falls short of these very standards (Huckerby 2007).

Dottridge argues that the UK's inclusion in Tier One in all of the US TIP reports is also a mystery as the UK has had confused and inconsistent policies, which for many years have left trafficking persons with no protection or assistance (see also above). Dottridge concludes that the inclusion of the UK in tier one of the US TIP reports reflects the political relationship between the US and UK, rather than indicating an exemplary anti-trafficking record in the UK (Dottridge 2007). Furthermore the US tends to target countries such as Cuba or North Korea for inclusion in the lower tiers. Many have argued that this is purely political, as Cuba and North Korea are not known to have extensive trafficking problems (see, for instance, Sayeed 2007).

Another example of inconsistency in the placement of countries in the tier system is the movement of Nepal from Tier One to Two between the 2005 and 2006 US TIP reports. This movement could not have been based on any developments in terms of anti-trafficking between the two reports, as there were none (US State Department 2005; US State Department 2006). Significantly between the 2005 and the 2006 TIP reports, the civil war in Nepal replaced the monarchist government with a coalition government, which included Maoist groups. The only explanation given in the 2006 US TIP report for Nepal's demotion

was that Nepal was failing to improve its corruption efforts (US Department of State 2006: 186).

The objectivity of the US TIP reports is debatable and anti-trafficking activists, from within the countries in question, regularly criticise the placing of their countries in the tier system (GAATW 2007). In addition there are criticisms of the reports, and tier allocations, from within the US government itself. The US Government Accountability Office states:

...in justifying the tier rankings for these countries, (the department of) state does not comprehensively describe foreign government's compliance with the standards, many of which are subjective (US GAO 2006: 26).

Nevertheless, despite these criticisms the US TIP reports have also had far-reaching and occasional (arguably) potentially positive consequences throughout the world. As an example of the authority of US TIP reports, Shelley argues that Russia made significant efforts to incorporate anti-trafficking legislation in between the first and the second US TIP reports, due to the threat of being denied US and other foreign assistance (Shelley 2006). Shelley argues that, "American pressure combined with the leadership role of the UN combating trafficking has had an enormous impact on the development of anti-trafficking Russian law" (Shelley 2006: 301).

The application of US State Department TIP reports is often linked in the literature to the dominance of one discursive position on prostitution and the reports are highly influential in many contexts throughout the world. The US State TIP reports have appeared within this study when trafficked women were applying for asylum to remain in the UK. The reports were often credited with great authority in the decision-making processes related to the women's asylum applications (as are all US State Department reports more generally in the British asylum system Good 2004a, 2004b). The implications of this will be explored in Chapter Seven.

#### *The Development of Assistance Programmes for Trafficking Victims/Survivors*

Many international Non Government Organisations have begun to focus on trafficking as a social problem and to explore and put in place campaigns and assistance programmes. For instance, the International Organisation for Migration (IOM) has missions designed to assist survivors of trafficking in many locations throughout the world. Smaller nationally based

NGOs are also involved in providing help and assistance to trafficking victim/survivors, such as the Poppy Project/Eaves Housing for Women in the UK and the Vatra Hearth Shelter in Albania. Other NGOs are involved in campaigning against human trafficking. For example, in lobbying governments to create or endorse victim protection legislation (For instance, Anti-Slavery, Free the Slaves, Amnesty International).

The development of these assistance services and campaigns is relatively recent. IOM has been operating its anti- trafficking assistance programmes since around 1998<sup>46</sup>, in some countries earlier, in others later. The Vatra Hearth Shelter has been operating in Albania since 1999 and the Poppy Project in the UK since 2003. These services, designed to meet the needs of trafficking survivors, are frequently portrayed as services which are reacting to the new and growing phenomenon of trafficking. How far they are successful in doing this is debatable. Agreement or knowledge among NGOs, governments and campaigning groups about the actual extent of the problem is not forthcoming. As O'Connell Davidson (2006) points out all of these groups are responding to an apparently new and ever increasing problem, but actual evidence on how new or how increasing the problem actually is, is not known, and as I have explored neither is the exact nature of the problem. The newness and increasing nature of the problem has become part of the dominant trafficking story and part of rhetoric consistently embraced and narrated by governments, NGOs and campaigning groups.

### **Discursive Effects**

The abolitionist discourse characterised by the work of activists such as Leidholdt, Hughes and the Coalition Against Trafficking in Women (Leidholdt 2002; CATW 2003) and academics such as Hughes (Hughes 2000, 2001) has become quite powerful and influential with governments and policy makers, especially in the US (Sharma 2005; GAATW 2007; Weitzer 2007), and in Europe (Kilvington; Day and Ward 2001)<sup>47</sup>. This is often regarded to be

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<sup>46</sup> Originally as part of its wider return and reintegration migration assistance programmes. IOM now has a dedicated anti- trafficking department. These assistance programmes are designed for all forms of trafficking but the majority of those assisted are women who have been trafficked for sexual purposes (Jobe 2007)

<sup>47</sup> For instance in the UK context, a report by the House of Lords and House of Common Joint Committee on Human Rights. (2005-6) displays similar discursive frameworks to the US Trafficking Victims Protection Act. Also Gilbert (2007) argues in his study of prosecution cases against trafficker(s) in the UK that these cases display understandings of prostitution related to the abolitionist position in the decision making processes used to prosecute trafficker(s).

damaging to already vulnerable trafficked women (GAATW 2007), and to migrant women more generally (Kapur 2004; Sharma 2005; Agustin 2006) or to women working as prostitutes (Bindman 1997; Saunders 2000; Doezema 2001; Adams 2003; Chapkis 2003). Recently, Western abolition groups and abolitionist feminists have come under extensive criticism for their domination of public policy and legislation, and the effect this has had on migrant women and/or trafficked women's access to rights has been explored by a number of writers (McDonald 2004; Sharma 2005; GAATW 2007; Weitzer 2007).

Anti-trafficking policies and campaigns are frequently described in some of this literature as a moral panic, which obscure the vulnerability of migrant women in the nexus of state and capitalist practises, while presenting them solely as victims of traffickers (Sharma 2005, Weitzer 2007). In relation to this, Sharma, for instance, has argued that anti-trafficking campaigns act to impose and reflect wider racist and imperialist discourses on female migrants (Sharma 2005: 89, see also Agustin 2006, 2007). The abolitionist discourse often frames all forms of prostitution as responsible for, or reflective of, sexual trafficking situations<sup>48</sup> (GAATW 2007; for example see Hughes 2000; CATW 2007). Arguably, when all prostitution is seen as the sexual trafficking of women this imposes gendered sexual stereotypes upon all women who work in prostitution (Doezema 2001), and more broadly on all women who migrate (Sharma 2005).

This is largely due to the conflation of the abolitionist discourse with the power, presence and influence of the US government internationally in developing, informing and imposing anti-trafficking policies and legislation<sup>49</sup>. Recently, Weitzer has explored the rise of sexual trafficking as a social problem in the US context. Weitzer has referred to the anti- trafficking

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<sup>48</sup> CATW also conflates trafficking with smuggling by conflating all prostitution with sexual trafficking.

<sup>49</sup> And in addition this is reflected in some of the media depictions I described in Chapter One. Helen Self has likened the work of Janice Raymond of CATW to such a Hollywood script: "To read Janice Raymond is to enter the world of a Hollywood movie. The canvas is peopled with victims and villains, pimps and traffickers... The 'sex industry' becomes a monolithic organization, full of obscenities and police chasing evil gangs. The complexities of life, desire and sex, are reduced to a simple black and white relief, full of malice and hatred. In the final episode the Coalition Against Trafficking in Women and similar organisations gallop onto the scene proclaiming the final solution to centuries of unresolved difficulties- 'attacking the demand'- by adopting Swedish legislative formula. As if stigmatising and criminalizing men, instead of women, would magically eliminate the most ancient of human conundrums" (Self 2007).

lobby in the US as resembling a “moral crusade”<sup>50</sup> which has led to “concrete changes in government discourse, policy and law consistent with (the) crusades interests and demands” (Weitzer 2007: 460). Elsewhere Sayeed has reached similar conclusions:

Conservatives have framed the international trafficking debate by appropriating the language of ‘moral repugnance’, describing sex trafficking as “modern day slavery” and positioning themselves as emancipators” (Sayeed 2006: 126).

As already explored, many theorists have argued that where powerful discourses concentrate upon the extremities of abuse within prostitution, or when women migrate, the reality of sex workers/migrating women’s lives is obscured (Doezema 2001, Agustin 2007). Moreover, the focus on such extremities is argued to have a direct effect on the wider realities of migrant women and women in prostitution, and the interaction between the discourse this produces and lived reality is largely believed to be negative and oppressive (Agustin 2007, Weitzer 2007). As Doezema (representing the Network of Sex Work Projects) argues:

Historically, efforts to combat trafficking (earlier called white slavery) have ended up justifying repressive measures against prostitutes themselves. Efforts to combat trafficking thus combine measures to punish traffickers with those to prevent women from entering or staying in the sex industry voluntarily... This impulse to “protect” is combined, in these xenophobic and anti-immigrant times, with the desire to keep out “undesirable aliens”. The practical results of these sentiments are restrictions on movement and migration for women, increased surveillance of sex workers and increased deportation of migrant sex workers (Doezema, quoted in Murphy and Ringheim 2002: 14).

It is frequently argued that the international dominance of the abolitionist position tends to give power to Governments, the police<sup>51</sup> and immigration services rather than to trafficked

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<sup>50</sup> Weitzer argues that in the US context: “All the hallmarks of a moral crusade are evident—framing a condition as an unqualified evil; creation of folk devils; zealotry among leaders who see their mission as a righteous enterprise; presentation of claims as universalistic truths; use of horror stories as representative of actors’ experience; promulgation of huge and unverified numbers of victims; and attempts to redraw normative boundaries by increased criminalization” (Weitzer 2007: 467).

<sup>51</sup> Governments and the police are also sometimes involved in the trafficking of women. The Global survival network found official collaboration with traffickers in Russia (Hughes 2000). Rees (2003) discusses the role of international criminal networks in the new government in Bosnia and argues it is difficult to distinguish between the authorities and the traffickers. See also Chapter Four.

women (Sharma 2005; GAATW 2007). Also, according to sex workers' rights groups, it endangers and comprises the trafficked woman by giving the authorities that are often the suppressors of sex workers' rights, a theoretical discourse from which to justify action in the name of protection of "innocent victims" (Gulcar & Ilkkaracan, 2002). It is also argued that it situates the trafficked woman, who is already in a highly disadvantaged position, in the position of a 'victim' with little agency (Doezema 2002; Kantola & Squires 2002; Kempadoo & Doezema 1998).

Some of the literature highlights that anti-trafficking legislation is also being used by some governments to tighten immigration controls (Taran 2000)<sup>52</sup> and many writers have commented on the recent increase in migration controls in the West (Derks 2000; UNHCR 2002; Duvell and Jordan 2003; Hayter 2003). This has also been linked to the problems women in particular are now facing as they try to migrate. This has been seen internationally (for example in South Asia: Jana, Bandyppadhyay, Dutta, Saha 2002; Poudel 2007). Stricter immigration controls have been linked to an increase in irregular migration and the need to use smuggling routes to migrate (UNHCR 2002; Hayter 2003) and, therefore, arguably contribute towards the trafficking of persons (see also Chapter Four).

### **Conclusion: Approaching Sexual Trafficking through a Sociology of Stories**

In my own approach to the literature, and in my research, I have used Ken Plummer's sociology of stories as a framework, to attempt to overcome the polarisation of much of the feminist debate on sexual trafficking. I acknowledge that there are competing discourses in the literature and have observed that some discourses have more authority to portray "truths" than others. I have also suggested that the power of these discourses is currently shifting as sexual trafficking becomes merged with wider concerns about human trafficking and/or modern slavery. During my research, I have observed a process where different discourses on sexual trafficking are more powerful than others, at different times and in different spaces.

Any theoretical position that focuses solely on the manner, in which lives are structurally determined, often does so at the expense of the agency of the individual. Conversely, a position that focuses only upon or principally upon the agency of individuals does so at the

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<sup>52</sup> Taran has argued that trafficking has emerged as a global framework which contextualises migration in a framework of combating organised crime and criminality, subordinating human rights protection to control and anti crime measures (Taran 2000).

expense of understanding the social conditions within which that agency has been produced. It is only an approach that incorporates both the agency of women while acknowledging the structures that interact within that agency that can hope to be representative of the multifarious and multisided experiences of women's experiences within prostitution. An approach is needed that can account for the trafficked woman as at once, and at different times as both an agent and a subject. As ultimately she who is an agent today may be a victim tomorrow and vice versa (O'Connell Davidson 1998; O'Neill 2001; Hopkins & Nijboer 2003). This applies to women's experiences of prostitution as much as it does to women's multi various experiences of migration.

There are a number of stories being told by trafficking victims/survivors; these are stories framed by gender, ethnicity and geography and often incorporate stories about home, about migration, about prostitution and involve violence against women. In addition, there are multiple stories of prostitution and migration, some of which will not be reflected in the accounts consulted for this thesis, some of which will, as there is a continuum of experiences in each. As Bruner argues: "culture is not all of a one piece, and neither are its stock stories. Its vitality lies in its dialectic, in its need to come to terms with contending views, clashing narratives. We hear many stories and take them as stock even when they clash with one another" (Bruner 2002: 91).

The rise of trafficking as a spoken about and narrated social problem shifts the boundaries of not only who is now heard and who is not, but also who is afforded and can exercise more agency and who is afforded and can exercise less. As certain voices become vocalised, others become silenced, certain paths are opened, and others closed, by the same shifting structures. Some women exit trafficking situations, access assistance projects and successfully claim asylum on the narration of their experiences, all of which was not possible before, while others do not. Some women's stories are listened to, believed, retold, and verified, while others are not heard, not believed, not retold or verified. These processes are often dependent on the links between competing discourses and legislation, and service provision for trafficking victims/survivors. Stories of sexual trafficking can then be at once liberating and oppressive, and at once a reflection of reality and a construction of that reality. For Plummer:

Power be may ubiquitous, for Foucault, as for me. But some forms of power expand choices (coming out stories) and are empowering; whilst others forms reduce choices (pathology/ victim tales). And lead to control and domination.

What hence needs to be explained is why specific stories have their specific times, whilst others do not (Plummer 2005: 123).

The telling of trafficking stories can be at once potentially liberating for some and potentially oppressive for others. This thesis will explore, through an analysis of sexual trafficking stories told by those who have been officially identified as trafficked women, the way(s) in which trafficking stories liberate some while forming boundaries between the “trafficking victim” and “Others”. The experiences of the women, whose accounts of sexual trafficking have been explored for this research (in Chapters four and Five), have occurred within the context of the emergence of sexual trafficking as a social problem. The experiences they describe occur at different times and in relation to different and fast altering social and policy contexts. In the thesis, I have explored women’s encounters with the UK police, the UK immigration services (Chapter Five) and the British asylum system (Chapter Six and Seven), as well as exploring how the rise of sexual trafficking as a social narrative has allowed these women to access help and services in the UK (Chapter Five). However, before going on to discuss my findings, I will first reflect on my own research journey and consider the methodological implications of my research in the following chapter, Chapter Four, Methodology.

### Chapter Three: My Research Story

The philosophers have only interpreted the world, in various ways; the point is to change it (Marx 1845, cited in McLellan 1977: 158).

...being alive involves us in having emotions and involvements; and in doing research we cannot leave behind what it is to be a person alive in this world (Stanley and Wise 1993: 161).

In this chapter, I will outline the methodology used in this study and the methodological issues I encountered while conducting the research. I will begin by briefly outlining my epistemological framework. I will then describe my initial research design, which subsequently changed, due to issues relating to accessing the research field and the ethical implications of the research. I will also detail the different types of data I collected and the ways in which each was analysed. In the research, ethical considerations have frequently driven and shaped the research design and focus, and so will be discussed throughout this chapter as part of, and inseparable from, the research process and research epistemology<sup>53</sup>.

For this thesis a number of different data sets have been analysed. Twenty-three case files where trafficked women have applied for asylum to remain in the UK have been analysed. In addition interviews have been conducted with four of these women about their experiences of seeking asylum and accessing other services in the UK context. Interviews have also been conducted with six legal professionals who have worked on trafficked women's asylum cases, and with two project workers who have worked with the trafficking victims/survivors.

#### Epistemological Framework

This research focuses upon women's experiences of sexual trafficking in the UK, and how trafficked women have accessed services and assistance in the UK context. I have approached this research through broadly conceived feminist and social constructionist frameworks. My emotional involvement with the women's stories and with some of the women themselves leads me to hope that this work will have some positive outcome for the women whose lives I have studied (which is often considered central to feminist epistemologies: Stanley and Wise 1983, 1993; Reinhartz 1992). I have been worried throughout this study about the ethics of potentially building a career from the misery of already marginalised women. My concerns

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<sup>53</sup> Stanley and Wise (1993) consider ethics, ontology and epistemology to be interchangeable terms for the same thing.

here are similar to concerns raised by Maggie O'Neill, who researches prostitution. O'Neill states:

Researchers are sometimes seen as akin to pimps, coming into the field to take, then returning to the campus institution or suburb where they write up data, publish and build careers – on the backs of those they took the data from (O'Neill 1996a: 132).

I believe that the work represented in this thesis could be used to create positive outcomes for trafficked women. For O'Neill this involves connecting experiences with theory, practice and policy to develop more positive approaches to service provision (O'Neill 1996c, 2001). I have attempted to reflect this sentiment in the research design of this thesis, where the research focuses upon analysing avenues towards help and assistance for sexual trafficking victims/survivors, and hope to use this research in the future to effect positive change.

However I acknowledge that the research presented in this thesis is limited in scale and exploratory in nature. The research explores twenty-three women's experiences at a particular point in history and in a particular social context. The "realities" described in this research are neither fixed nor universal. Through my use of a social constructionist framework, I understand the telling of experiences to be constructions that are not "true or false in any absolute sense" (Gergen 2004: 270). I have described throughout the thesis how experiences may be recounted in different ways to different people at different times. As Plummer has argued, the telling of experiences relates to a truth at a particular time, through the eyes of a particular person, and told in a social context, rather than the truth relating to all similar or related experiences (Plummer 1995).

My approach to narrative is less as an analysis of texts but an exploration of how social understanding acts to produce social action(s). In this respect, I draw from Ken Plummer's (1995) concept of the "sociology of stories" and have placed trafficked women's stories within the social, cultural and political role of stories in everyday life (see also Chapter Two, p45). Due to the nature of the subject, which this thesis explores, I do not think it is appropriate to discuss women's accounts of their experiences, as texts with little or no relation to lived realities. Furthermore, as I have explored elsewhere in this chapter the asylum case files often contained information concerning the physical stories of sexual trafficking which are often marked upon trafficking victim/survivors bodies and minds, as well as reflected in their words

and descriptions. As Lewis, Dobash, Dobash and Cavanagh have argued about studying other extreme forms of violence:

When using documents to study murder, the information, ideas and the interpretations of events contained within them should not be treated as mere fictions with no objective reality. Such an approach seems particularly crass with respect to events involving violence and death and the documents about them. Instead of containing words that can be interpreted simply as “discourse”, such documents are dealing with a social and material reality that has real meanings, impacts and consequences (Lewis, Dobash, Dobash, and Cavanagh 2003: 54).

Throughout this thesis I have understood sexual trafficking to be at once a lived reality and a construction of that reality through its representation(s). Or as Bruner argues: “Narrative meanings impose themselves on the referents of presumably true stories” (Bruner 2002: 9).

I use the term “story” throughout the thesis in different ways. Stories, for Ken Plummer, can be personal stories/ narratives and/or public stories/narratives. Plummer explores, through his analysis of sexual stories, the processes through which personal stories/ narratives may interact with and can become public stories/ narratives. Plummer, using a broadly conceived symbolic interactionist model, argues that:

Stories depend upon a constant flow of joint actions circulating between tellers, coaxers<sup>54</sup>, texts, readers and the contexts in which stories are told... Each of these processes compounds the others until the link between reality and the story become very fragile (Plummer 1995: 24).

I have been interested throughout this thesis in trafficked women’s individual stories and how these interact with and/or become public or dominant stories and the effect(s) of these processes. Plummer understands the telling of stories – including when and how they can be told - to be a political process which may include the following stages:

1. Imagining – visualising – empathising.
2. Articulating – vocalising – announcing.

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<sup>54</sup> Coaxers for Plummer are those who possess the power to provoke stories from people- those who listen to the tellers of stories and ask questions of them. In the context of my research these could include immigration officials, the police, those involved in the asylum process, service providers, journalists, campaigners, writers and social researchers such as myself.

3. Inventing identities – becoming story tellers.
4. Creating social worlds/ communities of support.
5. Creating a culture of public problems (Plummer 1995: 126).

I have found these ways of theorising the relationship between personal stories and large scale or public stories useful in my analysis of sexual trafficking stories. I believe that during my doctorate I have observed many aspects of the above processes at work, as a dominant sexual trafficking story has emerged and public responses have been developed.

I have observed throughout my research a growth in the telling of sexual trafficking stories by and between policy makers, government officials, the media, campaigning groups and academics and have described a number of the stories being told by these groups in Chapters One and Two. I have also described the public responses of multiple audiences to sexual trafficking stories in Chapter Two. Responses have included the designing and enactment of laws, policies and campaigns, and through these, significantly for my analysis and central research question, the development of assistance and services for trafficked women.

Therefore, I consider my research to have been undertaken at a time in which sexual trafficking became a public concern or public problem. In my analysis, I have been interested in how the telling of dominant or public stories interacts with the telling of personal stories, especially where personal stories differ from public or dominant ones, and how trafficked women's routes to assistance and justice have been helped or hindered by these story telling processes. In this respect, my analysis has focused upon the social and political consequences of story telling.

The focus of much of my analysis has been upon 1) the social processes involved in the production and consumption of stories and 2) the social role that stories may play. The first has been explored by looking at when and how trafficked women have been able to tell their stories, and when and why they have been considered to be credible story tellers. The second has been explored by considering the role of the dominant sexual trafficking story in setting the boundaries of credibility and the consequences of this process for trafficked women's access to help and services.

Moreover, through my reading of Ken Plummer's *Sociology of Stories*, I understand stories to have their "moment" - a period of time in which they can be told and will be heard (Plummer 1995). I argue that the research undertaken for this thesis took place within at a time in which

a dominant story about sexual trafficking was emerging, and in which the dominant sexual trafficking story had its “moment”. Throughout the thesis I have explored how trafficked women’s stories have been received at different points in time by immigration officials, police officers, and the British asylum system. I have thereby investigated the relationship between audiences’ reactions to trafficking stories, trafficked women’s ability to tell them, and have linked this to the wider socio-political contexts within which stories are told and heard.

Of course, as I reflect upon this ‘moment’ I must also consider its temporality. The findings in this thesis relate to a specific socio-historical “moment” in time. As I have indicated in the Chapter Two (p17-25), it is probable that the current dominant sexual trafficking story will be challenged by other emerging and conflicting stories on trafficking and that the findings of this thesis will thereby be challenged. I therefore present the findings in this thesis as part of the story telling “moment” I have described, and as embedded in the socio-historical conditions of its time.

I have reflected in this chapter about my role as a producer of knowledge as well as a reporter of knowledge (Stanley and Wise 1996; Wolf 1996). I have reflected upon my own interpretation of data and experiences in the interviews I have conducted, through recording here my reflections, reactions and presence in the research process. My experiences and interpretations have been the experiences and interpretations of a Western, white, (originally) working class , young(ish)<sup>55</sup> woman.

My own position in relation to the trafficked women in this study became most apparent to me in my first interview, which was with Anna. In the interview, Anna described how she had wanted to come to the UK, because she thought she would make enough money to continue with her education. She had been forced to drop out of law school in Moldova due to financial constraints, and at the time also wanted to see more of the world, to travel. I was particularly struck as she spoke how similar her aspirations were to many women of her age (and indeed to my own at that age), she was 20 years old when she was trafficked. The only difference between Anna and a Western woman such as me, who had attended university and had travelled at that age, was the inability of her to realise her aspirations in her country of origin

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<sup>55</sup> At the time of conducting my fieldwork I was 27/28 years old.

due to financial constraints. The structural conditions which related to her socio- economic position had rendered her vulnerable with regards to trafficking as she tried to migrate.

For Haraway (1990) feminist interpretation is not a fixed standpoint but is based in the fluidity of localities, histories, nationalities and generations, and is experienced and interpreted through the prisms of ethnicity, class, gender and sexuality. For Haraway, “Feminist objectivity is about limited location and situated knowledge” (Haraway 1991; 188). Above I situated myself in relation to my research findings through my gender, age, class, ethnic and geographical position, and concur with Haraway that my interpretation is inherently subjective, inevitably partial and fluid. My interpretation of, and indeed impetus to study, the subject of sexual trafficking in the first instance is largely due to the socio-historical context within which I became a PhD student i.e. at a time in which sexual trafficking was emerging as a feminist topic of interest and/or story. My personal interest, success at gaining funding, access to research participants are all part of this socio-historical context and play a role in how I have collected my data and how I have interpreted those stories I have been able to access.

I also believe it is necessary to reflect here that my research findings, as well as my interpretation of them, are also subjective, partial and fluid. My research (re)tells incomplete stories about women’s experiences of sexual trafficking, migration and prostitution. I do not attempt to describe all women’s experiences of these social contexts, nor is this my aim. In fact, it is the subjective and partial nature of those stories that I have studied in relation to my reading of other texts and stories that has informed my understanding of the importance of subjectivity and partiality in the reading of any story or text. It is these observations which have led me to conclude that sexual trafficking, women’s experiences of migration and prostitution involve a continuum of stories and lived experience(s), which can not be told in one story or fully investigated by one research study or researcher.

The sentiments described in this section are reflected throughout the following observations of my experiences in the research field:

### **Access**

I intended from the outset of my research to develop a research focus that would be a platform for understanding and representing women’s experience(s). I initially approached my research with the intention of using a biographical interview approach. I hoped to interview trafficking

victims/survivors about their life experiences, as I believed “that this would create a new understanding of women’s lived experiences and serve as an innovative approach to develop critique and ideas for intervention” (Jobe 2002). As I was interested in stories of trafficking, I believed at the time that obtaining the life stories of trafficked women firsthand would be the most appropriate method to use. In addition one of my supervisors had expertise with this research method. I have, however, encountered many difficulties during my research while attempting to gain access to trafficking victims/survivors, as well as encountered a number of ethical dilemmas throughout the research process, which have altered and shaped my research focus, design and approach, and these processes led me specifically to question the appropriateness of the biographical interview approach for my research topic.

One of my principal concerns at the outset of my research was the potential danger involved<sup>56</sup>. My research was not only potentially dangerous and/or damaging to those I hoped to research but also possibly dangerous to myself. As human trafficking is an illegal and criminal activity, trafficked persons often find themselves in highly dangerous and violent circumstances (Kelly 2002). Depending upon the manner in which I accessed the field, I potentially risked placing myself in similar circumstances and/or increasing the threat of danger and violence towards the trafficking victim/survivor through my presence and interference (Lazardis 2001; WHO 2003).

In addition, as I began the research, the practical difficulties of successfully identifying and locating any trafficked persons with the UK independently, i.e. without the assistance of a specialist organisation, seemed insurmountable. The trafficking of persons is by its nature an extremely covert activity and it was difficult to imagine as I started to engage with the available literature in my first year of study how I might go about finding victims/survivors to interview, especially as victims/survivors of trafficking are a “hidden population” (Tydlum and Brunovskis 2005).

As sexual trafficking is a highly sensitive, often dangerous and frequently culturally stigmatising experience for victims/survivors, I have considered the ethical implications of my doctoral

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<sup>56</sup> Sexual Trafficking can be understood as a sensitive topic by the definition given by Lee & Rentzetti (1993:5), “A sensitive topic is one which potentially poses for those involved a substantial threat, the emergence of which renders problematic for the researcher and/ or the researched the collection, holding or dissemination of research data”.

research throughout and my research has been designed to prevent any further potential danger or harm to the research participants<sup>57</sup> (for instance, in the designing of research questions and in my access to research data). From the outset of my research, it became clear to me that it was unethical to attempt to approach trafficking victim/survivors whilst they were in the trafficking situation<sup>58</sup> as this risked putting them and/or me at risk. It became clear to me during my first year of study, and through discussions in supervision, that the only practical and safe manner to access interviewees was through organisations that worked with survivors of trafficking, after they had left the trafficking situation. Access through an organisation that assists trafficking victims/survivors seemed the most appropriate and feasible to avoid any potential harm to trafficked persons or to myself, the researcher.

At the outset of my doctorate, I began to explore the possibilities of access by contacting a range of organisations and individuals who were working in the subject area. The people I contacted ranged from NGO's to academics to pressure groups in the UK and, also, elsewhere in Europe (See Appendix Two, p217, for details).

One of the possibilities I explored in the early stages of the research was to work with a Non Government Organisation (NGO) in St Petersburg who assisted victims/survivors of trafficking on return to Russia, after having been trafficked abroad. The NGO was suggested as a possibility by a colleague of one of my supervisors, Dr Humphrey, who had emailed some colleagues of his in Russia, to explore possible research avenues for me. Dr Humphrey's colleague put me in touch with the Crisis Centre for Women in St Petersburg, and with the assistance of a Russian friend of mine, who acted as an English-Russian translator; I began to explore research possibilities via email with the centre (see Appendix Three, p218).

The Crisis Centre for Women in St Petersburg assisted women who had experienced forms of trafficking harm and gave direct assistance to those women upon their return to Russia. I visited the centre in St Petersburg, with my Russian friend, who acted as a translator on the visit. As I wanted to retain my UK focus, I hoped that women who had been trafficked to the UK and had afterwards returned to Russia might have been assisted at the Centre. However,

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<sup>57</sup> As outlined in the Statement of Ethical Practice for the British Sociological Association (2002).

<sup>58</sup> By "trafficking situation" here I mean while still under the direct control of their trafficker. However I have argued elsewhere that the boundaries of the trafficking situation are less distinct (see Chapters Four and Five).

none of the women assisted at the Centre had been trafficked into or via the UK. As a result, I began, during this period, to consider altering my geographical research focus to Russia and Eastern Europe. The Centre agreed to allow me access to transcripts of interviews they conducted with women at the Centre. However, when they sent me some transcripts of interviews they had conducted with trafficked women, I, given my research focus, became concerned about the quality and usability of these transcripts as the only research data that would be available to me. The records often documented the women's current psychological state and needs rather than her past trafficking experiences. In addition, I was concerned about the language difficulties involved in conducting any additional fieldwork in Russia, as I do not speak Russian and would have needed a Russian translator if I were to conduct further research, which would have raised specific issues in "interpretation" of the data and comparability of the key concepts (See for example, Temple 1997; Temple and Young 2004). Due to these factors, I decided at this point to continue to explore possibilities in the UK rather than alter my geographical focus to areas outside of the UK.

In my first year of PhD study (2003/4) very few studies had been undertaken specifically in the UK context with the exception of Kelly and Regan (2000) and ECPAT (2001) (see Chapter Two, pp32-33). Very little was therefore known about trafficking into the UK, its prevalence or extent. This concern had driven my original research design, as I wanted to focus on trafficking situations the UK, given that there is a research void.

At this time, preventative measures and assistance programmes were in their infancy. The only NGO, which assisted victim/survivors in the UK in 2003/4 (and largely to date, see Chapter Two, p33-34) was the Poppy Project. The Poppy Project was set up in March 2003, during my MA year (+1 at Newcastle University), and so was a relatively new project when I initially contacted them in October of 2003. I had had prior contact with a development officer at the Poppy Project while at a conference at Nottingham University in July 2003, where we had discussed research possibilities and had agreed to stay in touch to explore future possibilities. In retrospect, this chance meeting with a development officer from the Poppy Project was timely and fortuitous in terms of access as I was one of the first students to

approach the Poppy Project with a research proposal<sup>59</sup> (see also O'Connell Davidson and Layder 1994, for a discussion of the role of luck and chance in the research process).

*Gatekeepers: Building Relationships*

Initially the Poppy Project agreed to give me access to anonymous asylum case files, which I could only access on the Poppy Project's premises. Face-to-face interviews with survivors were discussed but I was not at this stage granted access, which is why I continued to explore other interview possibilities throughout my first year of study such as that in St Petersburg and elsewhere. Upon my first visit to the Poppy Project in London in 2004, I discovered that the asylum case files were extensive and the information contained within them was very detailed. In the case files were transcripts of trafficked women's life stories, as told to the UK immigration authorities, for the purposes of claiming asylum in the UK (see Appendix Four, 220). During this first visit I learned that twenty- three trafficked women were applying for asylum to remain in the UK and being assisted by the Project. Given the lack of access to victims/survivors directly, I decided to focus my research upon the available twenty-three case files and carried out extensive analysis of the case histories and their contents while located on site at the Poppy Project throughout 2004 and 2005 (see below).

At first, I carried out analysis of the case files in a room on my own away from the rest of the Poppy Project staff. The reason for this was twofold: at the time there were no spare desks in the Poppy Project staff office and, moreover, the project workers understandably expressed concern about me overhearing the names of trafficking survivors or learning any identifying features of their cases. Initially, I visited the project for one week out of every month during my second year of study, and gradually became a familiar figure around the project. As I came to know a number of the project workers I was moved downstairs to a desk amongst the

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<sup>59</sup> While I was at the Poppy Project I observed and had many conversations with the media communications officer, who, due to the increase in interest in researching trafficking, was communicating with at least one or two research and undergraduate students a month who wanted research access to trafficked women assisted by the Poppy Project. The response from the project to research students, due to the high demand, was usually negative. As I came to the end of my time at the project in late 2005, the media communications officer informed me she was no longer replying individually to these requests, due to the ever increasing volume, but had created a blanket response email and a "fact pack" for students (available at : [www.eaves4women.co.uk/POPPY\\_Project/Student\\_FAQa.php](http://www.eaves4women.co.uk/POPPY_Project/Student_FAQa.php), accessed 5<sup>th</sup> March 2007) which signalled that research students would not be able to gain direct interview access to victims/survivors of trafficking through the Poppy Project.

Poppy Project workers and I was able to observe a great deal of the work at the project closely, and build relationships of trust with project workers, during my time there.

When I first moved into the office, a number of the project workers seemed very conscious of my presence and would use the initials of trafficking survivors to each other rather than names, or would carry out their conversations away from where I was sitting. On a number of occasions the project workers would apologise and acknowledge to me that they wanted to keep identifying features such as names from me. Gradually, however, the project workers appeared to become used to my presence and conversations about the survivors were carried out around my desk within my hearing, the names of the women were used and I was included in much of the discussion. I believe it was my visibility as a researcher in the office, and my constant presence in the later stages of my research, which led to my eventually being granted interview access to women who were being assisted at the project and also to the project workers themselves (see below).

### **The Asylum Case Files**

At the Poppy Project, I analysed the case files of twenty-three women who had experienced forms of trafficking harm and who were now applying for asylum to remain in the UK. The asylum case files at the Poppy Project incorporated extensive information on each trafficked woman and her asylum case (see Appendix Four, p220). In general, each asylum case file contained, transcripts of women's interviews with the UK immigration services (sometimes known as Statement of Evidence interviews- SEF); additional written statements by the women's solicitors putting forward their claim for asylum; a response by the Home Office to the woman's initial written application for asylum (this usually took the form of a reasons for refusal letter); further grounds/further written statement for appeal of the Home Office's decision and a transcription taken of the appeal court and/or tribunal<sup>60</sup>. In addition, the asylum case files often contained supporting statements from various actors including Poppy Project workers, the police and wider evidence such as research reports and media reports on sexual trafficking. Also included in some of the case files were correspondences between various actors, such as solicitors, the Home Office, Poppy Project workers and the women. The

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<sup>60</sup> At the time of many of the women's asylum applications they were sometimes able to challenge the decision of the Immigration Appellate Authority (IAA), (also known as the first level of appeal) through applying to Immigration Appeal Tribunal (IAT) (also known as the second level of appeal). These have since been replaced by a single level Asylum and Immigration Tribunal (AIT).

amount of information differed from case file to case file, depending upon the stage which each woman's asylum case had reached (see Appendix Four, p220).

The asylum case files included women's accounts of their trafficking experiences, as told to immigration officials, or sometimes via solicitors, for the purposes of claiming asylum in the UK<sup>61</sup>. Women's accounts appeared in various forms in the case files and often differing accounts were given by women when they were interviewed by different people or/ and at different times. For instance, frequently where the case files contained an initial Statement of Evidence interview transcript (SEF) and also a written statement taken by a woman's solicitor, and then a later application for appeal after an initial refusal, the information given by the woman in each sometimes differed in content and/or detail. I have argued in Chapter Six that these differences relate to the circumstances of each interview and the political, cultural and social processes involved in the telling of stories (Plummer 1995).

In addition to the stories told by women about their trafficking experiences, the asylum case files also contained information relating to the reception of those stories by different actors, in different contexts and at different times. Throughout the thesis I have attempted to relate the reception of the women's trafficking stories to the social, cultural and political contexts those stories are told and heard within (Plummer 1995). I relate this to women's encounters with the UK police and immigration services in Chapter Five and to the UK asylum system in Chapters Six and Seven, and the reception of trafficking stories at different times in each situation.

Also in the case files were forms of evidence, used in the women's asylum claims, to corroborate and contextualise the women's accounts. These are often other trafficking stories told by other tellers, such as the media, academics and other social researchers. I have explored the implications of these other accounts of trafficking in depth in Chapter Seven of the thesis.

Many of the women's asylum files contained medical and/or psychological reports relating to the women's trafficking experiences. These documents told the physical and psychological

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<sup>61</sup> These can still be considered life stories as life stories are told through many other mediums than the social science interview (Plummer 2001).

stories of the women, which frequently corroborated the physical realities of the experiences they described in their interviews and statements.

Poppy Project workers anonymised each of the case files before I accessed them, including names, exact dates of birth and the names of any third parties involved<sup>62</sup>. I kept the Poppy Project informed of my research intentions throughout and through the Project sought the permission of the women to use their asylum case files in my research. One woman indicated that she did not want her asylum case file used and this file was excluded from my analysis. In addition, the Poppy Project sought their own written permission, from each of the women assisted by the project, for the use of general information in research projects (see Appendix Five, p225).

I analysed the asylum case files on site at the Poppy Project. I collected a range of data relating to the women's stories and the reception of those stories at different times and by different actors. There was a plethora of information in each of the asylum case files and often women's statements to the Home Office could be as long as fifteen pages each, although some were considerably shorter than this. I made a number of excel spreadsheets to record data relating to the women's stories and the reception of those stories and made a note of relevant quotes to use to demonstrate each theme that emerged. I read through the data in the case files a few times before identifying reoccurring themes in the women's stories and asylum cases (see below and Appendix Ten (p234) for the coding frameworks used).

I analysed the women's accounts to see what background circumstances may have led the women to trafficking situations. I collected information on their age, family background, childhood experiences, migration experiences, how they were trafficked, how they exited the trafficking situation, if, how and when they encountered the UK immigration services or the UK police in their accounts and how they recalled these encounters. I also noted how the women described the trafficking situations they had been in, how they reflected upon their choices in these situations and how coercion and control was operated by trafficker(s).

I also collected information on the women's asylum cases. I collected information on the reasons the UK Home Office gave or refused to grant women asylum to remain in the UK;

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<sup>62</sup> Eaves Housing for Women also have their own user confidentiality policy, which was adhered to throughout my research (Eaves Housing for Women 2001).

and the treatment of women at various stages of the asylum process, especially relating to their experiences in asylum appeals courts. I collected information on the reception of women's asylum claims at different times and at different stages of the asylum process.

I collected further information relating to other trafficking stories evident in the asylum cases. Including those told by government departments, project workers, the police, social researchers and by the media. I recorded the credence each of these appeared to be assigned at different times and in relation to each other, by the British asylum system (see Chapter Seven).

As I read and re-read the asylum case files I became increasingly interested in the accounts as asylum cases as well as sexual trafficking accounts. I became interested in where, when and why some women had been granted asylum and/or humanitarian protection and where others had not. I began to notice patterns of belief/disbelief mirroring the growth of trafficking as a recognisable social problem. As the times the cases were considered by the Home Office, ranged from 2001 to 2005, there were often differences between the reception of cases at different points in time (see Chapter Six). I further noted where accounts were considered to be authentic by the Home Office and asylum adjudicators/judges and the contexts in which they were not (see Chapter Seven).

The data produced a shift in my research focus, from trafficking situations in general to more specifically the interaction of UK asylum and immigration policies with trafficking victims'/survivors' ability to seek help and assistance. I noticed the frequent presence of the UK police and/or the immigration authorities in many of the women's accounts, the women's attitudes towards them and the women's perception of how the authorities viewed or treated them in these encounters (see Chapter Five). Initially I had viewed my lack of success at gaining interview access to trafficking victims/survivors as a shortcoming in my research. However, in retrospect, I believe that my access to the asylum case files shaped and informed the focus of my research, refined my research question and that my specific research interest developed from this accordingly.

### **Interviewing Trafficked Women**

During much of my time at the Poppy Project, while I was analysing the asylum case files, I was still pursuing access to interview trafficking victims/survivors about their life stories. However as I became more familiar with the contents of the women's accounts and their

experiences, I became less confident about the validity of using such methods. During my reading of the accounts, most of which were personally difficult to read, I became familiar not only with the women's experiences but also with their present state of physical and mental health. As described above, many of the asylum case files contained medical accounts of physical and psychological injuries inflicted upon the women during their trafficking experiences and most indicated that many of the women were suffering from some form of post-traumatic stress. Also earlier research conducted by the Poppy Project with many of the same women, stated:

Many women ...talked about experiencing panic attacks, memory problems, self blame...flashbacks...thoughts of suicide, self-harm and crying constantly. One women articulately sums this up as feeling like she is 'screaming inside all the time' (Poppy Project 2004: 7).

I became concerned about the impact interviews might have upon women who were experiencing such difficulties<sup>63</sup>, and through discussions in supervision it was agreed that the case files themselves contained enough information about the women's trafficking experiences. I concluded that despite the methodological difficulties of the asylum case files I could not personally justify interviewing the women again about their experiences and risk causing them further distress by asking them to relive experiences, which, according to data in the asylum case files, they often found difficult to talk about or recall. I was not comfortable about interviewing the women directly about their experiences, especially as I had no prior relationship with the women and from my reading of the asylum accounts relationships of trust over a long period of time were often required for the women to feel comfortable enough to tell their full stories (as also argued in Chapters Five and Six).

After a year at the project I negotiated interview access, with the manager of the Poppy

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<sup>63</sup> As the BSA Statement of Ethical Practice states: "Sociologists have a responsibility to ensure that the physical, social and psychological well-being of the research participants is not adversely affected by the research. They should strive to protect the rights of those they study, their interests, sensitivities and privacy, while recognising the difficulty of balancing potentially conflicting interests...Members should consider carefully the possibility that the research experience may be a disturbing one and should attempt, where necessary, to find ways to minimise or alleviate any distress caused to those participating in research". (BSA 2002: 2, Pts 13 & 28).

Project<sup>64</sup>, to the women represented in the twenty-three case files as I was nearing the end of my fieldwork in mid 2005. As my research focus had changed and developed with my analysis of the asylum case files and I no longer felt it was appropriate to interview the women about their trafficking experiences, I negotiated access on the grounds that I would ask questions only about the women's encounters with and experiences of the UK asylum system, immigration authorities and police. I was careful in the designing of my questions to avoid any distress to the women by not asking any specific direct questions about their experiences as trafficked persons (see Appendix Six, p227).

I sought signed permission from each trafficking victim/survivor who participated in the interviews. I developed an approach letter with input from one of the project workers at the Poppy Project (see Appendix Five, p225). This letter was then sent out to all of the women with whom the project was still in contact. Of the twenty-three trafficking victims/survivors from the case files I would have ideally liked to interview, a number had already left the Poppy Project for various reasons<sup>65</sup>. Of the thirteen women with whom Poppy were still in contact, six women indicated they would be willing to be interviewed. Two of these possible interviewees failed to turn up at the scheduled interview time, one on four separate occasions, and the other on two occasions. Project workers indicated to me that these two women often had difficulties with depression, anxiety and motivation. In the end, I interviewed four women about their experiences of the UK asylum system and encounters with the UK police and immigration authorities. These were Anna, Augustina, Ionna and Sofiya<sup>66</sup>.

All of the interviews with trafficked women took place on the premises at the Poppy Project as I felt that the women were likely to be most comfortable and safe there and Poppy Project support staff had recommended this and allowed me to use an interview room in the building. This possibly had the impact of the women thinking I was not independent from the project. I did, however, explain at the outset of each interview that I was a PhD researcher from Newcastle University and the purpose of my research, as did Poppy Project workers when they introduced me to the women. I was also clear at the outset of the interviews about the

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<sup>64</sup> Since my first negotiations with the Project the Poppy Project had appointed a new manager. This may have also been a factor in the decision to give me interview access.

<sup>65</sup> This related to a total of ten women: some had abandoned the project; others had been refused asylum; more still were no longer being assisted by the Poppy Project One (See Chapter Six and Seven).

<sup>66</sup> These are pseudonyms.

purposes of my research (see Appendix Six, p227). I explained to the women at the start of each interview that everything they disclosed was confidential, that they shouldn't feel under pressure to answer any of the questions and that they could take a break or terminate the interview at any point they chose to<sup>67</sup> (see Appendix Six, p227). I remained conscious throughout that the women were very vulnerable people and was concerned about the effect of my questions may have upon them.

All of the interviews with the women were conducted in English, although English for all four women was a second language. Translators were discussed and had I enlisted the assistance of a translator, they would have been trusted and vetted translators already employed by the Poppy Project. However, Poppy Project workers recommended conducting the interviews in English, as they said the women liked to practise their English (as they were all attending English language courses at the time of the interviews). I designed the questions using language that I considered to be as straightforward as possible with this in mind. There were a number of occasions in the interviews where language was a problem. In particular, in Ionna's interview there were a number of occasions where she answered a different question to the one I asked or didn't seem to understand what I was asking. At the end of the interview Ionna apologised for her English and said she found speaking in English frustrating as she knew what she wanted to say but found it difficult to express herself. I also at times found it difficult to understand Ionna, both in the interview and when later transcribing, as her pronunciation and accent made it difficult, at times, to understand what she was saying. Other women's pronunciation and accents were also sometimes difficult to interpret in either in my interviews with them, or later, while I was transcribing the interviews and I was frequently concerned about misinterpreting the women's meaning (which is similar to issues raised in Temple 1997; Temple and Young 2004)

I designed the interviews with semi-structured questions to focus the interview upon women's experiences with UK immigration, the UK police and the British asylum system rather than their trafficking experiences. The questions were not open ended to focus the interview on these issues. As explained above this decision was driven both by ethical considerations regarding the possible impact of reliving trafficking experiences in the interview and due to my changing research focus. I was careful while designing the interview questions to avoid any

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<sup>67</sup> As outlined as best practice in the BSA Statement of Ethical Practice (2002).

direct references to any form of trafficking harm the women may have sustained, as I was concerned about the impact of my questions upon the women's psychological well being and health<sup>68</sup>. The focus of the interview questions related to the themes that had emerged from my earlier analysis of the asylum case files. I was interested to hear from the women directly about their encounters with the immigration services and the police in the UK, and to hear trafficked women's experiences of applying for asylum in the UK and the effect that this process had had upon them.

I drafted and redrafted the interview questions, which were revised and commented upon in supervisions. On my supervisors' suggestions I added a few questions and revised the wording of a few of the existing questions. Before interviewing any of the women at the Poppy Project, I conducted a rehearsal interview<sup>69</sup> with another PhD student who was researching sexual trafficking in South Asia at Newcastle University, and after this interview I again added a few additional questions. I kept field notes of my impressions of each interview immediately after the interview, and after transcribing the interview tapes.

I also revised the interview schedules as I interviewed the women. In my first interview, which was with Anna, I asked a question, which I feel may have upset her and made her uncomfortable. The question concerned her ability to seek help and assistance whilst in the trafficking situation, and inquired why she hadn't been able to seek help at this time. At this point in the interview Anna became visibly distressed. Her voice became higher pitched, her manner edgy and perhaps even aggressive. At the time I thought that perhaps she might have thought I was suggesting that she *should* have sought help and she found it necessary to justify why she was not able to. Although this was not the intention of the question, it perhaps could have been interpreted that way. She explained that she could not seek help due to being trapped in the trafficking situation and seemed upset at the question:

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<sup>68</sup> The World Health Organisation's (WHO) Ethical and Safety Recommendations for Interviewing Trafficked Women states "Asking a woman to talk about her experiences that were frightening, humiliating and painful can cause extreme anxiety. Many women feel ashamed of what they have done or what has happened to them. A woman's distress from an interview may occur during an interview, but also may emerge before or after. For many women it is stressful to anticipate an interview about their experiences. Women may also review and regret what they have recounted after an interview has ended. For some, the entire process is traumatic. (WHO 2003: 23). See also the BSA Statement of Ethical Practice (2002).

<sup>69</sup> It was not possible to pilot the interviews with a trafficked woman due to my limited access.

**AJ:** *Before your time in the detention when you were in quite a difficult situation, don't feel you have to tell me anything about that, but did you consider seeking help during that time?*

**Anna:** *You mean when I was working, when I was trafficked? You couldn't (shouting)... the way the woman treated us, you believed her because all the girls was from the countryside, could speak no English, they were like eighteen/nineteen. We didn't know anything and obviously before she put us in the job she would tell us, oh never ask the customer for help because they were drugs addicted and they will hurt you and they will take you and they will do this to you and you believed her because you thought I'm in a different country and you believe that so... but I remember my first day, my first day when I was put in a place to work I was crying the whole day and twenty people come and not one of them called the police because a girl is crying, because obviously I wasn't happy because I was crying constantly and nobody called the police. What I was thinking was that they was probably worried about themselves to get in trouble: the customers. So you couldn't ask for help because the way she treat us, the way she say to us the police is going to put us in prison if we going to ask for help and keep us there forever and we see nobody and we believed that. We had no choice.*

**Anna, Moldova: Interview with AJ**

Although Anna's upset was fleeting and momentary and she recovered quickly, her reaction to this question confirmed for me the vulnerable state of the women I was interviewing as she became visibly upset by a question that had touched upon her trafficking experiences. As a result, I decided to leave this question out of the subsequent interviews with the other women.

Another time the vulnerability of the women became very apparent to me was while interviewing Ionna. Ionna had requested that a Poppy Project worker sit in on the interview and I was informed before the interview by Ionna's case worker from the Poppy Project that she was in a "very vulnerable and nervous state". I was further aware of Ionna's vulnerability from her asylum statements, which detailed the violence she had been subjected to, and a psychological assessment in her case file that described her as suffering from an extreme form of post traumatic stress. I observed in the interview how Ionna seemed very nervous and unsure of the interview situation, and how she would constantly look to her caseworker for reassurance before answering each question. I recorded in my field notes how conscious I was of her vulnerable state, and how this made me unwilling to question her too much. Also, the presence of a caseworker had an effect on the interview as I was conscious of a gatekeeper's presence and that how I interviewed one woman could affect my access to others. However, after the interview I asked the project worker how she felt the interview had gone and she told

me not to be scared of probing the women and questioning them further, so perhaps in retrospect I was being overly cautious<sup>70</sup>.

After my interview with Ionna, I recorded in my field notes that I personally had felt unable to probe and ask for clarification, on a number of points in the interview, about which I would have liked further information or clarification. My overriding concern during the interviews was with the welfare of the women, and I believe this derived from my emotional involvement with their stories.

Upon reflection, my interaction with the women in the interviews was difficult on a personal level, as I was very familiar with their trafficking experiences before I interviewed them as I had been analysing the women's accounts for over a year before the interviews took place. I was familiar with the trafficking harm(s) the women had been subjected to, and I feel this made me more cautious in my interactions with the women than if I had little or no prior knowledge of their histories. I was very aware and very concerned about the women's vulnerability and conscious of the effect of my questions upon their well-being. My own responses to the accounts of trafficking I have encountered in the asylum case files, and in particular the ways they have been received by the UK asylum system, have ranged at times from anger to upset to disbelief (the latter especially when encountering UK immigration officials reactions to the same accounts- see Chapter Seven). These reactions have affected and driven the way in which I have approached my interviews with the women, and my understanding of the ethical context of the interviews. They have also subsequently affected and driven the ways in which I have analysed the research (see below). (For similar arguments see also O'Connell Davidson and Layder 1994; Melrose 2002; Saunders 2006).

### **Interviewing Other Groups**

In addition to the interviews with trafficked women, I was interested to interview other 'expert' groups who appeared in the women's stories and/or in the asylum cases. These groups included the immigration services, the police, legal professionals and Poppy Project workers. I hoped through these interviews to gain different perspectives on the experiences of the women. I contacted members of all of these groups, but was unable to get anyone from

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<sup>70</sup> However, as the World Health Organisation's (WHO) Ethical and Safety Recommendations for Interviewing Trafficked Women state: "Treat each woman and the situation as if the potential for harm is extreme until there is evidence to the contrary" (WHO 2003: 4).

the immigration services, the police or judiciary to speak to me. I did however interview a number of legal professionals and Poppy Project support staff.

#### *Interviews with Legal Professionals*

I took the names of the solicitors and barristers who had worked on the women's asylum cases from the asylum case files and contacted them all by email and by letter<sup>71</sup> (see Appendix Seven, p230). A number declined to be interviewed, mainly on the grounds of only having presented one asylum case that focused on trafficking. In the end, I interviewed four solicitors and two barristers; all but one had worked directly on the women's asylum cases I had analysed (see Table One below). The solicitor not directly involved in the women's cases was from Newcastle upon Tyne and was recommended as an interviewee by one of the other solicitors I interviewed earlier in London. Her interview acted as a useful contrast to the others, as she had dealt with women's trafficking/asylum cases that didn't involve women assisted by the Poppy Project.

**Table One: Background details relating to the legal professionals interviewed**

<b>Given Name</b>	<b>Solicitor/ Barrister</b>	<b>Experience related to Poppy cases.</b>
<b>Anne</b>	Solicitor	Mira
<b>Angela</b>	Barrister	Mira.
<b>Beth</b>	Barrister	Sriyani; Fatima.
<b>Kate</b>	Solicitor	Nina; Ionna.
<b>Rachel</b>	Solicitor	None.
<b>Susan</b>	Solicitor	Augustina.

Again, the development of the questions for the legal professionals was a process that was informed by my earlier engagement with the asylum case files. The questions emerged from themes that had been identified in the asylum case files and from women's accounts of their experiences within the asylum process, which appeared both in their statements and in their interviews with the Home Office, and also in my interviews with them. Again these interview questions were discussed and revised during a number of supervisory meetings. The questions were also revised in-between interviews. For example, after my first interview with a solicitor I became interested in how and why legal professionals were identifying accounts of trafficking

<sup>71</sup> There were thirteen different solicitor's firms evident in the case files and eight different barristers. The Poppy Project tended to enlist the assistance of certain trusted solicitors and barristers for the women, however some of the women's asylum cases predated the Poppy Project and in a number of cases when women arrived at the Poppy Project their representing counsel was changed upon the advice of project workers.

and when they had begun to recognise them as legitimate claims for asylum (this is explored in Chapter Six). (see Appendix Eight, p232, for details of the interview schedules).

The interviews with legal professionals took place in their offices or chambers. I found interviewing the legal professional significantly different to interviewing trafficking victims/survivors. Although all of the legal professionals interviewed were women, the dynamic between me, a PhD researcher and them was very different to the dynamic in my interviews with the trafficked women. This relationship may have had something to do with my position as a PhD student and their position as legal professionals, but was also possibly related to my age as many of these women were older than me and perhaps of a different class background. One of the barristers insisted on buying me lunch “to feed me up” and another emailed me a number of documents after the interview to assist me with my research. All of the legal professionals seemed keen to put me in touch with their colleagues and to help me with my research<sup>72</sup>. Many of the legal professionals told me where they believed I should focus my research, and instructed me to include various points in my findings during the interviews.

#### *Interviews with Project Workers*

I approached all of the Poppy Project workers individually to inquire if I could interview them. All six were willing to participate but due to their hectic schedules I only managed to interview two, as the interviews with the others kept being postponed due to the project workers being so busy. At the end of my fieldwork I emailed the remaining four project workers with the interview questions, suggesting that when they had time they could answer the questions by email. All of them said they would, and I sent a number of email reminders, but presume from my observations of the project that none of them were able to do so due to the time pressures involved in their work<sup>73</sup>.

Again the themes for the interviews schedules for project workers emerged from my reading of the asylum case files and the focus and design of the questions was derived from earlier analysis. Interviews with Poppy Project staff took place on the Poppy Project premises and there were frequent interruptions in these interviews as various work related occurrences developed. The dynamic in these interviews was again different to interviews with the other

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<sup>72</sup> This also may have been due to my association with the Poppy Project.

<sup>73</sup> Had they replied this would have raised specific issues with regards to online interviews such as those discussed by Murray and Sixsmith (1998) and Selwyn and Robson (1998).

groups, as I knew the interviewees personally. The interviews were more of an informal chat about trafficked women and the asylum process (see Appendix Nine, p233, for details of the interview schedules with Project workers).

### **Analysing and Interpreting**

I have explored in Chapters One and Two how the social construction of the meaning of trafficking has recently developed through laws and legislation, media focus and academic research. Throughout my research I have been conscious of the limitations of my research sample to critique and/or challenge this social construction, and consider my research to be both a reflection of, and a product of, the emergence of trafficking as a social problem. In addition I have documented in the preface to this thesis how my own interest has developed as the social problem has emerged.

My research design and focus has been frequently constrained and influenced by access difficulties to the field, which in turn impact upon knowledge production and understanding in the thesis. I have become interested in the effect of access upon knowledge production and how my own access difficulties throughout the research have constructed my research data, as well as my understanding of trafficking and its definition. The women's accounts of trafficking I have encountered in my data (from the twenty-three case files) have all been considered to be credible and reliable accounts of sexual trafficking at some stage. These stories of sexual trafficking tend to concur with other sexual trafficking accounts told by project workers, legal professionals and an array of other tellers (see Chapter Seven). Each of these stories has informed and drawn from the others in various ways and to varying degrees. On the basis of their own accounts the women represented in this thesis have been admitted to the Poppy Project and, therefore, have been identified as trafficked persons by project workers. Furthermore, the UK police or immigration services have also identified many of the women as trafficked persons and they have, as a result, been referred to the Poppy Project. The accounts told in this thesis consequently often represent a particular trafficking narrative, which is recognised as such by "experts" in the field.

Crowhurst (2003), in her study of Italian anti trafficking organisations, argues that organisations which aim to assist trafficked women are divided along the lines of those that aim to “empower” trafficked women and those that aim to “rescue” them<sup>74</sup>.

Will she be ‘saved’, thus put in the condition to start a new life as a ‘decent’ person, or will she be ‘empowered’ and enabled to regain full control over her choices (Crowhurst, 2003: 11).

For Crowhurst, therefore, the help offered to trafficked women is based upon a specific perception of who she is, what she has experienced and what she needs. I have become aware throughout my research that the identification of who has been trafficked, and who has not, by the Poppy Project often relies upon the Project’s discursive understanding of what human trafficking, prostitution and sexuality comprise.

The Poppy Project defines trafficking in a particular way. To be admitted to the Poppy Project, trafficked women have to match certain criteria as set out by the project. At the time the trafficking victims/survivors in this research were assisted by the Poppy Project the following referral criteria, set by the Home Office, applied<sup>75</sup>:

Eaves<sup>76</sup> will be funded to provide housing and support to up to 25 adult female victims of trafficking for sexual exploitation, proving they fulfil the following Home Office criteria:

- That she was brought to the UK
- That she is working as a prostitute
- That she has been forcibly exploited
- That she has come forward to the authorities
- That she is willing to co-operate with the authorities (Poppy Project 2004).

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<sup>74</sup> See also similar arguments about provisions for women working in prostitution in the UK in Kantola and Squires 2004; Pitcher 2006, and in other locations in Agustin 2007.

<sup>75</sup> The criterion has since changed and has been adapted to the following: “The Poppy Project can only provide accommodation and support to women aged over 18. In order to meet the criteria for assistance with the Poppy Project, women must have been: \*trafficked to the UK \*forced to work as a prostitute in the UK\* sexually exploited in the three months prior to the date of referral. In order to qualify for longer term assistance women are encouraged to co-operate with the authorities. This might entail giving information to law enforcement agencies for intelligence purposes or agreeing to be a witness in court. In addition women who do not meet this criteria may be eligible for outreach support (Poppy Project 2007).

<sup>76</sup>Eaves Housing for Women are the women’s organisation who have been funded by the Home Office to run the Poppy Project.

The accounts in the case files and the accounts of the interviewees in my research sample reflect the Poppy Project's definition of who has been trafficked and who has not. Therefore, the twenty-three cases I have analysed reflect the Poppy Project admittance criteria and the Home Office's definition of trafficking, as much as they do trafficking situations. The case files reflect *a* reality and/or a representation of a reality, which has its roots in a complex array of interacting physical occurrences and discourses. The lived past experience of the women concurs in each case with a discursive framework represented by official definitions, such as the Poppy Project admittance criteria. It is difficult to assess when and how one informed the other; it is more likely that each informed and partially created the other. The formation of a trafficking narrative or a trafficked person's identity is created in the relationship between the actual lived and experienced trafficking situations and the acknowledgement of those situations, subsequently identified as "trafficking". These observations bear similarities to O'Neill's observations of her research on prostitution:

The social construction of (such) knowledge is founded upon the relationship between women's everyday experience of prostitution as a cultural practise, academic knowledge and social action (O'Neill 1992: 22).

#### *Analysing Asylum Case Files*

In my reading of the trafficked women's asylum case file I was aware that the data in the asylum case files were produced for a specific purpose and within a legalistic framework. The stories of sexual trafficking told in the asylum case files were often stories told with reference to British asylum laws and legislation. This is evident both in the structure of the stories told and the focus of their narrative. The intended audience for the accounts was the UK Home Office and the purpose of the accounts was to present the woman's story as credible asylum claims. As a result, much of the narrative's concentrated on human rights abuses suffered by the women and risks for the trafficked woman if returned to their country of origin. Often the women's statements were written by solicitors who framed the accounts so that women's stories were regarded as the accounts of credible asylum seekers.

Elsewhere, other actors' voices were also constrained by legal procedures. Accounts are judged credible or not, by the Home Office, in accordance with British law and legislation and are judged as viable asylum claims within a plethora of historical jurisprudence and intersecting story telling (Bruner 2000, 2002). Furthermore legal professionals collect and present

evidence within these legal and story telling boundaries (Bruner 2000). The asylum case files I have analysed for this thesis presented a number of stories. These included the stories of trafficked women, the stories of legal cases and stories relating to the British asylum system and its construction through laws and legislation.

The asylum case files tell the story of how trafficked women, with the assistance of legal professionals and project workers have applied for asylum to remain in the UK and the processes that they have had to follow in order to do so. The British asylum system is a highly complex system, which involves a number of stages of application and is often subject to strict rules and regulations for those seeking asylum. Also during my research additional policy relating to the asylum system was enacted on almost a yearly basis (see Chapter Six) and so during my research the rules and regulations changed and shifted. The Immigration Advisory Service (2007) describes the asylum process as follows:

There are currently several ways in which asylum applications are processed. All these involve an interview with staff from the Home Office. There is always an initial ‘screening interview’ in which the Home Office takes the personal details of the applicant... The applicant is usually given a Statement of Evidence form (SEF). This SEF asks for the details of what happened to the person and what he or she fears will happen in the future. The Home Office often experiments with new processes and a SEF is not always used... The main asylum interview usually takes place afterwards, when the applicant gets an opportunity to describe what happened to him or her and what it is he or she fears... Some applicants are taken to the Oakington Reception Centre. They are held in detention while a decision is made on their application... [If refused] most asylum seekers have a right of appeal to the courts. Some do not automatically have the right to appeal inside the UK, if they come from certain countries listed by the Home Office. Claims by citizens of these countries are presumed to be clearly unfounded... At an appeal, an independent immigration judge<sup>77</sup>, hears the appeal. Once this appeal has been heard... some asylum seekers will be able to appeal further and others will not. It is only possible to appeal further if the immigration judge made a legal error (IAS 2007).

The available data in the asylum case files reflects the often ad hoc nature of the asylum process described here by the IAS. For example, some of the women’s case files contained SEF

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<sup>77</sup>The term “asylum judge” was introduced in the 2004 Asylum and Immigration Bill (Treatment of Claimants etc) to replace the “asylum adjudicator”. At the time some of the women’s asylum appeals analysed in this thesis were heard, the asylum judge was still known as the asylum adjudicator. Throughout the following chapters I have used the term judge/ adjudicator to reflect this change.

interview transcripts, others did not, and some of the women were able to appeal against the Home Office decisions while others weren't (despite their stories being similar- see Chapter Six). The extent of the data in each case file therefore varied from case to case. This will be explored in greater depth throughout Chapters Five to Seven.

#### *Analysing Interview Data*

As the development and focus of the interview questions for various groups originated from my earlier analysis of the case files, the themes that emerged from the interview data tended to be similar to those, which had earlier emerged from the asylum files. A number of new themes did, however, emerge in my analysis of the interview data especially where legal professionals and project workers reflected upon the development of their own awareness of sexual trafficking as a significant social problem (see Chapter Six).

#### **Writing up**

During the writing up of this thesis I continued to analyse and refine themes. These have emerged from the information I collected from the asylum case files at the Poppy Project and in the transcripts from interviews with trafficking victims/ survivors, legal professionals and Poppy Project workers. I have considered these themes in relation to wider bodies of knowledge on the trafficking of persons, prostitution, immigration and asylum seeking, as well as in relation to trafficking as a social problem, through which, new legislation and social contexts have developed.

In the thesis all names and identifying features of research participants (including trafficked women, project workers, solicitors and barristers) have been eliminated and pseudonyms have been used for each participant. Also where appropriate, I have further obscured or omitted other potentially identifying information where specific details relating to women's experiences may be identifying, such as the details of precise trafficking routes.

#### **Concluding Observations**

This thesis is written at a particular historical and social moment. In many respects the moment, which it reflects, may have already passed. I completed my fieldwork on the 31st of October 2005, and the trafficking stories analysed in this thesis relate to a period preceding this date. Women's trafficking stories, as told in this thesis, relate to the period between 1995 and 2005. Since the experiences analysed in this thesis occurred there have been a number of

developments with regards to sexual trafficking in terms of a rising awareness, service provision and legislation. It is probable therefore that the encounters with the UK police, immigration services and asylum system described in this thesis would differ if those same encounters were to occur today. Also, as will be explored throughout the thesis, the rise in awareness and related service provision and legislation has occurred within a process where certain stories are recognised as legitimate accounts of sexual trafficking, including many of those analysed for this thesis. It is beyond the scope of my research to imagine what other related stories may not have been told, heard, or have been silenced by this same process.

The next four chapters present my findings in relation to the twenty-three accounts analysed for this thesis and from the interviews conducted with trafficked women, legal professionals and Poppy Project workers. Due to the complexity of the dataset I have attempted to differentiate between the different voices represented in my presentation of the research. Where those in the research have been speaking directly to me in interviews these quotes appear in italics, and where data is used which originates from the women's asylum case files, where a variety of different voices are represented, this appears as standard text. All quotations are verbatim.

## Chapter Four: Sexual Trafficking Stories

They expected me to see about twenty customers a day, with prices varying from £20.00 to £130.00. I was made to work seven days of the week. I worked for X [trafficker] for three and a half months during which I was given only one day off.

### **Elena, Moldova: Statement to the Home Office**

I would work everyday from ten to ten: this is what I was told to do. From the money that I earned each day I had to pay rent on the flat of £250 per day, and this included the maid's pay. I would take roughly between £300 and £400 per day after I had paid the rent. After I had paid the rent on the flat, I had to hand over whatever money I had made to one of the men who had brought me here.

### **Zara, Albania: Statement to the Home Office**

Throughout the time that I was there, I was kept in a locked room by the traffickers, apart from when I was taken to different brothels and told to work there. If I refused to work, and would be beaten after being taken back to the house where I would be put back in the locked room. I was continuously terrified of these men. They were very brutal with me, and treated me as if I weren't human. In addition, I was also scared of the men who I was forced to have sex with. I received many injuries from these men, as they were brutal too, and I had to have sex with six or eight men a day. Throughout the time that I was there, I tried to suppress my feelings, just as a way of surviving without going insane. I felt extremely humiliated. Even now, I find it extremely hard to think about what happened to me. I do not want to tell anyone what has happened, because I know I will be looked down on people because I have worked as a prostitute.

### **Anyia, Latvia: Statement to the Home Office**

The stories of sexual trafficking I have encountered in my data (twenty-three case files and interviews with a small number of the women) have all been considered to be credible and reliable accounts of sexual trafficking at some stage. On the grounds of their accounts, the women represented in the case files had been admitted to the Poppy Project<sup>78</sup> and therefore have been identified as trafficked persons by project workers. Furthermore, the UK police had also identified many of the women or immigration services as trafficked persons and, as a result, they had been referred to the Poppy Project. The accounts consequently represent a particular trafficking narrative, which is recognised as such by “experts” in the field. Overall, there is a great deal of similarity among the women's stories, but also some varying experiences, which I will discuss throughout this chapter, and in the following chapters.

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<sup>78</sup> The Poppy Project criterion is outlined in Chapter Three, page 71-72.

This chapter identifies the main themes that emerged from my analysis of trafficked women's stories, as told to the UK authorities for the purpose of claiming asylum in the UK. It will examine how accounts of trafficking were disclosed to the UK authorities- the police and the immigration services- and consider how this adds to or detracts from existing knowledge (s) about human trafficking<sup>79</sup>. The accounts relate to trafficking experiences over a period of ten years, from 1995 to 2005. However, only three of the accounts relate to experiences in the 1990s, all of the rest relate to experiences that have occurred since 2000.

The women's accounts concern not only what happened but also to whom it happened. From my albeit limited sample it appears that sexual trafficking to the UK involved women, particularly young women. The average age of my research sample at the time of trafficking was 19 and a half<sup>80</sup>. And it involved women from certain backgrounds and ethnic groups, African and Eastern European women being the most represented in my sample (see Table Two, p97, for details). There were exceptions to these patterns: two of the women were in their thirties at the first time of trafficking and one was just thirteen, and although the majority of the women originated from Eastern European countries or Africa, one of the women was from Jamaica and another was from Thailand.

My research is an exploratory study and, therefore, can only present a subjective and partial representation of sexual trafficking and/or women's experiences in prostitution and/or of migration. As I have argued in the preceding chapters, understanding(s) of sexual trafficking situations can only ever be partial and this study reflects the stories of twenty-three women who have been identified as trafficking victims/survivors only.

Furthermore, due to the manner in which I have accessed the data, as discussed in the previous chapter, the twenty-three cases I have analysed reflect the social and discursive processes, which presently relate to sexual trafficking, often as much as they do trafficking situations. The reality represented by the twenty-three cases I have analysed is therefore partial and

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<sup>79</sup> Although, as I pointed out in Chapter Two (p32), there is very little empirical research with victims/survivors of trafficking in the UK to date.

<sup>80</sup> Also, two of the women were trafficked when under the age of eighteen; one was first trafficked when she was 13 and another when she was 16 years of age (see Table Two, p97). In addition many of the women were 18 or 19 years old when they were first trafficked. Eleven of the women were first trafficked when they were teenagers or as young adults (see Table Two, p97).

incomplete. There are many grey areas in the realities of the trafficking of persons that are beyond the scope of this thesis, and my data set. Nevertheless, the case files reflect a reality or/and a representation of a reality, which has its roots in a complex array of interacting lived realities and discourses. The experiences of the women often concur in each case with a discursive framework represented by official definitions such as the Poppy Project admittance criteria. As I shall go on to argue, the recognition of a trafficking story is created in the relationship between actual lived and experienced trafficking situations and the acknowledgement of those situations, subsequently identified as “Sexual Trafficking”. This process will be explored in greater depth in the remaining chapters in relation to women’s access to services in the UK through and via the police, the immigration services and the UK asylum process.

In this chapter, I will begin by considering women’s family backgrounds and childhood experiences, and will then explore women’s experiences of migration and/or trafficking. I will then recount women’s descriptions of the trafficking situations in which they found themselves and consider how choice and force has interacted in these circumstances in different and often conflicting ways. Also I will explore how women exited trafficking situations and accessed assistance in the UK context.

### **Trafficked women’s family histories.**

In the accounts relayed to the UK immigration services the women often recalled particular childhood vulnerabilities. The majority of the women described a lack of family support when they were children and/or as adolescents. This lack of support assumed various forms, from accounts of sexual or physical abuse at the hands of a family member or family friend, to the loss of close family members at an early age, to displacement by civil war, to trafficking by a family member or guardian (See also similar findings by Zimmerman 2003; Amnesty International 2004; Poppy Project 2004).

Recollections of sexual and physical abuse during childhood were commonplace across the accounts. For example, Lili, from Albania, described her father as a violent alcoholic who was violent towards her as a child. Her father subsequently sold her twice to traffickers, once at age thirteen and again after she returned to the family home at age fifteen. Similarly, Cari from Turkey, recounted being sexually abused by several family members as a child. Ionna from Ukraine stated that she was beaten regularly by her father and brother, and on one

occasion was beaten so badly by her brother when she was pregnant that she gave birth two months prematurely. Zara from Albania described being raped by her sister's boyfriend, forced to have an abortion by him and forced into prostitution by him at a later time. These findings are similar to a number of findings in the wider literature on sexual trafficking. For instance Cathy Zimmerman's et al (2006) study on the health consequences of women trafficked for sexual purposes in Europe had similar findings. Zimmerman et al concluded that the high levels of physical and sexual violence in trafficked women's past "offers important insights into the profile of physical and psychological well being of women who are trafficked, and have significant implications for their safety if they return home" (Zimmerman et al 2006; see also Hughes 2001; Poppy Project 2004; Amnesty International 2004; Tavcer 2004).

Two of the women described being displaced by civil war and losing family members in conflict. Sriyani and Fatima, each from Sierra Leone, both lost their families at a young age in the Sierra Leone civil war and spent the majority of their childhood in refugee camps as displaced persons with little or no family protection and were later vulnerable to trafficking. These findings are similar to wider consensus in the literature on sexual trafficking, where vulnerability to trafficking is generally agreed to involve conflict and displacement (for instance, Kelly 2004).

Of the three other women from Africa, Jumoke, Adeola and Akanke, all from Nigeria, each also lost both of their parents at a young age. Jumoke was then trafficked by a friend of her mother who had been entrusted with her care and Adeola was trafficked by a distant family member. Akanke meanwhile ran away from her home to avoid a forced circumcision, which was being forced upon her by her stepmother and the wider community.

From most of the women's accounts of their childhoods, it would appear, that a lack of family support during childhood, however experienced, made them particularly vulnerable to forms of trafficking harm. Relationships of trust had often been betrayed, markedly so when family members or guardians had been involved in the woman's trafficking. The young age at which the majority of the women were first trafficked, added to their vulnerability, as they had been at an age where family or adult support would have been crucial to their safety and well being. Many of the women indicated in their accounts that they had accepted help to migrate as they were fleeing difficult situations at home. Some left to make better lives, others left to escape a worse one (see Anthias 2000, for similar arguments on reasons for female migration). Ionna,

for instance states that she accepted help to migrate from a friend of her sisters in order to escape her abusive family situation.

### **Routes into Trafficking**

Routes into trafficking situations are often reported to involve forms of trickery, deception or falsehood (Hughes 2001; Kelly 2004; Poppy Project 2004). There was evidence of this in my research as illustrated by Sakda, who recalled in her statement to the Home Office how a friend tricked her into working as a prostitute in the UK:

As my sister became more ill, I was anxious to earn some more money. I was contacted by a friend of mine from school (P) who was working in London. After she called me a couple of times, she told me I should come to London where I could earn good money. I had told her that my sister was ill, and she told me that she was working in a Thai restaurant earning good money. She said she could help me. I was desperate for more money and I thought it was a good idea. She told me that I should contact someone in Bangkok who would help me get to the UK and I could pay the money back later... When I got to the house I was introduced to three Thai girls. One of the girls asked if I had done this work before- I asked what work? She told me they were working as prostitutes. I was very shocked, and wanted to call P, but I didn't have a number for her, I couldn't understand why P who had been my friend, had done this to me, deceiving me in every way.

#### **Sakda, Thailand: Statement to the Home Office**

Many other women also recalled being promised occupations other than in the sex industry, such as restaurant work or au pair work. Some had answered job adverts in local newspapers for work abroad and many were promised work abroad by people and/or friends or relatives from their local communities. For instance, Zara was initially tricked into prostitution by her sister and her sister's boyfriend<sup>81</sup>, who told her she would be working abroad as a waitress. She described her bewilderment towards her sister's involvement in her statement to the Home Office:

They told me that the "job" they had found for me was to have sex with other people for money; I did not know what to say or do. All I could see was my

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<sup>81</sup> This is according to Zara's account, in other accounts it is less clear how far initial recruiters were involved in the later trafficking of women, or how far initial recruiters knew that the women would be later forced into working as prostitutes.

sister saying these things to me, and I did not understand why she would be doing this to me.<sup>82</sup>

**Zara, Albania: Statement to Home Office.**

This confirms findings in other research of the routes into sexual trafficking (Hughes 2002; Kelly 2003, 2004; Amnesty International 2004; Poppy Project 2004; Zimmerman et al 2006). In addition, in a number of cases women believed they were coming to the UK to enrol on education courses. Jumoke, for instance, was told by a friend of her deceased mother, that she would be going to college in the UK when she arrived. Similarly, Sofiya believed she was coming to the UK to study and improve her English language skills.

There is, however, some dispute in the literature about how women end up in trafficking situations. Doezema and Kempadoo have argued that trafficked women are often migrating sex workers who are made vulnerable to trafficking and exploitative labour conditions due to the illegality of their migration and the illegality of prostitution itself (Doezema & Kempadoo 1998, see similar arguments by Murray 1998; Davis 2007). Doezema and Kempadoo assert that the majority of trafficked women know they will be working in prostitution before they migrate. Writers such as Kelly (2003, 2004) have disputed this, and argue, that women are rarely aware of the work they will be doing upon arrival, or if they know some form of prostitution will be involved it is often misrepresented to the women by their trafficker(s).

In this research the majority of women recounted that they were not aware that prostitution or related work of any form would be involved when they left their country of origin. One of the woman's stories did indicate, that she believed she would be working as an escort. However this woman was told by her recruiter, and believed, that being an escort would involve going to dinner with men and would only involve sleeping with men if she chose to. Here, as Kelly argues (and others, see Gulcar and Illkaracan 2002; Agustin 2006), the level of autonomy she would have in the work was misrepresented to her, if not the possibility of prostitution/ sex work being involved. Another woman was also told before she left her country of origin that she would be working as an escort in the UK, but she misunderstood the meaning of the term (she thought it meant "bodyguard").

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<sup>82</sup> The feelings Zara expresses towards her sister, she later also stated that she never wants to see her again, are common emotions amongst the women. Often the women have been tricked or forced into trafficking situations, by those who they most trust (See also similar findings by Poudel 2007, Lin 2007).

While direct kidnapping was rare in the women's accounts (and rare in other accounts of sexual trafficking in the literature), the majority of the women have been tricked or coerced into prostitution; one of the women was directly kidnapped from the street in her home country. Svetlana, who self identified as a Kosovan Albanian, was forcibly abducted by three men in a car, not far from her aunt's house while she was walking on the street in Albania. She was then gang raped, beaten, threatened and forced to work as a prostitute in Belgium, and then the UK. Her account is remarkable in the manner in which she entered the trafficking situation only; in all other respects her account is similar to the other women. Svetlana describes her hometown as a dangerous place, where women cannot walk safely on the street since the civil war, she also recounts losing her parents in the civil war. Her account is similar to a number of accounts of women trafficked from the Balkans (see Chapter Two, p29).

A minority of the women recounted being directly sold by family members or guardians; others indicated that family members or family acquaintances were involved in their trafficking (see the examples of Jumoke and Adeola above). Lili recalled being sold by her father twice to trafficker(s). On one of these occasions the trafficker her father sold her to was her cousin.

At other times women described being trafficked by "boyfriends" or people they believed they were in relationships with (see below). Although some of the research on trafficking indicates that marriage is often used as a form of recruitment, marriage only figured as a form of recruitment in one of the women's stories in this research. Sakda, who was from Thailand, believed she was coming to the UK to work in a restaurant (see quote above). To gain entry to the UK she was instructed to marry a man in Bangkok, in order to get a visa to migrate to the UK. This is similar to other research findings on trafficking from South East Asia where marriage is often used as a way to gain visas to enter other countries (Davies 2006; Lin 2007).

The women in this study often expressed in their stories their desire to migrate to earn money abroad, for themselves or for their families. These women had often used informal irregular migration routes to travel to the West and had incurred debts along the way. Many indicate that they were aware of the debts they had incurred, but not of the work they would be forced to do in order to repay these debts (see below for how these debts act as a form of coercion in trafficking situations). Sofiya said in her statement to the Home Office, for example:

I was told that I owe a lot of money for the services I had used to travel to the UK and in order to pay back what I owe I would have to work as a prostitute. I protested and cried but I was threatened and beaten until I finally submitted to their demands.

**Sofiya, Ukraine: Statement to the Home Office**

Many of the women said they had chosen to leave their countries of origin in order to make money for themselves, or to send remittances home to their families or children. Elena, for instance, indicated that she had left Moldova in order to make money abroad and send it home for her young son, as she wanted to give him a better life. While Anna said she left Moldova, as she wanted to make enough money abroad to attend law school in Moldova, as her family could no longer afford the university fees. Agustin (2005), among other writers, has discussed how migration is often understood as an affirming positive choice taken by women, and is seen by the women as a way to better or improve both their and their families lives (see also Anthias 2000).

Many of the women had used irregular migration routes (i.e had not travelled legally across nation state borders) to migrate and had contacted people in the local community who could facilitate their migration. Most of these women were aware that they were migrating illegally and many recounted using false passports and/or documents to cross national borders.

The desire to leave home, in the women's accounts, is often linked to poverty at home and/or aspirations associated with migration to the West (as with similar findings by Anthias 2000; Limonawska 2002; Surtees 2002). Similarly the literature on female migration often links increasing levels of female migration to the West to the feminisation of poverty outside of the West (Castle and Miller 2003; Sassen 2003). This involves an increasing extent of women migrating to western contexts to do work of the kind women in this study were often promised (Ehremreich and Hothschild 2003; Sassen 2003)<sup>83</sup>. Many of the women in this study believed they were leaving home to work abroad in occupations such as restaurant work, au pair work or low skilled labour. Many of the women expressed that they believed by migrating abroad they were making better futures for themselves and/or their families. As a result many of the women appear to have contacted or been involved with smugglers to

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<sup>83</sup> Sassen (2003) goes further and argues that this migration is an inevitable part of capitalist structures where women need to, and commonly, migrate to support families at home, and the demand for low skilled labour in the West inevitably is linked to this.

facilitate their migration. It is often difficult to determine from the women's accounts how far these initial recruiters, or who we may call smugglers (Salt 2000) were involved in the women's later trafficking situations when they were abroad, or how far these individuals were aware that the women would be subjected to trafficking harm (see also below).

In another case, one of the women was forced into prostitution while resident in the UK on a temporary visa. Evangelina, originally from Bulgaria, was in the UK on a temporary work visa when trafficker(s) targeted her and she was forced to work in prostitution for men known to her and her "fiance". It was not clear from her account if her fiancé was involved in her trafficking. Migration was involved in her story, but she was trafficked after having been resident in the UK for five months, which is different to the other women's accounts which typically involved trafficking situations upon or shortly after arrival in another country.

Some of the women originally left home as they were fleeing forms of persecution in their home communities. Akanke was fleeing Female Genital Mutilation, which she describes as being forced upon her by her family and wider community. Olivia stated that she first left her home country as she was being persecuted for her faith, and Cari recalls that she originally left her home country, Turkey, as she was a member of a political dissident group in Turkey. Khalid Koser has suggested that refugees or those seeking asylum may be vulnerable to trafficking harm (Koser 2000) as the strict immigration policies to the West create a need to use irregular migration routes to claim asylum in the West. Elsewhere other research on trafficking has also linked the strict immigration policies of the West to the need to contact smugglers to migrate and subsequent vulnerability to trafficking (Morrison and Crosland 2001; UNHCR 2002; Anti-Slavery 2003; Duvell and Jordan 2003).

### **Trafficker(s)**

Many of the women recounted being sold or passed from one person to another. These women usually recall not being subject to the attentions of one "trafficker", but in fact several, from their initial recruitment to being smuggled across borders, to being forced to work. The level of involvement of each "trafficker" varied from case to case but it was rare within the twenty-three case files that only one person was involved from the initial recruitment to finally being forced to work. The word "trafficker" is therefore often an inadequate word to describe the myriad of people involved in the sexual trafficking of women. Typically there are a number of individuals from the initial recruiter, to those that appear to be involved in border smuggling,

to those that can be understood as having a more traditionally understood “pimping” role where the women are forced to work in the sex industry. Also often during the time the women are working many describe being sold from “pimp” to “pimp”.

In my reading of the women’s accounts, it was often difficult to assess how far each of these people were involved in the trafficking process, as it was difficult to distinguish in the women’s accounts between recruiters, smuggler(s) and trafficker(s) and frequently unclear from the women’s accounts where which was involved. It was also frequently unclear from the women’s accounts how far initial recruiters and/or smugglers were involved in, or aware of, the women’s later experiences of forced prostitution.

This experience is typified by Zara’s account: she described being forced to work as a prostitute by her sister’s boyfriend in Western European A<sup>84</sup> for two months. Then she was sold to a man who forced her to work as a prostitute in Western European country B for four months. She was then returned to Albania by Western European B’s immigration authorities and was located by the criminal gang involved in her trafficking after only two days in Albania. This gang then held her prisoner for six months and subjected her to various abuses (tantamount to torture). She was trafficked again to Western European country C, where she was forced to work as a prostitute for another member of the same gang. Then she was sold to another man who brought her to the UK where she was again forced to work as a prostitute. In total, Zara’s account demonstrates she was forced to work for at least four different people/ traffickers, and many more people were involved besides. It is difficult to assess how far some of these people and/or traffickers were connected to each other or complicit in her forced prostitution, although it is clear from her account that some were connected and known to each other, and many were directly involved in forcing her work in prostitution.

It is possible that there was some organised crime involvement in the latter part of Zara’s account (from when she was sold to the second trafficker and forced to work in Western European country B). It is often an assumption that sexual trafficking tends to involve organised crime and mafia type organisations (For instance see Hughes and Denisova 2001; Mameli 2002) and, indeed, a minority of the women did speak of organised criminal gangs or mafia involvement in their accounts. Most notably in Mira’s case the Albanian mafia were

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<sup>84</sup> I have used non-specific geographical references here to maintain anonymity.

involved and she was able to identify members of the Albanian mafia by description and name, who according to an expert report submitted as evidence in her asylum claim, and written by an academic with extensive knowledge of the Albanian mafia, she could not have otherwise known. The majority of the accounts in this research, however, did not involve organised criminal gangs or mafia type organisations and more often involved a myriad of seemingly unconnected individuals (as described above). By contrast much of anti-trafficking legislation in the UK focuses on the connections between trafficking and organised crime (see for instance NCAS 2002; Taran 2003).

A few of the women recall being trafficked by a person they describe as a “boyfriend”. Mira describes here her relationship with her “boyfriend”,

At first I was angry with him for forcing me to work in Soho as a prostitute but after a while, when I got used to working there, our relationship stabilised a bit although it continued to be up and down. Over time I felt angry with myself for staying with him and the job, but I felt I had no choice... He would not talk to me and we argued a lot. He hit me across the face and kicked me in the bottom. I felt upset and did not love him anymore. I wanted to leave him, but I could not because he took me to work and then picked me up at the end of the day. I felt trapped and feared that if I tried to stop working or escape that he would be even more violent towards me.

**Mira: Albanian: Statement to the Home Office**

In Mira’s account she described one of the men who forced her to work in prostitution as a “boyfriend” with whom she has an intimate relationship. However her description of her relationship with him did not greatly differ from other women’s accounts, where they have described their relationship with those they identified as “traffickers”. Mira also recounted being initially sold by a man she described as her “boyfriend” to the Albanian mafia, who forced her to work in prostitution. The man she described in the above quote is a man she considered to have later “rescued” her from the Albanian mafia who were forcing her to work as a prostitute (earlier in her account). It was unclear, and was not likely to be known to her, whether this man was in any way linked to her former traffickers. In her account, she states he rescued her, brought her to the UK and then forced her to work in prostitution. Mira considered her relationship with this man to be different from her relationship with her earlier traffickers, who, she described as “traffickers”, whilst this man she described as a “boyfriend”. However, objectively, from what I learnt from her account, in their treatment of her, it is arguably difficult to distinguish between the two.

Kate, a solicitor I interviewed from London, who had worked on various human trafficking asylum cases considers Mira's account to be fairly typical of the trafficking cases she has defended in the UK asylum courts:

*Sometimes the stories women tell you are very clearly that they've met somebody who said lets travel together, brought them here, they wouldn't recognise that as trafficking because they think they have been let down by a boyfriend usually.*

**Kate, Solicitor: Interview with AJ.**

The gender makeup of the trafficker(s) across the accounts was evenly spread with as many women being involved in the recruiting, smuggling and pimping parts of the trafficking process as men. This is similar to other research findings such as those by Amnesty International (2004) and Poudel (2007), but contrasts with the "popular" trafficking account described in Chapter One. Zara describes her experience at the hands of her female trafficker in the following way:

As I said before A was in the window opposite me and made sure that I gave her the money I earned, and she made sure that I saw customers. Sometimes, if I had counted the money wrong, A would slap me around. She would later feel bad about doing this and try to apologise. She told me she had a daughter back home and hoped that what was happening to me would never happen to her child.

**Zara, Albania: Police Witness Statement**

Sanchez Taylor (2006) has argued, in her study of female sex tourism, that there are other forms of power involved in women's experiences, which interact with gender experience, such as those concerned with racialised power and other cultural forms of power. Sanchez Taylor argues that we need new dialogues that move beyond male/female binaries to incorporate this.

However, writers such as Hughes (2001) have argued that where women are involved in recruitment or "pimping" processes they frequently move from "victim" to "perpetrator" This, argues Hughes, demonstrates that even where women are perpetrators this is acted out through the prism of gender. From my data it is difficult to analyse the reasons behind women's involvement in sexual trafficking situations as perpetrators, as the women in my research were not involved in the recruitment or trafficking of other women themselves. However, rarely in my analysis does the women's perception of their female trafficker(s) differ

from their perception of their male trafficker(s), and often female trafficker(s) are depicted as unsympathetic, and as violent as their male counterparts. As Anna says of her (female) trafficker:

I knew that C had been a prostitute before but she just didn't care about us. Sometimes I would go back to my flat. 30 or 40 men would have had sex with me that day. My body would be numb, I couldn't feel anything. When I told C about it, she said not to worry about it, to just get on with it.

**Anna, Moldova: Police Witness Statement**

### **Violence**

The trafficking situation as described by many of the women to the immigration services frequently involved extreme forms of violence and abuse, whether physical, psychological or emotional ( see also Bales 2000; Brown 2000; Hughes 2001; Zimmerman 2003; Poppy Project 2004; Zimmerman et al 2006). This is evident in the cases of Anya and Evangelina, as they recall in their statements to the Home Office:

I refused to work, and would be beaten after being taken back to the house where I would be put back in the locked room. I was continuously terrified of these men. They were very brutal with me, and treated me as if I weren't human. In addition, I was also scared of the men who I was forced to have sex with. I received many injuries from these men, as they were brutal too, and I had to have sex with six or eight men a day.

**Anya, Latvia: Statement to the Home Office**

He told me I would have to do certain things for him [trafficker]. He said I had to work for him and make him happy. He told me that I would be working in a sauna. I told him I would not do it and I would prefer to die rather than do that. H [trafficker] said he did not care whether I lived or died. It was not for me to choose. Later in the night when the others had left and it was H and I there, he raped me.

**Evangelina, Bulgaria: Statement to the Home Office.**

The women often recalled their experiences as terrifying and the majority described their fear of the power of their trafficker(s) in their accounts:

I along with the other girls truly believed her threats and thought her capable of carrying them out.

**Elena, Moldova: Statement to the Home Office**

I have been asked by the police how I felt about this three month period [the period in which she was trafficked]. I have a lot of emotions... I feel very

angry about how little money I got for the work I had to do. I know I was very scared. I truly believed the threats that K [trafficker] made would have been carried out. When she told me I owed her £5000. I thought I would have to kill myself. I was forced to do work I didn't want to do.

**Anna, Moldova: Police Witness Statement**

The majority of the women had sustained medical and physical scars and this was often documented in the medical reports put forward as evidence in the case files. The women's accounts were not merely verbal accounts but were often physical accounts through which verbal recollection could be substantiated. The medical reports in the women's asylum case files documented a variety of physical injuries, ranging from wounds inflicted by knives or bullets, to burns inflicted by cigarettes and broken bones and other wounds consistent with physical abuse. Many of the women had been diagnosed as suffering from various Sexually Transmitted Diseases and many from gynaecological difficulties. In addition many of the women have been diagnosed as suffering from forms of post-traumatic stress and other psychological difficulties as a result of their experiences. This is consistent with a larger study by Zimmerman et al of the health consequences of the sexual trafficking of women to a number of locations, including the UK<sup>85</sup>, where 95% of women in the study reported physical and/or sexual violence during the trafficking process and the majority had suffered serious consequences to their health afterwards (Zimmerman et al 2006; see also IOM 2003; Amnesty 2004a).

There were differing levels of violence in-between and within the women's accounts, although there was some description of physical violence and/or rape in all of the accounts. This may have involved violence from trafficker(s) and/or by "clients" and may be different at different points in the women's accounts. Zara, for instance, described how her trafficker(s) "seemed to have a strange power over her". At times, she said, they would be angry and would threaten her but at other times, they would say "nice things".

There were extreme levels of violence in a small number of the women's accounts where Eastern European mafia groups appear to be involved and some of the women have described more sustained levels of violence throughout their experiences than others. Sometimes where women were "sold" from one trafficker to another the experiences of violence differed as the

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<sup>85</sup> This was research involving 207 trafficked women from a total of fourteen different countries, 16% of which were trafficked to the UK (Zimmerman et al 2006: 7).

women's perception of the relationship involved differed (for example see Mira's descriptions under "boyfriends" above).

### **Money- the Financial Ties that Bind.**

In trafficked women's accounts to the Home Office, economic factors appeared to be both a push and pull factor if they are considering leaving home (see also above). Moreover they were also later used as a controlling mechanism in trafficking situations where women often found themselves in a great deal of financial debt to trafficker(s).

Money also acted as a controlling mechanism in the trafficking process, usually as a form of debt bondage. Many of the women recalled finding themselves in so much debt on arrival in the UK to their trafficker that they recalled that they had little choice other than to work in prostitution to pay back that which they owed. Typically this involved very high sums of money. In addition women recounted having to pay expenses to trafficker(s) for their rent and subsistence. For example Anna, Zara and Sofiya recalled:

K [Trafficker] asked me if I knew how much I had to pay her. I said I didn't. She said I owed £5000 for being brought into this country and £15,000 for K finding me a job. I was shocked. I didn't know this and I said I would never come to England if I knew how much I owe. K saw I was upset, she told me I could earn this very quickly. She added on top of £20,000 I would also pay rent for staying in the flat and also for food. K went on to explain that she also charged penalties for breaking of rules. She told me that none of the girls were allowed mobile phones and we were not allowed to go and socialise, that we should be at work on time. She said we only get £10 of the money we earn each day for food and travel and the rest was to go to her.

#### **Anna, Moldova: Police Witness Statement**

S [trafficker] said I have a debt towards him because he bought the passport. He fed me, he paid my airplane ticket to come to the UK and he found me work. I have to reimburse him a lot of money because he told me that the passport cost him 3000 Euros. I would have to work for him for the rest of my days to reimburse him fully

#### **Sofiya, Ukraine: Witness Statement**

Money acted as another controlling mechanism in the trafficking situation. Again the choice/force binary is disrupted as the choice to work in prostitution or not to work in prostitution is blurred by a more complex economic situation, in this incidence an economic situation. In addition, often the woman's family were threatened with incurring the debt and this has a further effect on the woman's "choice" in working in prostitution for her trafficker (s).

### **Family Ties**

Often in their accounts, the women described how threats were made against members of their family, or those close to them. This also acted as a mechanism of control in trafficking situations, and again limited the ability of the women to exercise forms of agency or control over their situation, as their concern for members of their family was exploited.

Stasia, for instance, described how her trafficker(s) threatened to harm her sister and used this as a form of control to make her work for them. Similarly, Zara describes how trafficker(s) made threats to kill her family in Albania if she would not do as they asked, and describes how this threat was repeated many times. Also Lili, in her account, expresses concern for her younger sister who her father has threatened to sell to the same man he earlier sold Lili to. And Lili reports that the man who originally trafficked her keeps driving past her parents house in Albania, playing loud music and scaring her mother and sister. These findings are similar to research findings by Zimmerman et al where they found that threats by traffickers against family member were made against the majority of women they interviewed (89% of n 207). In addition many (82%) of these women confirmed that these threats had been carried out (Zimmerman et al 2006, see also Jobe 2007).

Many of the threats described by women in this study had also been carried out. For instance, Augustina described to me how her trafficker and his associates had made threats to target her teenage daughter for trafficking. Augustina said trafficker(s) have attempted to kidnap her daughter on two or three separate occasions, and these attempts have been reported to the Romanian police<sup>86</sup>.

Sofiya was trafficked through “friends” of her father, who he had contacted to help her travel to the UK to attend an English language course and improve her English language skills. Her trafficker(s) told her that her father was involved in her trafficking and then, at a later time, Sofiya was told that her father had been killed by her trafficker(s) and her mother raped. According to Sofiya’s statement and interview with the Home Office, she was told that her mother was raped in front of her father and her father suffered a heart attack as a result of witnessing this and died. She understood from her trafficker(s) that her mother’s rape was

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<sup>86</sup> There is also a Romanian police report of these incidents in the asylum case files, which was used as evidence in Augustina’s asylum case.

somehow connected to her being held captive in the UK and had been some kind of punishment for her father's actions (as he had confronted her trafficker(s)). She later found out from her mother that her father had died of a heart attack following torture by the men involved in her trafficking and that her mother had since relocated due to fear and further threats from her traffickers (see also Chapter Six, p137-138 for an exploration of how this story received by the British asylum system).

It is clear from Sofiya's account that trafficker(s) in trafficking situations can use family ties for further coercive purposes. Often this amounts to psychological control of women and/or actual violence or threats been perpetrated against family members

### **Escape/ Rescue.**

The women's stories typically ended in some form of rescue by a third party, be it the UK authorities, another woman working in prostitution or occasionally a "client". This bears similarity to the popular trafficking story as described in the introduction, however as I will explore in the next chapter, the process of "rescue" is complex as the women's stories become the stories not just of trafficked women but also of "illegal immigrants" and then later of "asylum seekers". "Rescue" often does not lead to a sustainable and long-term exit, as women face additional problems when they are later identified as "illegal immigrants" or when they return home (see Chapter Five).

Around half of the women described exiting the trafficking situation via a police or immigration raid on the place they are being forced to work. For example, Sriyani and Fatima, both from Sierra Leone, were arrested by the police as "illegal immigrants" during a police raid on the brothel they were both working in. Sriyani had been working there for two months and had been physically imprisoned in a room in the brothel. Fatima had been in the brothel for one night only and had not at the time of the raid been forced to work in prostitution. Although she had been made to watch pornography in order to 'prepare her to work'.

Five of the women described being helped to leave by a third party other than the authorities. This was often another sex worker or maid. Zara escaped from her trafficker (s) with the help of a maid. She said she continued to work in prostitution after exiting the trafficking situation as she felt she had no choice due to her fear of the UK authorities and of her traffickers. (This

situation is explored in greater depth in Chapter Five). Sakda escaped from her trafficker(s) when another woman from the flats where she was being forced to work called the police. Elsewhere, Mira was assisted in exiting her trafficking situation by a television documentary team.

Two of the women described exiting the trafficking situation without the assistance of a third party. This manner of exiting trafficking situations were in the minority among the women's accounts. Anya escaped from her trafficker (s) when they were intoxicated and had forgotten to lock her door. She made her way to the airport with the intention of flying back to her home country, Latvia, but was apprehended by the police at the airport and referred to the Poppy Project. Augustina attacked (stabbed) her trafficker after he repeatedly raped her. He called the police and she was arrested for attempted murder (charges which were later dropped).

The majority of the women, in the study, were subsequently referred to the Poppy Project by immigration officials or the police, where they did receive help and assistance. This help and assistance included accommodation and subsistence, access to health care and counselling, access to legal advice including support to claim asylum in the UK, and access to education and rehabilitation services.

### **Exceptions**

The majority of the women's accounts described being forced to work in the sex industry in the UK. However two of the women among the twenty-three case files were trafficked for purposes other than prostitution. Adeola was trafficked to a single household to work in a domestic capacity; Augustina was forced to work for one man in various jobs (cleaning and clerical) and to give any money she made to this man. Both of these accounts involved rape and other forms of abuse and violence and coercion similar to the other women's accounts. In fact, in content these women's stories did not differ greatly from the other twenty-one stories. The principal difference between Augustina and Adeola's accounts and the other women's, were that they were located in more private spaces. (This is explored in depth in Chapter Seven where the reception of these stories in the UK asylum system is considered)

### **The Choice/Force Binary**

As described in Chapter Two, in much of the literature on sexual trafficking there are disputes over the level of choices and forces involved in prostitution. As shown through women's trafficking stories, which have been retold in this chapter, there is an array of forces interacting and intersecting in trafficked women's accounts. In addition, the women's stories frequently involve complex relationship between choices and forces and may involve differing roles of "victim" and "perpetrator".

In the trafficking situation the women often recalled no freedom of movement and a lack of choice, self-determination or agency. When Nina from Romania, was asked by the immigration services why she failed to claim asylum when she first arrived in the UK, she replied, "They wouldn't let me make a move by myself. I couldn't go anywhere by myself". Similarly Anya stated to the Home Office:

Throughout the time that I was there, I was kept in a locked room by the traffickers, apart from when I was taken to different brothels and told to work there.

**Anya, Latvia: Statement to the Home Office**

The women's ability to exercise any form of control over their situation was constrained by a lack of freedom of movement; this is sometimes through a direct form of physical imprisonment, as in Anya's case, or, as established, by less direct but no less compelling situations involving coercion and force, such as debt bondage or threats against family members. There were different levels of coercion and force acting in the women's stories, and different women experienced them at different times and in different ways.

Within the twenty-three trafficking accounts I have analysed, choice, where it can be considered to exist, is usually recalled as partial and as conflicting when attempting to exercise forms of agency. Choice in these accounts was often inherently a part of force, as the choice/force binary is disrupted where frequently choices operate as a mechanism by which force is enacted, for example Fatima recalls an incident where she tries to exercise agency in the trafficking situation by refusing to work:

She told me that I would be working as a prostitute. I was horrified...I said I had not agreed to any of this. She said her husband had already paid A (Trafficker). We had an argument and I cried and shouted. Mrs S (Trafficker)

said I should not shout as I had no documents and if the police came they would arrest me and put me in prison. She told me there was nothing I could do whether I liked it or not. My choices were to go to prison or work and if I shouted I would be going to prison.

**Fatima, Sierra Leone: Statement to the Home Office**

The effect of Fatima's agency was disrupted by the choices presented to her by her trafficker(s). The position of Fatima as illegally residing in the UK and her situation as a trafficked person at this point presented her with complex choices (see also Chapter Five). Fatima could only exercise agency within the structural reality in which she found herself. In other words although she may have had the choice to refuse, the alternative may have involved imprisonment by the UK authorities. Her "choice" to cooperate with her trafficker (s) and work as a prostitute later in her account, therefore contains elements of both force and agency at one and the same time, and in differing ways.

The focus within academic, political and legal debates upon the force/choice binary is therefore, I would argue, essentially a misnomer. The choice/ force dichotomy is the wrong debate to focus upon, as it is impossible to separate agency from force in the trafficking account. The polarisation of debates over force and choice within some of the literature on sex trafficking, and especially in the campaigns by organisations such as the Coalition Against Trafficking in Women and some of the Sex Workers rights groups (see Chapter Two, 20-29), frequently fails to recognise the relationship between choice/agency and force, and how one may interact with and construct the capabilities of the other in sexual trafficking situations. Trafficking situations are usually highly complex and it is clear from trafficked women's stories, here retold and analysed, that the lines between agency/choice and force are neither distinct nor separable.

**Conclusion**

The trafficked women's stories revealed a complex array of interacting and intersecting coercions in these women's experiences of prostitution. These were situated in social, economic, cultural and gendered contexts of home and family life, as well as in experiences of direct violence, and psychological and economic coercion in trafficking situations. In each woman's account different levels of coercion, in different combinations, and at different times

were described. As one of the legal professionals, I interviewed, said in relation to trafficked women's asylum applications<sup>87</sup>:

*I think that both judges and the Home Office have a view of women who are caught up in the sex industry, that it's voluntary and they don't understand the pressures... it's a bit how domestic violence was looked at twenty years or so ago when I came into the law and a lot of cases around domestic violence they were completely disbelieved, you know, well why don't you leave, why are you staying trapped in this violent relationship? And I think it's very similar now that the level of awareness about how women get hooked into the sex industry, for lots, it's a complex issue and similarly as with domestic violence there are all sorts of emotional and economic ties that bind.*

**Anne, Solicitor: Interview with AJ**

This chapter has considered trafficked women's accounts of their experiences in trafficking situations, where these differed from each other and where similar experiences were spoken about. The accounts consulted to inform this chapter are accounts which were recognised as legitimate accounts of sexual trafficking by various actors, including immigration officials, the UK police and Poppy Project workers. The process of recognition was often not a straightforward one for the women concerned. This process of recognition will be explored in detail in the next three chapters, in relation to the women's experiences in the UK, with the police, immigration officials and the asylum system

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<sup>87</sup> Which will be explored in further detail in Chapters Six and Seven.

<b>Age at time of trafficking</b>	<b>Year of first trafficking</b>	<b>Nationality / Ethnicity* / Religion**</b>	<b>Marital Status / dependants.</b>	<b>Trafficked for....</b>
18	2001	Nigerian / Not Given / Not Given	Single, one child	Domestic Labour
18	2004	Nigerian / Yoriba / Muslim	Single	Prostitution
20	2000	Moldavian / Not Given	Single	Prostitution
26	2003	Latvian / Russian / Not Given	Married, one child	Prostitution
37	2004	Romanian / Not Given / Not Given	Married, one child	Labour
19	2000	Turkish / Sunni Muslim / Muslim	Single	Prostitution
31	2001	Moldavian / Not Given / Not Given	Divorced, one child.	Prostitution
20	2004	Jamaican / Not Given / Not Given	Single, two children.	Prostitution
21	2000	Bulgarian / Not Given / Christian Evangelist	Single	Prostitution

19	2002	Sierra Leonine/ Keniman/ Roman Catholic	Single	Prostitution
18	2001	Ukrainian/ Christian	Single, one child.	Prostitution
19	2002	Nigerian/ Not Given/ Not Given	Single	Prostitution
NK	2003	Lithuanian/ Not Given/ Not Given	NK	Prostitution
1 <sup>st</sup> at 13 2 <sup>nd</sup> at 15	1 <sup>ST</sup> -1995 2 <sup>ND</sup> -1997	Albanian/ Roma/ Not Given	Single	Prostitution
18	1999	Albanian/ Not Given/ Not Given	Single	Prostitution
19	2002	Romanian/ Not Given/ Not Given	Single	Prostitution
18	2002	Romanian/ Not Given/ Christian Evangelist	Single	Prostitution
NK	NK	Thai/ Not Given/ Not Given	Divorced (marriage linked to trafficking)	Prostitution
21	2001	Ukrainian/ Not Given	Single	Prostitution

18	2002	Sierra Leonine/ Kono/ Anglican	Single	Prostitution
26	2002	Russian/ Not Given/ Russian Othodox	Single	Prostitution
22	2003	Kosovan Albanian/ Not Given/ Not Given	Single	Prostitution
16	1997	Albanian/ Not Given/ Not Given	Single	Prostitution

\*and \*\* Ethnicity and Religion were given on the women's statement of evidence forms. These sections were not always completed. Where they were left blank, a "not given" is recorded

**Table Two: Background Details Relating to the Trafficked Women in this Research.**

## Chapter Five: Accessing Services in the UK.

One of the main functions of refugee law has been to shape or construct an official or formal identity of refugee... Refugee law as a means of reducing the refugee identity is able to promote its overall cost reduction aim provided two important conditions exist. The first is that there must exist a dominant refugee identity- dominant means through which the refugee is conceived (formally at least). The second is that this entrenched identity must be relatively narrow and inflexible. Once these two conditions exist, it becomes possible to portray refugees outside the narrow, entrenched and dominant identity as illegal, bogus, fraudulent or at best on a second tier of humanitarian need, thereby justifying a limited range of assistance to refugees without that identity (Tuitt 1996: 14).

At the site of women's bodies, state sexual regimes intersect with migration controls in a manner that reproduces hierarchies among women and exclusionary versions of the nation-state (Luibheid 2006: 61).

This chapter is based upon the trafficked women's views of and experiences with the UK authorities, as expressed in my interviews with them and through the accounts they have given to solicitors, project workers and immigration officials. The women's trafficking experiences range from 1995- 2005 and so their experiences and encounters relate to differing contexts, in reference to the emergence of sexual trafficking as a social problem (as explored in chapter One and Two). The experiences of the women described in this chapter take place within a constantly changing and fluid policy context; both within the UK and elsewhere (see Chapter Two).

Often the first person to whom a woman recounts her experiences is either a UK police officer or an immigration officer. Therefore the UK authorities are heavily involved in determining who is a victim/survivor of trafficking and who is not (see also O'Connell Davidson 2006). The police and immigration services are equally, if not more so, concerned with who is illegally residing in the UK without the necessary legal documentation and in the arrest and deportation of those who are identified as doing so (Srivankova 2007). As explored in Chapter Two, the current and new government focus upon protecting the rights of trafficking victims does not sit easily with the Labour government's recent rhetoric on being tough on immigration and conflicts between the two have arisen frequently in the women's experiences where they encounter the UK police or immigration. Frequently it seems, this can have an adverse effect upon trafficked women's access to justice, help or assistance (see also Haynes 2004, O'Connell- Davidson 2006).

The women in this study have been, in their accounts, labelled, treated and viewed at different times, in different contexts, and by different actors, as “illegal immigrants, “asylum seekers” and/or trafficking victims/survivors. They have also been undocumented migrants, have been trafficked for sexual purposes and have sought asylum in the UK (see Chapters Six and Seven). This had both negative and positive consequences for the women, at different times and in differing ways.

In their accounts to the UK immigration authorities and in my interviews with them, the women frequently recall gaining access to help and services in the UK as a onerous, and sometimes, intimidating experience. In their accounts, women’s fear of the authorities and of imprisonment by them, or of deportation to their country of origin, is frequently instilled and/or exploited by trafficker(s). These fears are often realised upon encounters with the UK immigration authorities or the UK police. It would appear that women are repeatedly criminalised in these encounters rather than aided. Through these experiences, which sometimes result in deportation and/or re-trafficking, further distrust of the authorities is established. Trafficked women’s choices and control over their own lives, both within the trafficking situation and at other times, are consistently compromised by the interaction of their illegal status in the UK and their experiences as trafficked persons.

The first section of this chapter will consider how encounters with the authorities in the UK emerged from the data as another form of potential control in sexual trafficking situations. Then I will explore women’s encounters with the UK police and immigration services and how these encounters have been different, at different times within and between the women’s accounts. In the last section I will explore how women have accessed help and services through the Poppy Project in the UK.

### **Past knowledge(s) of the Authorities**

In their statements and interviews with the immigration services the women often expressed a distrust of government agencies such as the immigration authorities and the police due to past experiences or knowledge of the role of these groups in their country of origin. For example when asked by an immigration official why she did not approach the authorities in the UK, Jumoke replied:

No I did not go to the police in the UK. I come from Nigeria, where people do not trust the police, and it did not occur to me to go to the police for help. In Nigeria people think that it will be no good to go to the police, and it will just make things worse.

**Jumoke, Nigeria: Interview with Home Office.**

For Jumoke, the police were not associated with help or with safety due to her past experiences of and/or with the police in her country of origin. Moreover, often the women had experiences in which the authorities were part of the trafficking process, where border guards or the police had been involved in their trafficking (See Ionna's experience, for instance. with the police in the section Re-trafficking below). The women's past experience(s) and past knowledge(s) often appeared to construct the possibility of action in the trafficking situation.

According to the wider literature on sexual trafficking, governments and the police are frequently either directly involved in the trafficking of women or are reported as having turned a blind eye to trafficking where they encounter it in an official capacity. Official collaboration with traffickers has been reported in Russia (Hughes 2000; 2002) and in Albania (US State Department- Albania 2003) and elsewhere in South and South East Europe (Gulcar and Ilkkaracan 2002; Limanowska 2002; Jobe 2007, among others). Rees (2003) has discussed the role of international criminal networks in the new government in Bosnia and argues that it is sometimes difficult to distinguish between the authorities and the traffickers there.

### **The Trafficker(s) and the UK Authorities**

In addition to forms of direct physical control of women in sexual trafficking situations through physical violence and/or imprisonment, the use of psychological methods of coercion, force and control are well documented (Bales 2000; Brown 2000; Hughes 2001; Zimmerman 2003; Poppy Project 2004; Zimmerman et al 2006, among others). This study has found that, in addition, women's fear of the authorities is exploited and/or instilled by trafficker(s) who seek to control them and their actions. Fear of the authorities seriously limits the women's ability to assert control over their situation. In their accounts, statements to and interviews with the Home Office and in my interview data, the women do not usually view the UK authorities in a positive way as possible assisters but often as potential prisoners and punishers. They often recall the words of their trafficker(s) who tell them that the UK authorities will imprison them

and deport them. The trafficker'(s)' portrayal of the authorities, as recounted by the women, is important in constructing the women's view of the authorities.

Throughout the data many women appeared to regard the UK authorities in a similar way as they spoke about their trafficker(s). Fear of the police and fear of immigration was often expressed, and fear of being imprisoned by them or deported were dominant concerns.

*You see when you see police you are scared and you start to shake when you see them... you think you are going to be deported because that's how the people say to you...the traffickers say, you know when the police come don't say nothing because they are going to put you in jail, just say you want to go home, and that's how they say to you.*

**Anna, Moldova: interview with AJ**

*He (trafficker) told me if some immigration or some police would come, I should hide, because they would put me in prison for two years, because they not going to know who I am, where I'm from. I really believed that (laughs).*

**Sofiya, Ukraine: interview with AJ**

The illegal status of the trafficked woman in the UK here negatively interacts with her ability and/or her desire to seek help and assistance. This is most poignant when women are discussing how they might escape or leave the trafficking situation, in which they find themselves,

I did not feel able to run away or tell the police because I was in the UK on a Greek passport, D kept my Romanian passport and made it very clear to me that if I told what was happening I would be put in prison because I was here illegally.

**Augustina, Romania: Statement to the Home Office**

This fear can act as a controlling mechanism to prevent women in trafficking situations from accessing help and services, not only in situations of exit or possible escape but also in the daily control of their own lives and bodies,

I was bleeding after every single sexual encounter with the clients and I was in a lot of pain. I was afraid to tell anyone or ask anyone for help, because I was afraid to be thrown out. M [trafficker] threatened me and told me if I registered with a GP, I would be deported. So I never registered with a GP, because I was afraid I would be deported to Turkey. I have never received any medical treatment until I was living under the care of Eaves.

**Cari, Turkey: Statement to the Home Office**

The trafficker's use here of the authorities as a form of control is one of a number of regulatory mechanisms that acted in Cari's life. She also recounted in her statement of evidence form to UK immigration how she was raped, verbally threatened and threatened with heroin injections and resulting potential drug addiction if she would not sleep with men.

Cari's story reflects the stories of many of the women in this research. Threats of and actual physical violence against themselves and/or family members, imprisonment, psychological violence, isolation and a sense that no-one can or will be able to help are all used by the trafficker(s) to control women and prevent them from attempting to contact the authorities for help, while in the trafficking situation or for assistance or prosecution afterwards. Other controlling mechanisms evident in the women's accounts included verbal abuse, threats against the trafficking victim/ survivor and her family members, debt bondage and psychological coercion (see also Chapter Four).

Fatima, in her interview with the UK Home Office, also described a similar range of regulatory mechanisms. Fatima recounted to an immigration official how her trafficker(s) had exercised different forms of control upon her. She was physically imprisoned and physically threatened and was told that no-one, least of all the UK authorities, would help her because she was illegal in this country. Fatima's choices were necessarily exercised within these physical and psychological domains. Fatima acts as an agent through her refusal, but her ability to act out her refusal and gain control of the situation she is in, is limited by the power/ agency exercised by her trafficker(s) in a variety of ways. Fatima, who is from Sierra Leone, described her situation to the Home Office in her interview with them as follows:

**Fatima-** They told me I would have to sleep with men. That's the business they were doing. I refused.

**Home Office-** What happened when you refused?

**Fatima-** They said if I don't the police will come and arrest me because I don't have parents. They kept us locked up and we couldn't go out.

Fatima is both object and subject in her retelling of her experiences. She exercises agency through her refusal, but her actions were confined by the circumstances in which she finds herself, not least of these is the sense of being somewhere where she has no rights, where she will be imprisoned and where no one will be willing to help or enable her to exercise her

refusal. The trafficker(s) construction of the authorities is part of an array of controlling mechanisms used in the trafficking process to restrict the agency of the women.

This situation often resulted in many of the women representing themselves to the authorities via their trafficker's instructions. Lili encountered the authorities on a number of occasions while with her trafficker and she describes one of these incidences in her statement:

One day the brothel was raided by the police and immigration authorities. I told them my name was Sabrina and I came from South America as S [trafficker] had told me to do. They took some fingerprints- only my thumbs- and left. I did not hear anymore about it.

**Lili, Albania: Statement to Home Office**

Here, Lili represented herself to the authorities through a story constructed by her trafficker. This was a common theme in both the interviews and statements of the women (and one, which was further reflected in my interviews with legal professionals- see Chapters Six and Seven). Lili's ability to speak and be heard is here framed within a complex array of social factors. Her story as she will later tell it is overwritten here and though she physically speaks, it appears that her trafficker is still largely speaking for her. This is not to argue that Lili has no agency in this situation, but to acknowledge that her choice of what to say, how to say it, when to say it and who to say it to, is exercised within a complex field of political and social interactions (Plummer 1995).

As argued in Chapter Four, choice and agency are also exercised within a complex field of social interactions. When I asked Anna whether she had considered seeking help while she was with her trafficker(s), she replied,

*You couldn't ask for help because the way she treat us, the way she say to us police is going to put us in prison if we going to ask for help and keep us there forever and we see nobody and we believed that. We had no choice.*

**Anna, Moldova: Interview with AJ**

As Anna observes in this quote, agency within the trafficking situation is located through the structural and physical conditions in which choice is located. Choice to work in the sex industry for Anna was not merely constricted by direct force, but also by the fact that alternative options were lacking (see also Lazardis 2001 and further discussion in Chapter Two). Anna did not feel she had the choice to ask for help, as she believed none would be

available. Anna's ability to exercise agency is restricted by the physical constraints of her nationality (and ethnicity), i.e she is not British and is illegally resident in the UK. She cannot approach the UK authorities for help as they might (and probably will) imprison her. Being a trafficked woman in a strange country essentially adds to a sense of isolation in which trafficked women often feel they have no where to turn for help.

This section will explore the incidences where a number of the trafficked women, from this research, have encountered the immigration authorities whilst they were with their trafficker. Often the trafficker(s) had taken the women to the UK immigration authorities to register as asylum seekers. Trafficker(s) in these incidences gave false accounts to the immigration authorities of the manner in which the women entered the UK and their reasons for being there. Many of the women also recalled that in these encounters they were not interviewed separately from their traffickers or directly asked any questions by the UK immigration authorities; instead their trafficker(s) were permitted to speak on their behalf. This is similar to a finding by Sen, Humphries and Kelly (2003) who found that often women are not interviewed separately from male relatives by the UK immigration services. A number of the women indicated that if they had been asked they might have been able to speak out about their trafficking experiences. For example when, Anna, from Moldova, in my interview with her, described her experience(s) with the UK immigration system:

**AJ** *Did you know you would have to apply for asylum or leave to remain in order to stay in the UK when you first came here? Were you aware of the process?*

**Anna** *First time when I came I had been forced to apply by...well I had been told to...it was kind of like I didn't have idea, what is this? Because they make you. I'd been trafficked. She took me, well she got people to take me over to apply. I didn't understand.*

**AJ** *Did no-one interview you separately at this stage?*

**Anna** *No that's what I am saying. If somebody had asked me then, then they would have known that it was fake because you can see probably in people but there nobody asked me.*

Anna was not asked and so she felt she was not able to speak. This is a reoccurring theme in many of the women's stories. Mira also recounts in her statement,

B [trafficker] took me to the Home Office with an Albanian friend of B's cousin, called M, who interpreted for us. During that interview with a woman only B spoke. I was not asked any questions and I did not say anything.

**Mira, Albania: Statement to the Home Office.**

The ability to speak and be heard is exercised within political, social, cultural, economic and physic processes (Anthias 1998, 2002). Women's stories are told or not told to the authorities within a social and historical context. In addition to the practicalities of language, grammatical structures and (mis) understandings or (mis) interpretations therein, processes of silencing and sounding are necessarily social, political and cultural. The exercise of agency through speaking out, through telling, is always experienced within a social context (Plummer 1995). As I will show below, it is only later in their accounts that women are recognised as trafficking victims/survivors rather than as "asylum seekers" or as "illegal immigrants"<sup>88</sup>.

### **Encountering the UK Authorities**

Upon encountering the UK authorities the fears initially expressed by the women are often realised. They feared imprisonment; they are imprisoned, they feared deportation; they now find themselves facing deportation. The situation as described or threatened by the trafficker(s) to them, as documented above is often reflected in the actions of the UK authorities (see also O'Connell Davidson 2006; Srivankova 2007).

Often for the women, speaking out and telling their story was difficult unless they felt that they were in a safe environment (such as Eaves- all the women interviewed saw Eaves Housing as a place of safety- see below). The environment in which a story is told therefore affects the content/narrative of that story. As Sofiya recalls in her first encounter with the UK police:

*I didn't know so very much but then the police came. I knew the policemen were coming because the receptionist told me to go out, to just go out the back. I was about to go, took all my things and put them in my bag and then I felt bad and then I just went in the kitchen and she thought I'd gone. When the police came I was scared, I was shaking*

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<sup>88</sup> In addition, these early encounters with the immigration authorities frequently appeared in the women's later asylum claims, and often were used by the Home Office as reasons to doubt the credibility of a woman's story. Here and elsewhere in this chapter, I have argued that how a trafficking story is told relates directly the context in which that account is told (Plummer 1995). See Chapters Six and Seven for an exploration of these incidents and the wider social processes therein.

*you know, I couldn't speak and also scared to speak, I couldn't tell them everything in front of the receptionist, I was scared of the receptionist.*

**Sofiya, Ukraine: interview with AJ**

When Sofiya encountered the police they were raiding the brothel where she was being forced to work and were looking to apprehend undocumented migrants illegally residing in the UK. Here she still felt threatened by her trafficker(s) and indeed may still be in danger from them. In addition, she expressed fear of the authorities and is frightened that they may arrest her. She exercises agency as she stays to meet the police, but her ability to speak out is constricted by the circumstances and environment in which she is speaking. Many of the twenty-three women in the research first encountered the UK authorities in similar circumstances to Sofiya's description (see Chapter Four, p92). Exit from the trafficking situation among the twenty-three women was predominantly through immigration or police raids on the places they were being forced to work (See also Zimmerman 2003). From my analysis it appears that the accounts told to the authorities in these circumstances frequently differ from the accounts later told to the same authorities while the women are under the care and protection of the Poppy Project (see Chapters Six and Seven for further exploration).

Often where the women did encounter the immigration services or the police without the presence of a trafficker they didn't always ask for help. In fact, frequently in these encounters the women represented themselves to the authorities as per their trafficker's instructions and there are a number of incidents in the case files where women have represented themselves to the authorities as their trafficker(s) have instructed them to. The ability of these women to speak to the authorities and ask for help, even when they do encounter them, is constricted by both a fear of their trafficker(s) and a fear of, or/and a lack of confidence in the UK authorities. Often upon encountering the authorities many women recalled the words of their trafficker(s) who have told them that the UK authorities will imprison them and deport them. Fear of the UK police and fear of the immigration authorities was often expressed, and fear of being imprisoned by them or deported were dominant concerns.

*Imprisonment*

This section explores the women's experiences of imprisonment by the UK authorities. In their accounts, many women often experienced imprisonment first by the police as "illegal immigrants" and then later in asylum reception centres. As Zara recalls in her statement to the Home Office:

At the police station, we were all placed in cells, and a solicitor eventually came to see me... all I remember is that I was very scared that I was going to be sent straight back to Albania. I spent the night in the police cells, and the next morning I was placed on a bus with other girls from the raid. We were taken to Oakington<sup>89</sup> and I remained there for 15 days

**Zara, Albania: Statement to the Home Office.**

In both my analysis of women's accounts as told the UK Home Office, and in the interviews I conducted, women often recalled initial encounters with the UK police as being fraught and intimidating. This is illustrated by Sofiya from the Ukraine who recalled an encounter with the police, in my interview with her:

**AJ** *Did you consider seeking help? Was there anyone you thought you could have gone to?*

**Sofiya** *I told the police my story but they didn't help me- they weren't very nice. They talked to me like I was a whore. Talking down you know.*

**AJ** *Did you not feel they believed you?*

**Sofiya** *No they kept me in a cell for three days and I wasn't able to eat or wash my face or nothing and I was trying to sleep and think about nothing.*

**AJ** *Can you tell me more about this time?*

**Sofiya** *Yes it was a cell and I was crying and there was only a little window for to see and she said they contacted immigration and immigration said I was an illegal immigrant and they gonna come... I don't know what I was thinking at the time and I just thought I was going crazy you know, nobody believes me.*

In Sofiya's encounter with the police she identifies that they are treating her as a "whore" and also as an "illegal immigrant". In this study when women recall encountering the police it appears that the interaction of a number of (often imposed) identities are involved. The UK police in this encounter with Sofiya have identified her as an "illegal immigrant" and, she believed, as a woman who has worked in prostitution or as she says "a whore", but not, at this stage, as a trafficked woman. Sofiya explained to me that she tried to tell the police what had happened to her but they wouldn't listen. The "whore" and the "illegal immigrant" are often

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<sup>89</sup> Oakington is an Asylum Reception Centre in the south of England where "illegal immigrants" are held, often while decisions are made about their asylum applications. The detention of those seeking asylum in the UK is a highly controversial practice and one which arguably further demonstrates the attitude of the UK Labour government towards those seeking asylum within its borders.

highly stigmatised identities, and perhaps within Sofiya's description of her encounter with the police the effects of stigma were being played out (see for example, Pheterson 1989; 1993 and Sharma 2005).

Similarly, Mira recalls her first encounter with the UK police after a police raid on the brothel she was working in as follows:

I was taken to Charing Cross station. G [trafficker] was also taken to the police station. One police officer and one immigration officer interviewed me. They asked me about how I came to be working in Soho in the first place and who was organising it. I told them I was from Kosovo and that I needed money, which was why I was working in Soho. I can remember specifically that I was not offered legal advice and I did not have a solicitor present. I signed the interview papers and I was taken to the police cells. I did not tell them the truth about my situation, I felt very scared about what was happening to me.

**Mira, Albania: Statement to the Home Office.**

The ability to speak and be heard is constrained in Sofiya and Mira's recollections. Sofiya felt that she was not listened to and that no-one was willing to hear her or believe her story. Also in Mira's case she indicated she felt "very scared" and unable to "tell the truth". She instead told a story of being from Kosovo, a story, which was constructed by her trafficker, and one that she was told to use if she encountered the police or immigration.

Many of the women from this research often found themselves in an asylum reception centre such as Oakington (as described by Zara above) whereby they were labelled, and treated as "illegal immigrants". Of the four women I interviewed, Anna, Ionna, Augustina and Sofiya all had been held in Oakington and described it as a prison, and all had had negative experiences there.

*Oakington is no good place, is no good place. Is Prison, yeah? . . . There were people there who didn't understand English and there was shouting and in the kitchen when they give you the food like you know, like a dog's people. . . I promise I not like the bad prison. Treat you very badly there.*

**Ionna, Ukraine: interview with AJ.**

*It was horrible, it was very horrible. I was there for two months and when immigration come to interview me they wasn't nice to me cos I was crying. . . It's a prison, it's like a prison.*

**Anna, Moldova: interview with AJ.**

This is similar to findings by Cutler and Ceneda in which women who were interviewed about their experiences of detention in immigration centres were often upset and traumatised by their experiences<sup>90</sup>. In their study women were found to have suffered fear, uncertainty and a profound sense of injustice (Cutler and Ceneda 2004).

Despite the fact that at this stage the women were (arguably) away from the trafficking situation, they often still considered themselves to be in danger from their trafficker(s). Sriyani and Fatima were both trafficked to the same brothel and picked up in the same police raid. Whilst they were at an asylum reception centre they were still targeted and threatened by their trafficker(s). As Fatima described in her statement to the immigration authorities:

We continued to receive telephone calls and were threatened if we told the police the truth we would stay in prison forever and if we went back to Africa we would pay with our lives.

**Fatima, Sierra Leone: Statement to the Home Office**

Despite exiting from the trafficking situation the ability to feel safe and be safe was still often elusive to the women, particularly in the asylum reception centres where sometimes the trafficker(s) and the trafficked are held together. From Fatima's statement we can see that her trafficker was still attempting to control her ability to speak to the authorities and access the necessary help and assistance.

Similarly Zara's solicitor's expressed concern at Zara's confinement in an asylum reception centre, again in this case Oakington, in a letter to the immigration services:

There is an extremely strong chance that members of the gang who trafficked our client will have contacts close to Oakington who may be able to advise them of our client's presence there. Our client is also concerned that there may be other trafficked victims of the gang in Oakington who may inform the gang of her presence there.

**Zara, Albania: Solicitors letter to immigration**

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<sup>90</sup> One of the women in my research, Augustina, was held in Holloway women's prison on criminal charges and then later in Oakington, an immigration reception centre, and said of the two, she preferred Holloway as the conditions were better.

It appears from my data that in sexual trafficking situations, where women are detained and imprisoned as “illegal immigrants” and/or “asylum seekers”, long term exit from the wider ramifications of trafficking may not be sustainable. Often the women have returned to trafficking situations after having been arrested as an “illegal immigrants”. In addition, many women still believed they were in danger from their traffickers in UK asylum reception/detention centres and/or are also in danger of being deported and afterwards re-trafficked (see below for further exploration of the latter).

### *Criminality*

The women in their statements to the Home Office and in my interview data frequently recalled how they perceived the UK authorities acted towards them or treated them.

Overwhelmingly the women believed that the authorities had viewed and treated them as criminals at some stage<sup>91</sup>.

*When the Police arrest me, first, first time which was in Soho, they give me a few days there, and I stay like a criminal, and its was not only me there was a hundred girls, it was hundred girls from different, different countries...I didn't know what was going on, I didn't...it was like up at 5, then suddenly the bus, the big bus would come and take us to Heathrow. We didn't know, nobody explained we gonna go to detention centre, we speak different languages to explain. Nobody know, even know what was going on. It was like you know, a group of animals, take them somewhere. And that was how it was.*

**Anna, Moldova: interview with AJ**

The men who took me to Oakington arrived. I was searched. They even took my shoes off like I was some sort of terrorist

**Ionna, Ukraine: Statement to the Home Office**

Both Anna and Ionna described a situation in which they felt they were treated as undesirable figures to the authorities. Anna recalls being treated as a “criminal” or as member of a “group of animals” and Ionna as “some sort of terrorist”. The language used by Anna and Ionna reflects their perception that the UK authorities regard them as outside of the norm, as alien and as potentially dangerous. This demonstrates the interplay of labelling and stories in many encounters with the UK police where the women described being labelled and treated as

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<sup>91</sup> These findings are similar to observations by Srivankova (2007), where she argues that most trafficked persons in the UK have been criminalised through the implementation of immigration laws and legislation. This has often led to the mistreatment of trafficking victims/survivors, who are punished for being undocumented, are detained and forcibly deported without access to protection measures to which they are entitled.

“Illegal immigrants” and/or “asylum seekers” and the stigmatising effect of these identities in these encounters.

Trafficked women’s ability to access help and services in the UK are often problematic. The effect is sometimes physical, through actual removal and deportation by the UK authorities (see below) and sometimes psychological, where the women abandon their claims, and subsequently leave the Poppy Project (see Chapter Six, pp 151-152), due to fear of the authorities. The discourses involved have a direct effect on the rights of the trafficked woman and thereby her access to help and services. It further has an effect on the ability of NGO’s such as the Poppy Project to provide those help and services. The Poppy Project cannot provide help and services to those women who are defined as “illegal immigrants” and who are not recognised as “trafficking victims”, and the interaction between the two identities often dictates what help and services are available and to whom (this will be discussed further in Chapter Six, p153).

#### *Negotiating the Asylum Process*

Many of the women in this study recall that negotiating the UK immigration system was a complex and confusing process. For instance, Anna felt her lack of knowledge about the system and her rights within it gave her little choice but to sign to indicate she wanted to return home. She was later deported to Moldova, where she believed she was in danger from her traffickers.

*They (UK immigration) keep calling me, sign the paper, go back home and when you don’t know anything, when you come from a different country and you don’t know your rights here and you don’t know you could ask for more then you think well this is the only way, you have to do it so but it’s not nice.*

**Anna, Moldova: Interview with AJ**

In the women’s statements and in my interview data, trafficked women often recalled their encounters with immigration authorities as being difficult. They recounted the process being fraught on many levels. A lack of information, knowledge and language problems are often indicated, as key issues. While Anna was giving her statement at the Immigration office she recalled that:

*...[t]hey bring in this interpreter because I speak Romanian. I speak Russian as well but I prefer the Romanian translator, they say they can’t find one, they bring me a*

*Russian but it was not even a Russian, it was Yugoslavian or something because I couldn't understand the Russian she was talking, probably basic Russian and the way she was used to. I didn't know what was going on, I didn't.*

**Anna, Moldova: interview with AJ**

In the absence of appropriate interpreters and where women do not speak enough English to be understood or to understand, trafficked women are at a severe disadvantage in the asylum process as they cannot fully tell their stories or express their concerns at their situation. Similarly the inability to speak and/or understand English often prevents trafficked women from asking for help or understanding where help may be available. As English is the language predominantly used in the context of the UK immigration and asylum process, those that do not have English language skills are at a disadvantage in understanding and negotiating those processes<sup>92</sup>.

The presence of an interpreter also may be problematic, as this could make some women feel uncomfortable or unsafe. In this study where women have expressed such concerns the interpreter was usually from the woman's country of origin and their fears related to possible connections to her trafficker(s) or her home. As Sofiya recalls:

*I didn't have an interpreter at the police station, there was no interpreter because I was scared of having an interpreter because at that time I thought everyone knows me in this place and they are going to harm me out on the streets. I was very scared and I said I'm gonna speak by myself but I didn't speak much English at the time so it was difficult.*

**Sofiya, Ukraine, Interview with AJ**

Here Sofiya's ability to tell her story is compromised by her fear of a interpreter's presence and her lack of English language skills. The combination of these things makes it difficult for her to access help and services or to tell her story as she will later tell it. When I asked her if she would have felt more comfortable with a female interpreter at the time she answered positively. Sofiya's ability to feel comfortable in speaking was dependent upon who she was speaking to as well as where she spoke.

In addition sometimes the interpreter's gender may make it difficult for a woman to speak about certain aspects of the trafficking process such as sexual violence and/or incidences of rape. Some of the women have indicated that the stories they initially told to the immigration

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<sup>92</sup> Although this does not apply specifically to trafficked women but the majority of those seeking asylum in the UK (see for example RWRP 2003).

services did not incorporate all of their experiences, as they felt uncomfortable telling their stories in the interviews with male home office officials and/or with male solicitors (see Chapter Six, p146-153, for further exploration of this)

Where women have to give statements and tell their stories to solicitors, the gender of the solicitor may also be an issue. Akanke's story in her original statement differed from her story as told later at her appeal<sup>93</sup>. Her explanation for the difference recalls the circumstances, situation and environment in which her original statement was taken. The Project worker accompanying Akanke was refused permission to sit in on the original interview with her. Akanke here was unable to tell her story as she would later tell it,

I find it difficult to be with a male solicitor particularly without a case worker from the Poppy Project present and I could not concentrate as I was very upset

**Akanke, Nigeria: Statement of appeal to the Home Office.**

The women in this study are acting within a complex immigration system of which they have little knowledge or experience. As demonstrated above, they often did not have the necessary language skills to be understood or to understand those processes. In addition, many women felt that not only do the UK Immigration authorities not understand them, but also that they do not want to understand them. Ionna from the Ukraine experienced this through the attitudes she perceived towards her in her interview with the Home Office:

**AJ** *How did you feel the immigration officer acted towards you?*

**Ionna** *He was horrible...Just how they look at you, you know, how they speaking, yeah*

**AJ** *They weren't very approachable?*

**Ionna** *Not friendly, these people, you ask them, they don't want to understand, they don't want to listen when you are speaking...they don't hear you.*

How women perceive the immigration authorities regard them is significant. If women are not listened to or feel that people in authority do not want to listen them and are uninterested in

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<sup>93</sup> This observation is from my reading of her initial statement and comparing this with the further grounds submitted for appeal, which was written after she was refused asylum at the initial written stage of application.

their stories, then it seems unlikely that they will believe that they can be heard. In this study, the interaction between the immigration official and the woman was significant in determining what could be said. The following comment in a Refugee Legal Centre correspondence to the Home Office in Ionna's case illustrates this:

We would also like the reader to note that during the course of the SEF interview it became apparent that our client was extremely distressed. She was avoiding direct eye contact with the interviewing officer. She appeared extremely tired. After the SEF interview took place, our client informed us that she had not felt at ease to explain specifically the problems that had happened to her to the interviewing officer. She instructed us that she felt that the interviewing officer demeanour was intimidating; and that the officer's face did not express empathy and the rhythm and line of questioning was very rapid. Our client also said she felt intimidated by the Home Office interpreter **Ionna, Ukraine: Solicitor's letter to the Home Office.**

In addition, and as this description of Ionna's SEF interview demonstrates, many researchers have indicated that the level of trauma which is often involved in trafficking situations may contribute towards a psychological inability to recall or accurately remember events (see Zimmerman 2003; Zimmerman et al 2006). Many of the women in this research, according to the medical records put forward as evidence in the women's asylum cases were diagnosed by medical experts as suffering from varying degrees of Post Traumatic Stress. This is similar to the findings of a number of studies conducted by Zimmerman et al, on the health consequences of trafficking for women and girls (Zimmerman 2003; 2006). Stasia, in her statement to the Home Office, linked the health consequences of her trafficking experiences to her inability to speak about those trafficking experiences:

The conditions I was put through were shocking, overwhelming and most degrading...currently I am unwell which has caused my loss of memory also some of the events that I went through remain horrific and harrowing in my mind and I really do not wish to remember them.

**Stasia, Russia: Statement to Home Office**

The women's claims of the inability of the authorities to relate to, to empathise with, or to recognise the women as coherent and credible story tellers, is as significant as the women's difficulty in making themselves understood and/or listened to. Indeed the apparent or perceived inability of the authorities to relate, empathise or recognise the women as credible witnesses to their own life stories, is perhaps inseparable from the woman's inability to make

herself understood or listened to, just as the ability to speak is tied up social and psychological processes.

Many of the stories the women initially told to the police and/or the immigration authorities often differed in content to the stories later told to the authorities while the women were living under the care of the Poppy Project (see also Chapters Six and Seven). Many of the problems around language, appropriate interpreters and solicitors and the complexity of the process itself were at this stage negotiated by project workers, as well as the women (see also Chapter Seven, p165). As Augustina reflects:

*I was lucky, lucky I had behind me a lot of support from Eaves<sup>94</sup>...when I said I was supported by Eaves I mean I tried to get that answer through my solicitor, I couldn't never so, but Eaves because they were sending every day messages, emails to them they had to come back with an answer. I couldn't do by myself of course*

**Augustina, Romania: Interview with AJ**

The work of project workers at the Poppy Project enabled many of the women to negotiate the complexities of the asylum/ immigration system more effectively than before. The women now had the expertise of the Project behind them. This is reflected in the higher success rate of asylum cases within the Poppy Project in comparison to those from without (Poppy Project 2007). (See Chapter Six for further exploration).

As documented above, in this research women frequently indicated that trafficker(s) use the UK authorities and threats of what the authorities might do as a form of control. Women's subsequent descriptions of their encounters with the UK authorities usually reflected the trafficker(s) threats. Most of the women found themselves imprisoned by the UK police and immigration authorities and threatened with deportation. Anna in my interview with her makes this link between the trafficker(s) words and the UK authorities actions:

*The majority of the girls who have been trafficked, police send them home because they sign, they agree to go home because that's what they have been told to do from the trafficker and in a few months they come back. They've been re-trafficked again*

**Anna, Moldova: interview with AJ**

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<sup>94</sup> The Poppy Project is run by Eaves Housing. Women often used Eaves Housing and the Poppy Project interchangeably in my interviews with them.

Anna in her interview recalls being told to “sign the paper”<sup>95</sup> by her trafficker if she was to encounter the UK immigration authorities and subsequently being told a number of times to “sign the paper, sign the paper” by the UK authorities. The discourse of the trafficker and authorities is similar and the action desired of Anna by both is the same. This request to “sign the paper” enacts here upon Anna doubly as she is instructed by the authorities to do so and recalls being told by her trafficker(s) to do so also.

Trafficked women’s agency here is located within an array of complex social relationships and (often imposed) identities. Forces are not only created directly by trafficker(s) but also by social and legal contexts. Trafficked women’s agency is located and is relational to both the power of trafficker(s) and the power of the UK authorities, and often the trafficked woman’s agency may be compromised by both or either. The UK authorities’ interaction(s) with the trafficked women are often additionally influenced by wider discursive understandings of “sexual trafficking”, in which the threshold of “victimhood” is considerably high and is believed to involved specific practices, as O’Connell Davidson argues:

...[t]he police and immigration officers in the UK are looking for a very specific constellation of abuses, namely one involving conspiracy to facilitate illegal immigration plus false imprisonment, plus forced prostitution by means of physical violence or its threat (O’Connell Davidson 2006: 83).

### **Difficulties in exiting the trafficking situation: the role of immigration policies.**

From my analysis it would appear that the UK immigration context often directly interacts with trafficked women’s situations. This seems to be particularly the case where deportations by UK immigration authorities are involved or where women claim asylum in the UK due to their trafficking experiences and fears of return (see Chapter Six and Seven for further exploration of the latter).

#### *Deportation*

While only five of the women among the twenty-three cases I analysed had any direct experience of deportation by an immigration authority, the majority of the women expressed fears of deportation at some point in their accounts and often connected this fear with the subsequent possibility of being re-trafficked and/or with further danger from their trafficker(s). Moreover Anna indicated in her interview with me that she was aware of a

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<sup>95</sup> “sign the paper” refers to signing a voluntary deportation form.

number of victims/survivors of trafficking who had been deported besides her. It is therefore possible that many trafficked women are deported before they reach an organisation such as the Poppy Project, but evidence on the extent of victims/survivors who are deported by an immigration authority before they can access any form of help or assistance, is inconclusive. Although, some writers have argued that the deportation of trafficking victims/survivors from trafficking destination countries is commonplace (see for example Doezema 2002; Srivankova 2007).

The four women in my sample who had experienced deportation were deported from different European countries; Anna was deported to Moldova and Mira to Albania by the UK authorities; Zara was deported to Albania by the Belgium authorities; Ionna was deported to Albania by the Greek authorities; and Lili was returned to Albania by the Italian immigration authorities<sup>96</sup>. The women's experiences after deportation varied: both Zara and Ionna were found again by their trafficker(s) and subsequently trafficked for a second time, Lili was also trafficked for a second time (see below for further details); while Anna found it so difficult to integrate back into her village in Moldova due to having been a "prostitute" and the stigma which that involved, that she returned to the UK to work in prostitution. Mira recalled being harassed and threatened by her original trafficker(s) in Albania and said she felt unsafe so she returned to her trafficker in the UK. It seems reasonable to conclude that the deportations in each of these women's accounts acted in some way to prevent them accessing, or in Lili's case, maintaining, the necessary help and services, which may have aided longer term exit from the trafficking situation. The removal of the women from the trafficking situation through deportation was only temporary, perhaps more immediately so in Zara and Ionna's cases, but also in Anna and Mira's case where the stigma associated with prostitution in her country of origin, and their fear of the possibility of further trafficking harm, limited their choice(s) to return or not to prostitution.

#### *Experiences of Re-trafficking.*

The term "re-trafficking" is a problematic one, and a wider debate over its exact meaning is lacking within the growing body of research on human trafficking. It is difficult to determine at what stage a person is re-trafficked (Kelly 2003; 2005a). "Re-trafficking" in some literature

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<sup>96</sup> Lili's case was slightly different from the others as she was 13 when she was first trafficked. She was allowed to remain in Italy under the care of a convent until the Italian authorities located her family. When they did, she was returned to Albania.

could refer to where a victim has been “sold” or passed on to another exploiter (Jobe 2008). More commonly, the term is used to describe a situation where a person has returned to their country of origin and has been trafficked from there a second time. However this still remains problematic, as victim/ survivors do not necessarily return to their country of origin prior to being trafficked for a second time (Jobe 2008). Amongst the twenty-three cases in my sample there were three cases where I consider incidences of re-trafficking to have taken place. There are differences in experience among these three cases, although arguably the term “re-trafficking” could be applied to all.

Ionna recalled in her statements to UK immigration authorities, her experiences of being trafficked to Greece, caught by the immigration authorities there and deported. Her traffickers located her in Macedonia and trafficked her again to Greece where she was forced to work for three months, before being brought to the UK. Re-trafficking in Ionna’s account refers to exiting the trafficking situation by way of encountering a government authority- the Greek immigration authorities- the subsequent deportation by that authority, and then being trafficked on a second occasion. Whether in fact Ionna ever left the trafficking situation is however debatable, as Ionna recalls,

I was deported from Greece and put on a train by the Greek Police. The guard on the train seemed to know who I was. The first time the train stopped two men jumped on the train. They seemed to know the train guard and spoke to him in Macedonian. I had no choice but to follow them and I was taken back to the same flat.

**Ionna, Ukraine: Statement of Evidence form**

Zara was returned to her country of origin, Albania, by the Belgian immigration authorities. After two nights at her parent’s home in Albania she was located by the mafia style gang who had originally trafficked her and held prisoner for six months by them, before being forced to work again in Italy, France and the UK. Escape from her traffickers by means of coming into contact with an official government body, in this case the Belgian immigration authorities, offered Zara a temporary respite from the trafficking situation but again it is debatable whether we can conclude that Zara ever did escape from her traffickers. In both Ionna and Zara’s cases the immigration authorities role in their accounts through deportation did little but interrupt temporarily the trafficker(s) control over the women’s lives. The process of removal through deportation merely acts in these women’s accounts as part of a re-trafficking cycle, where

government bodies intercept women as undocumented migrants and deliver them often almost straight back into the hands of their trafficker(s).

Lili was sold, by her father, to traffickers, when she was age 13. She was taken to Italy and told she would be working as a prostitute. Before she was forced to work, the Italian police arrived at the house she was staying in and took her to live in a convent in Italy. She recalls being very happy at the convent. During the two years Lili was living in the convent the Italian authorities were trying to locate her family. After two years, Lili's mother recognised her from a missing persons advert on Albanian television and she was returned to Albania to her parent's home. Three weeks after her return to Albania, Lili was sold by her father a second time to traffickers and was again trafficked to Italy where she was forced to work in prostitution. She was 15.

It is clear from the accounts of Zara, Ionna and Lili that the return of the women to their country of origin by host countries immigration authorities does not aid their exit from trafficking situations. On the contrary, the deportation of trafficking victims/ survivors appears, from these women's accounts, to have a direct link with the secondary trafficking of persons.

This is strikingly evident in Lili's account, where her return to Albania by the Italian authorities had the unintended consequence of returning her to a situation from which she was likely to be trafficked again. In addition in Zara and Ionna's accounts, the interception and/or presence of government authorities in the women's accounts did not result in long term exit from trafficking situations, but merely acted to temporarily interrupt and subsequently sustain them. Writers such as Limanowska have questioned the return of trafficked persons to their countries of origin as the best option in terms of safety and prevention of further trafficking harms (Limanowska 2002, as has Surtees 2005).

The majority of information and discussion regarding re-trafficking is anecdotal and reliable research findings, where they exist, are few in number. Where re-trafficking is discussed within the literature, it is often in relation to concern over links between re-trafficking and deportations and/or reintegration projects (Sen 2003; Zimmerman 2003), although much empirical research regarding the exact nature of these links remains elusive.

*The Role of Stigma*

Kelly has discussed the difficulties of reintegration into home communities due to difficulties of trauma after having been trafficked (Kelly 2005a, see also Zimmerman 2003). The stigma of trafficking is also frequently considered to be a factor in the re-trafficking of persons, especially where women have been trafficked for sexual purposes (Davis 2006; Poudel 2007). Here the cultural and socio-economic inequalities relating to gender are believed to heighten women's vulnerability to re-trafficking (Richardson Poudel and Laurie 2007). In earlier research I conducted for the International Organisation for Migration (IOM) on re-trafficking, I argued:

The ramifications of trafficking experiences are far reaching and the effects of having been a trafficked person often continues after exit and/or upon return to the country of origin, frequently rendering trafficking survivors more vulnerable to subsequent trafficking. This is especially the case where debts are owed, to trafficker(s) or others, or where there is difficulty integrating back into communities due to the stigma of having been a trafficked person, or where trafficker(s) still threaten a survivor or their family (Jobe 2007: 27).

In this research, Anna, after being deported by the UK authorities found it difficult to re-integrate into her village in Moldova. She recalls:

When I was sent back to Moldova in April 2001, I was sent straight back from the detention centre. I had bleached blonde hair and was dressed like a prostitute. I had very few clothes, no jacket and it was obvious what had happened to me. Moldova is a very traditional country and even in the capital, no one would dress like that or have bleached hair like that. When I went back to the village no one would speak to me and it made life very difficult for my mother and sisters.

**Anna, Moldova: Witness Statement.**

As a result of feeling that she no longer fitted into her village and the stigma she felt there, Anna decided to return to the UK to work as a prostitute. The ability of Anna to integrate fully back into her community was problematic as her appearance and the experiences her appearance represented, transgressed normative values associated with hetero-sexual femininity within her community (Richardson 2000, Poudel 2007). The stigma associated with certain groups or with certain actions, such as prostitutes and prostitution acts within Anna's life and has negative consequences, making it difficult for Anna to reintegrate into her former life. Zara recalled a similar experience when she was deported to Albania:

When I returned home my mother never asked what had happened to me although I felt that she knew. I felt very strange in Albania as people knew what had happened and thought of me as an animal.

**Zara, Albania: Statement to the Home Office**

Zara and Anna were conscious in their accounts of the way in which people in their country of origin perceived them. They were conscious that their identities (and status) had been affected by the trafficking experiences they have endured. This was expressed in Zara's account through a perception that people think of her as an "animal", as less than human, and experienced in Anna's account through a process of ostracising and alienation from her home community. This is similar to Poudel's work in the Nepalese context where she found that returnee trafficked women are often stigmatised by their experiences and ostracised from family and community life as a result (Poudel 2007) Campbell, Nair and Maimane have referred to stigma as a form of "covert psychological policing" whereby those who breach power relations of gender and generation are disciplined and punished (Campbell, Nair and Maimane 2006, see also similar arguments in Foucault 1977; Deacon et al 2005; Shah 2006<sup>97</sup>).

The alienation of trafficked women through their experiences arguably increases their vulnerability to further trafficking and limits their agency (and livelihood options) upon return (Richardson Poudel and Laurie 2007). In addition to stigma in her country of origin, Anna's fear of her trafficker was also a factor in her decision to return to the UK. This was also a driving feature apparent in Mira's decision to return to the UK to work for her trafficker. Mira was forced to work in prostitution by a number of different people, who may or may not have been connected. She recalls her early experiences of working as a prostitute in Albania as very violent and her later experiences of working in the UK with a different "trafficker", or who she describes as a "boyfriend" as less violent. Mira stated to the Home Office that she was grateful that there was less violence when she arrived in the UK, and that she felt indebted to the man she described as a "boyfriend" who she considered to have earlier "rescued" her from the men she described as "traffickers", even though there was still violence and forced prostitution in her description of her relationship with her "boyfriend" (see also Chapter Four, pp86-87).

In all twenty-three of the women's accounts fear of the trafficker is given as a reason not to return to their country of origin. For Anna, return to the UK meant safety from the possibility of re-trafficking. Anna said:

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<sup>97</sup> Shah has further argued that the international anti-trafficking campaign adds to this stigma in the South Asian context- see Chapter Two.

*If I wasn't back to this country I would probably be trafficked again and again and again.*

**Anna, Moldova: Interview with AJ**

Anna's decision to return to the UK, where she was earlier forced to work as a prostitute, was later considered by the Home Office to be incredible and to be incongruous with the Home Office's perception of a "trafficking victim" (see Chapter Seven). However the "choice" she made by returning was made within a complex array of force and option. Force is constituted at many levels and acted in Anna's life in many ways. The stigma of having worked in prostitution and her fear of re-trafficking are social and psychological forces, which had implications on her decision to return to the UK to work in prostitution.

*UK Immigration Policies and their Interaction with the Choice/Force Dichotomy*

Similarly to Anna, five more of the women continued worked in prostitution after they exited<sup>98</sup> the trafficking situation. These women often reflected in their accounts that they worked in prostitution after escaping from the direct control of a trafficker, not through choice but through necessity because of fear of being found by UK immigration and/or police in the UK and of a subsequent fear of their traffickers if deported back to their country of origin. The fear of the UK authorities and the position of the women as undocumented migrants is therefore in effect another regulatory mechanism acting upon the women as they make "choices". Escape from direct control by a trafficker is not always escape from being forced to work in prostitution, as the construction of force is experienced at different levels and in different ways.

Another significant factor in the process of agency limitation is that, as undocumented migrants, few other ways of earning money were open to the women. Anna, after her return to the UK from Moldova, recalls in her statement to the Home Office, "I knew no other way to make a living so I found work as a prostitute and rented a bed sit to live in".

The construction of choice and force are complicated by the undocumented position of the women in the UK and their fears of deportation. The fear of the UK immigration authorities was often linked to the fear of the trafficker(s) as an encounter with the UK immigration

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<sup>98</sup> By exit here I mean no longer under the direct control by means of threat or force of trafficker(s), although this as a point of exit from the ramifications of trafficking is debatable.

services was often associated by the women with deportation and possible re-trafficking.

Occupational choices were made within this context. As the following quotes from Zara's case file show:

I was afraid of the gang and wanted to stop working for them. I was also afraid that I would be returned to Albania and picked up by the gang again. As a result, I ran away and having no choice, had to work from other flats in London

**Zara, Albania: Statement to the Home Office.**

Our client continued to be terrified of approaching the authorities as she believed that the immigration service would return her to Albania where she would be at risk of being picked up by the gang again. She also feared that her approach would result in the gangs becoming aware that she had contacted the authorities and punishing her by harming or even murdering her family in Albania.

**Zara, Albania: Letter from Zara's solicitor to the Home Office.**

In Zara's case, past experiences were also significant in constructing her fear. Zara had upon her arrival in the UK, already been deported by one European Countries immigration authority and subsequently re-trafficked (see above and Chapter Four, p85). After her traffickers re-trafficked her from her parent's home in Albania, she recounted an escalation in the violence against her and her experiences in the trafficking situation became even more difficult than they had been before. During the six months she was held prisoner by her traffickers, after the immigration authorities had deported her to Albania, Zara was subjected to extreme forms of violence and abuse and believed that this was some form of retribution for being caught by the authorities. Zara's case indicates that trafficked women's fears are in no way unfounded and retributions for attempting to alert the authorities or access help and services, may be threatened or/ and acted upon, by trafficker(s).

Choice to work in prostitution post trafficking was described by the five women as no choice at all. These women often recount being in a situation where they could not go to anyone for help for fear of deportation and subsequent re-trafficking. The inability to seek help leads to the inability to work anywhere but in prostitution as to be employed in any other way requires legal documentation, which in turn requires seeking help from the authorities.

*I'm sure there is going to be so many of them, they are going to agree with that because there are lots, lots... I remember when I used to do it. Because when I came back I did it for myself as well as I wasn't with a trafficker so I remember lots of girls who say they*

*don't want to do it. I didn't want to but I was illegal and I know that I can't do nothing else because I can't go anywhere else, I have nothing else to do so if somebody could go and, you know, help them, ask them what situation they are in and then if they need help, I'm sure there would be lots of them who need help there.*

**Anna, Moldova: interview with AJ**

Choice to stay in the UK was also not usually seen by many women as a choice of free will but as constrained by fear of their trafficker(s) power in their country of origin. When I asked Sofiya and Anna if they wanted to stay in the UK, they replied

*I have no choice, yeah I would like to go back home because its where I live and where I have grown up but I can't go there and I have to live here and I have to continue with my life, work, family.*

**Sofiya, Ukraine: interview with AJ**

*Well of course I do because I have no choice. Because of the people...I am scared of them. I'm thinking I have to stay here...it's the only safe place...I think London is the only safe place I can find.*

**Anna, Moldova: interview with AJ.**

### **Conclusion: Accessing Services in the UK through The Poppy Project**

In this research all twenty-three women had accessed help and services at some stage in their accounts through the Poppy Project and many indicated that they found this assistance invaluable. As stated in the previous chapter around half of the women were referred to the Poppy Project by UK police officers or immigration officials. Therefore at different times, and in different encounters, some women's stories were vocalised by the women, and heard by the UK authorities as credible "sexual trafficking" accounts. I am only able to speculate here on the reasons that some encounters led to the women accessing help and services in the UK, while others did not. But suggest that this may be linked to the growth in awareness of the issue as explored in Chapters One and Two of this thesis. Certainly the development of services for trafficking victims/survivors in the Poppy Project<sup>99</sup> is linked to this, as is awareness, however limited (O'Connell Davidson 2006) among British police officers and immigration officials. This same growth in awareness, or what has been referred to elsewhere as a "sexual trafficking discourse" (For example by, Murray 1998; Sharma 2005), has been argued by some writers to have an adverse effect upon prostitute women and migrating women's rights (see Chapter Two),

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<sup>99</sup> I have argued in Chapter Three that this help and assistance is, however, within certain discursive frameworks and understandings of "sexual trafficking", see also O'Connell Davidson 2006.

but for the women in this thesis has led towards the help and assistance they desired and deserved. The “sexual trafficking discourse” then, has had different implications for different women, at different times and in different circumstances.

In addition, many of the women have since been granted asylum and/or humanitarian protection in the UK (see Chapter Six and The Poppy Project & Asylum Aid, 2006). The journey towards this help has, however, as this chapter has demonstrated, often been a protracted and arduous one. This chapter has explored the experiences of women who have been subject to trafficking harms and their journeys towards accessing help and services in the UK. The next chapter will explore where women, who did access some form of help and services in the UK through the Poppy Project, applied for asylum to remain in the UK, and how their stories again are differently received where stories are told at different times, and in different contexts.

## **Chapter Six: Trafficking: A recognisable social problem? The example of the UK asylum system.**

The process of determining claims for asylum is (like decisions on detention) arbitrary - a lottery, like drawing straws. Refugees...must submit themselves to cruel and protracted processes of judgement on whether or not they are genuine refugees... There is not even an attempt to judge them fairly. Explicitly or not, the main function of immigration officials is not to make clear and informed judgements, but to find reasons why a particular person should *not* be given refugee status and should be deported. Officials have targets to meet. They meet them by seeking out minor inconsistencies in the accounts given by refugees, said to undermine credibility, and increasingly by rejecting claims for non compliance, which may mean that a refugee has not received notification or travel money in time to get to an interview, or even that the Home Office may have lost, or claim to have lost, duly completed questionnaires (Hayter 2003: 11).

No set of legal institutions or prescriptions exists apart from the narratives that locate it and give it meaning. For every constitution there is an epic, for each Decalogue a scripture. Once understood in the context of the narratives, which give it meaning, law becomes not merely a system of rules to be observed, but a world in which to live (Cover 1983: 68).

This chapter is concerned with accounts of trafficking situations and how, when and why these accounts become recognisable as identifiable narrative(s) or stories about trafficking. The emergence of trafficking as a social problem has had a marked effect upon the reception of trafficking stories in the asylum process and thereby upon trafficked women's ability to access help, assistance and services in the UK context. This section will consider how, when and why legal professionals have identified accounts as "trafficking" and how accounts of trafficking have been told and received at different times and at different stages in the asylum process.

In this chapter I will explore the reception of trafficked women's asylum claims in the British asylum system at different points in time. Firstly, I will explore some of the recent developments with regards to asylum and immigration law and policy in the UK, and engage with some of the relevant literature relating to gender experiences within the asylum system, and the positioning of women's experiences in relation to the category of "refugee". I will then explore the reception of trafficked women's asylum applications analysed for this thesis and how the reception of sexual trafficking stories in the British asylum system appears to have changed over time.

### **Accessing Services in the UK: Asylum.**

All twenty-three of the women in this research had applied for asylum to remain in the UK<sup>100</sup>. Women's access to services within the UK through the continued support of the Poppy Project is only possible after the initial 90-day reflection period<sup>101</sup> if they are seeking asylum or humanitarian protection within the UK. The only ongoing legislative protection<sup>102</sup> therefore available to trafficked women within the UK is accessed through the Refugee Convention<sup>103</sup> (United Nations 1951, 1967) or the Human Rights Act<sup>104</sup>.

According to Asylum Aid (2006), trafficked women may have an asylum claim within the boundaries of UK asylum law on two grounds. Firstly, they may have suffered human rights abuses which would give rise to an asylum claim separate from them being trafficked, and secondly if they are likely to be re-trafficked upon return to their country of origin they have well founded fear of persecution on return. In addition, if women can be argued to be at further risk of human rights breaches upon return to their countries of origin, due to their trafficking experiences, they may further have a claim. This, Asylum Aid argues, may include "honour crimes" because women have been raped and/or worked as prostitutes. Also, women can be argued to be at risk on return if their home state allows discrimination against women who have worked in prostitution. Being identified as a victim/survivor of trafficking is not presently grounds for asylum in itself, however a number of authors have argued that it ought to be (for example Morrison and Crosland 2001).

As outlined in Chapter Two, at the same time as trafficking has emerged as an identifiable social problem, there have been new developments in UK immigration and asylum law

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<sup>100</sup> At the outset of the Poppy Project women who were applying for asylum were no longer eligible to be assisted by Poppy. This was one of the early Home Office criteria, which was successfully campaigned against by Eaves Housing for Women in the first few months of the Project.

<sup>101</sup> Initially given at their admission to the Poppy Project. Also see Chapter Three, p67, for further elaboration of Poppy Project's admission criteria.

<sup>102</sup> This is similar to the experiences of sexual victims/survivors elsewhere. Haynes (2004) estimates that only seven percent of known sexual trafficking victims/survivors received any form of long-term assistance.

<sup>103</sup> 1951 United Nations Convention Relating to the Status of Refugees and 1967 Protocol.

<sup>104</sup> Which incorporated much of European Human Rights Convention 1950 (EHRC) into UK law, including Article 2, the right to life; Article 3, the right to be free from torture or inhuman or degrading treatment or punishment; and Article 8, the right to a private and family life.

through a number of policies and acts<sup>105</sup>. As a result applying for asylum in the UK context has become significantly more complex, and it is argued that this is making it increasingly difficult for applicants to be considered credible during the asylum process (Asylum Aid 1999, Duvell and Jordan 2003, Ensor, Shah and Grillo 2003, Women’s Commission for Refugee Women and Children 2005). Most significantly in the Asylum and Immigration (Treatment of Claimants etc) Act 2004 the UK government has for the first time defined certain behaviours or actions as “damaging to the claimants credibility” (Home Office 2004). Ensor, Shah and Grillo describe these policy developments, known collectively as section 8, as a creating a “agenda of disbelief” and argue that section 8 fails to take into account the complex realities of asylum seekers, especially women who have been trafficked to work in the sex industry<sup>106</sup> (Ensor, Shah and Grillo 2006: 106, see also Women’s Commission for Refugee Women and Children 2005).

The six legal professionals with whom I discussed these policy developments saw women and children’s position within the asylum system as becoming more precarious with the proposed changes to the law. One solicitor, Rachel, commented: “Every year there’s new legislation and every year it makes things worse for women and children”. However, some of the legal professionals I interviewed did not see these policy changes having any disproportionate negative effect on trafficked women or on women’s cases as a whole, but rather thought that the changes would have a negative impact on all asylum cases, making credibility harder to prove for appellants and easier for the Home Office to disprove in all asylum cases generally. For example when I asked Beth, a barrister, about the effect of the Asylum and Immigration (Treatment of Claimants etc) Act 2004, upon trafficked women’s asylum applications, she replied:

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<sup>105</sup> Including the Immigration and Asylum Act (Home Office 1999); Nationality, Asylum and Immigration Act (Home Office 2002); Asylum and Immigration (Treatment of Claimants) Act (Home Office 2004). Immigration, Nationality and Asylum Bill Act (Home Office 2005). See also Appendix One, p216.

<sup>106</sup> One of the provisions under section 8 is that claims should be considered incredible if asylum is not claimed immediately on entering British territory, which is impossible if a claimant is trafficked when they first arrive in the UK. Section 8 also states that claimants should be possession of relevant travel documents including passports where one of the realities of trafficking is that frequently traffickers retain these documents. In addition section 8 states that asylum should be sought in the first “safe third country” reached (section 8 (4)). In trafficked women’s cases they may be trafficked through several countries before they are able to claim asylum and so the “safe third principle” also puts these women’s experience outside of the credibility of UK asylum law.

*I think it has in as far as it has affected all asylum applications, they are much speedier, the decision making processes remain as poor as ever so applications that ten years ago I would have expected to have got exceptional leave never do now, they just don't, they don't get any form of humanitarian protection. You have to argue it through to appeal, because the appeals now are crashed into a single tier appeal, if its not prepared properly and if you get a bad judge you are in real trouble and I think that's true of all asylum seekers actually, its pretty disastrous. But its not affecting trafficked women any worse than anyone else, so all of those impacts fall generally across the asylum case load but not disproportionately or exceptionally, I don't think, on trafficked women.*

**Beth, Barrister: Interview with AJ**

The six legal professionals, I interviewed, all independently described the asylum process as having a “culture of disbelief”. The women from this study were applying for asylum in the UK within a system in which credibility and right to asylum were perceived as notoriously hard to prove and which all of the legal professionals agreed would become more difficult with the incoming legislation. A study by Refugee Women’s Resources Project at Asylum Aid similarly concluded that a “culture of disbelief” was inherent in the British asylum system which, they argued, when “combined with ignorance or bias against women, had a particularly severe impact on fair decision-making” (RWRP 2006: 2; see also Asylum Aid 1999, among others).

Credibility within the asylum process is formed within the boundaries of the law’s construction of the refugee identity (Tuitt 1996; Spijkerboer 2000). Tuitt, for example, argues that certain groups of refugees will continue to be marginalised due to the “neutral” legal construction of refugee laws, which are blind to differences such as gender, sexuality and age (see also similar arguments about the gender and the construction of the law by Mackinnon 1987; Lees 1996, among others). Many writers argue that the experiences of women are usually not incorporated into the refugee identity and that women’s reasons for claiming asylum or/ and experiences of persecution are frequently silenced within refugee law and the asylum process<sup>107</sup> (Castel 1992; Forbes Martin 1992; Tuitt 1996; Spijkerboer 2000; Cenada 2003a 2003b; RWRP 2003; Alexander et al 2003).

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<sup>107</sup> Spijkerboer, for instance, found, in his study of the Dutch asylum system, that “acts which are forced (Forced Labour), acts concerning the body (trying to escape abortion) and acts seen as physical (sexual violence) are not viewed as potentially political or related to the state” and therefore the majority of women’s asylum applications are outside of the boundaries of European asylum law (Spijkerboer 2000: 104).

UK asylum law is widely regarded as being gender blind, (see, for example Asylum Aid 1999; RWRP 2003; Sen, Humphreys and Kelly 2003; Women's Commission for Refugee Women and Children 2005) and women's asylum applications are often considered more difficult to argue and less likely to be successful<sup>108</sup>. It is frequently asserted by feminist writers that the refugee convention has historically interpreted persecution through a framework of male experience (Forbes Martin 1992; Tuitt 1996; Spijkerboer 2005). The six legal professionals whom I interviewed about trafficked women's claims for asylum supported this argument and although it is difficult to generalise from just six interviews, their views did reflect the wider literature and other studies on the subject. A number of them indicated that the recently produced gender guidelines of UNHCR and the Immigration Appellant Authority (Refugee Women's Legal Group 1998; Jarvis and Berkowitz 2000), which were produced to counteract gender blind policies and decision making, were frequently ignored by adjudicators/judges in asylum appeals courts. This is similar to the findings of a research project by the Refugee Women's Research Project at Asylum Aid, in which professionals were asked about their experiences of decision making on gender based asylum cases. The Refugee Women's Resource Project concluded that, 'A few examples of good practice were identified but the overwhelming impression was one of a lack of awareness of gender issues and of the guidance not being followed by decision-makers' (RWRP 2006: 1).

Arguably then, refugee law struggles to incorporate the experiences of women who have experienced sexual trafficking. One specific example is section 8, mentioned above, another is the Home Office's White list, in which countries that are believed to have adequate human rights records are listed<sup>109</sup> and therefore are considered safe to return to. Included on this list are many countries from which trafficked women originate. Within my research sample of twenty-three women, fifteen were from countries that are at the time of writing on the government's white list. These countries included Albania, Bulgaria, Jamaica, Lithuania, Latvia, Moldova, Romania and the Ukraine. The Refugee Women's Project at Asylum Aid

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<sup>108</sup> Spijkerboer however argues, in his study of the reception of women's asylum applications in the Dutch asylum system, that despite, and perhaps because of, the gender construction of the law, women's asylum applications are actually more likely to be successful than men's under certain circumstances, especially where women's asylum applications fit certain constructions of gender and ethnicity and understandings of the "first world/ third world" cultural division (for more detailed discussion of this in relation to sexual trafficking, see Chapter Seven).

<sup>109</sup> Applications from these countries are fast tracked and if unsuccessful at initial written application appeals have to be appealed from outside of the UK.

(RWRP 2004) strongly criticised the inclusion of these countries on the white list, arguing that gender experiences within these countries has been ignored. With regards to trafficking, RWRP specifically points out that the return of Albanian women who have been trafficked for sexual purposes to Albania places trafficked women at risk of being re-trafficked by returning women to family members who were previously involved in their trafficking (as with Lili who was returned to her family in Albania and was re-trafficked by a family member, as discussed in Chapter Five, p121), or by returning women to the same economic situation where they are vulnerable to further trafficking harm<sup>110</sup> (Limanowska 2002; RWRP 2004; Jobe 2007).

There is a history of activism by feminists on women's issues within asylum debates, which reflect wider feminist concern with the gender construction of the law in the UK. This has focused on issues such as domestic violence, rape and female genital mutilation. Historically feminist struggles have often been focused upon the legal recognition of women's rights and the incorporation of their experiences into law. Such work has also frequently challenged supposed "objective law making processes" or the law's apparent "point of viewlessness" (Mackinnon 1983) as sexist and heterosexist<sup>111</sup> (Mackinnon 1983; Kelly and Radford 1996; Lees 1996a, 1996b; Kennedy 2004; Stanko 2007).

More recently the sexual trafficking of women has specifically become a focus of feminist argument (see Chapter Two) and the inclusion of women who have been trafficked as a social group within the asylum system, has been argued for by many feminist legal professionals (For example Jarvis 2005) and researchers (for example Koser 2000; Morrison and Crosland 2001; Shearer- Demir 2003). The development of the issue is similar to past feminist developments in law and legal redress on domestic violence, rape and child abuse (as argued in Chapter Two). Awareness has been growing within asylum law around issues concerning sexual trafficking as demonstrated by the following comment by an immigration barrister:

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<sup>110</sup> Also the Women's Commission for Refugee Women and Children point out that many of the countries on the UK's White list are countries that are considered by the US State Department to be countries performing below par in terms of their anti-trafficking initiatives (Women's Commission for Refugee Women and Children 2005)

<sup>111</sup> See for example Mackinnon "The law sees and treats women the way men see and treat women. The liberal state coercively and authoritatively constitutes the way the social order in the interests of men as a gender, through its legitimising norms, relation to society, and substantive policies...Substantively, the way the male point of view frames an experience is the way it is framed by state policy" (Mackinnon 1983).

Awareness of, and concern about the continuing existence of slavery, on the part of organizations and individuals has been growing over recent years, and the Immigration Appellate Authority is no exception. I am aware that numbers of colleagues have become very alive to the possible problems that face the IAA... about those individuals who present their appeals on the basis that they have been trafficked (Jarvis 2004: 1).

I will now explore the effect of this growth in awareness upon the reception of trafficked women's asylum applications, which I have analysed for this thesis.

### **Trafficked Women's Asylum Applications**

The Women's Commission for Refugee Women and Children (2005) have argued that the increasingly restrictive measures regarding immigration and asylum in the UK (as outlined above and in Chapter One) could act to undermine legal protection also recently put in place to protect trafficked women (see also RWRP 2004a). However, despite trafficked women's asylum applications being made within an increasingly difficult policy context, including the "culture of disbelief" and a gender blind asylum system, women applying for asylum from within the Poppy Project have had a significantly higher success rate at appeal than other asylum cases. The Poppy Project found their success rate to be six times higher than the asylum application success rates overall. Eighty percent of the thirty-two cases included in the Poppy Project's study were granted refugee status and/or humanitarian protection. (Poppy Project 2006: 1).

This was also reflected in the twenty-three case files of trafficked women's asylum applications analysed for this thesis<sup>112</sup>. The twenty-three asylum applications analysed range from December 2001<sup>113</sup> to November 2005<sup>114</sup>. In relation to the emergence of trafficking as a social problem, the Home Office has considered the twenty-three cases at different times and in different contexts. There was a marked difference in this research between the earlier asylum claims, in which the trafficking story was frequently considered to less credible, and the later asylum claims, where the trafficking story was considered to be significantly more credible (see Tables Three and Four below). This would suggest that the granting of asylum and/or

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<sup>112</sup> The twenty-three cases consulted for this thesis are also all included in the thirty-two cases analysed by the Poppy Project.

<sup>113</sup> From the first date of one of the women applying.

<sup>114</sup> The cut off date for my fieldwork.

humanitarian protection for sexual trafficking cases appears to have become more frequent as trafficking has become more spoken about and more written about over time.

An account of human trafficking as a credible claim to asylum is a relatively recent phenomenon in the UK. The solicitors and barristers I interviewed estimated that they had only been working on or with trafficking cases anywhere from 1997 to the time of the interviews in 2005, which reflects the rise of trafficking as a recognisable story as outlined in Chapters One and Two. In addition, on reflection most of the legal professionals that I interviewed, who had worked on trafficking based asylum cases, indicated that they realised retrospectively that they may not have recognised trafficking accounts as claims for asylum in the past:

*I think my own awareness of trafficking has grown enormously probably in the last, I would say ten years and as a result of that I have looked over previous cases I have dealt with and realised that those women and children have probably been trafficked and I haven't been aware of it and if I wasn't aware of it... my antenna is sharper than most around that issue then I am absolutely certain that an awful lot of trafficking cases have just not been noted so over the last decade. As my awareness has grow, I think, generally awareness around issues of trafficking has grown amongst feminist lawyers.*

**Anne, Solicitor: interview with AJ**

*I didn't have any trafficking cases. I mean I've been practising for eight years and I've only come across any trafficking cases in the last two or three years to be honest... I think probably I wasn't recognising trafficking; trafficking cases weren't being noticed by anybody... I can think, looking back of at least two women who I saw during my time dealing with Kosovan women who were probably trafficked, but I didn't recognise as that at the time, it's only looking back and thinking.*

**Susan, Solicitor: interview with AJ**

Most of the legal professionals indicated that in their experience, and on reflection, that trafficking accounts were now (at the time of my interview with them) considered to be more identifiable than they have ever been. When recalling the earlier cases they had worked on, solicitors and barristers frequently indicated that the trafficking account was often not considered to be a credible account because of a lack of general knowledge and/ or education on the occurrence or prevalence of trafficking. As one barrister commented:

**AJ** *Have the trafficking cases you have worked on been different from other asylum cases at all? Do you think they are treated or received differently?*

**Angela** *It's a very new concept, in terms of people accepting that being trafficked is a type of persecution...and lets say I've been doing trafficking cases for maybe six or*

*seven years and when I think back to when I was first doing it, at the beginning they were all educational tasks because neither solicitors or judges actually understood.*

A number of the legal professionals indicated that in the earlier trafficking cases they had worked on, trafficking accounts were frequently considered to be incredible by the Home Office and/or by adjudicators/ judges in the appeals courts. Anne, for example, discussed an asylum case she had worked on in 2001, in which the trafficking account presented was disbelieved. Anne believed that this was because the adjudicator thought the trafficking account was unrealistic and far-fetched:

*So why did she disbelieve that young woman? I think it stretched her imagination too much because the story was too horrific ... I think she thought it was a fantastic story in the science fiction sense, you know, it was a fantastical story because it involved guns and mafia.*

**Anne, Solicitor: Interview with AJ**

It is only as trafficking has become a more recognisable and identifiable story that asylum cases based principally upon trafficking as a form of persecution have reached and been found credible within the UK asylum process. I will now explore this in relation to the women's initial written applications and the reception of trafficked women's asylum applications in the asylum appeal courts.

#### *Written Stage of Application*

All twenty-three of the women's asylum cases<sup>115</sup> were refused at the initial written application stage. This reflects other research findings (Poppy Project 2006), and patterns of women asylum applications more generally. According to Home Office research eighty-one percent of women's asylum applications are refused at the initial application stage. Also the Home Office statistics for 2004 indicated that eighty percent of asylum claims overall are unsuccessful at the first stage of application (Heath, Jeffries and Purcell- Home Office researchers 2004).

The initial assessment of asylum applications are based upon country reports which have been frequently cited as not incorporating gender experience (Jarvis 2000; Good 2004b; RWRP at Asylum Aid 2004) and by the immigration advisory services as being generally "dangerously

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<sup>115</sup> One case, however, was refused at the initial written stage and an appeal was submitted but the Home Office granted Humanitarian protection for three years on a discretionary basis before the appeal was heard. The reasons for this were unclear from the case files.

inaccurate and misleading “ (Immigration Advisory Services 2003, see also similar findings by Asylum Aid 1999; Amnesty International 2004). Also, the Immigration Advisory Service (IAS) concluded that Home Office country assessments/ reports continue to display basic inaccuracies, out of date material, omission of detail potentially relevant to an asylum claim, misleading presentation of material, lack of analysis leading to a falsely positive outlook, plagiarism and inappropriate use of source material (Carver 2003: 8). To date, the country reports tend not to include information on the sexual trafficking of women (Poppy Project 2006). Sometimes this situation can have severe consequences for trafficked women’s access to services in the UK. For instance, two of the women, in this study, Nina and Evangelina, had their asylum applications refused at the initial stage of application and both were refused leave to appeal (For details of the effect of these decisions upon Nina and Evangelina’s access to help and services, see discussion further on in this chapter; for an exploration of the reasons behind the Home Office decision making in Evangelina’s case see Chapter Seven, p175).

There are various reasons given why trafficked women’s asylum application are refused at the initial stage of application. The majority of decisions at this stage relate to the UK not being obliged to provide protection under refugee law. Often it is asserted by the Home Office that trafficked women do not constitute a social group who may be persecuted and the Home Office at this stage of the application process rarely believes trafficked women to be in any danger of persecution if returned home. In Sofiya’s reasons for refusal letter, for example, the Home Office concluded that, “women trafficked for the purposes of prostitution do not form a social group within the terms of the 1951 UN convention relating to the status of refugees”. Also the Home Office argued that if Sofiya was returned to the Ukraine the authorities there would be able to protect her, and that she and her family were not in any danger if she returns home. This was despite the fact that Sofiya claims in her application that her parents have already been tortured and her father murdered by people connected to her

trafficker(s)<sup>116</sup>.

Similarly, in Stasia's case the danger she may face on return to the Ukraine was considered by the Home Office, in their reasons for refusal letter, to be "minor and fleeting in nature". The Home Office standard for risk on return is often incredibly high<sup>117</sup>. For example, the Home Office, in their reasons for refusal letter to Zara, did not consider her to be at any risk on return as the last time she returned to Albania, she was not killed but re-trafficked (and tortured- see Chapters Four p85 and Five, p125). Also in Zara's case, the Home Office concluded that she was unlikely to be re-trafficked, despite the fact that she already had been (see Chapter Five, p125 for details of this).

Other women in the research were also often refused for not applying for asylum in a timely fashion, as in Sriyani's refusal letter:

The secretary of state noted that you claimed to have arrived in the UK 'at the end of January 2002'. However you did not claim asylum until you were apprehended by the authorities on the 3<sup>rd</sup> May 2002. The Secretary of State considered that if you had a well founded fear of persecution you would have sought the protection of the UK authorities as soon as possible after arriving in this country. He concluded that by neglecting to seek this protection, you have failed to establish that you have a well-founded fear of persecution for a convention reason.

**Sriyani, Sierra Leone: Reasons for refusal Letter from the Home Office to Sriyani**

According to Sriyani's account, she was held prisoner from arriving on the UK until the police raid on the place she was being forced to work several months later. This was stated in her

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<sup>116</sup> As also explored in Chapter Four, p87-88. According to Sofiya's statement and interview with the Home Office, she was told by her trafficker(s) in 2002 that her father was dead. That her mother was raped in front of her father, and her father suffered a heart attack as a result of witnessing this and died. She did not know at this stage if this was true. She had been unable to contact her parents. She understood from her trafficker(s) that her mother's rape was somehow connected to her being held captive in the UK and had been some kind of punishment for her father's actions (as he had confronted her trafficker(s)). According to her account, Sofiya had not at the stage of giving this statement and interview had contact with her parents since 2002, and she believed they are dead. She has since found out, according to the further grounds of her appeal, which would not have been available in the Home Office's initial decision, that her father had died of a heart attack following torture by the men involved in her trafficking, and that her mother has since relocated due to fear from the traffickers.

<sup>117</sup> As is, argues O'Connell Davidson (2006), the threshold to be recognised as a victim of trafficking in the UK elsewhere (see also Chapter Five).

Statement of Evidence Form (SEF) interview and was reiterated in her statement to the Home Office.

### **Appeals Stage of Application**

At the appeals stage of the asylum process the women's cases were more successful. Fourteen of the women's asylum application reached the appeals stage, of these ten were successful. Ten of the twenty- three cases were granted asylum and/or humanitarian protection at one of the appeals stage of the process. Of the other cases, one was granted humanitarian protection before appeal, four were lost at one or both of appeal stages, two of the women abandoned the Poppy Project before final decisions were reached on their cases, two of the women withdrew their cases as their home countries joined the European Union during their asylum claims<sup>118</sup>, two of the cases remained ongoing at the end of my fieldwork in November 2005, and two were refused leave to appeal to the Immigration Appellate Authority (first level of appeal).

The success rate of trafficked women's asylum applications at the appeals stage reflects the Poppy Project's own research on women's asylum decisions. The success rate with the Poppy Project's research was however somewhat higher than within my research sample because the later asylum cases have tended to be more successful at the appeals stage than the earlier cases and my research included a higher proportion of the earlier cases, whereas the Poppy Project research included a higher proportion of the later cases.

There is a marked difference between the earlier cases<sup>119</sup>, within my research sample, and later cases in the manner in which they were been treated and/or received during the asylum process and within asylum appeals courts. Here I have split my analysis between asylum cases heard from 2001 to 2003, and those heard from 2004 onwards, although I acknowledge that this is not an ideal split. Six of the women's asylum appeals were heard in-between 2001 to 2003, four were unsuccessful and two were granted Humanitarian Protection but not asylum, and only one on the grounds of their trafficking account<sup>120</sup> (see Fatima and Mira's cases below

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<sup>118</sup> Kristina, from Lithuania, and Anya, from Latvia, both withdrew their asylum claims in 2004 when their Home Countries, Lithuania and Latvia, joined the European Union.

<sup>119</sup> Asylum was applied for by five of the women before to the existence of the Poppy project, so prior to March 2003.

<sup>120</sup> One of these rulings was later overturned at a second appeal at the Immigration Asylum Tribunal (IAT)- see Sriyani's case below for details.

for further detail). In contrast, since 2004, nine of the women's asylum cases were heard in an appeals court. Of these eight were granted asylum and Humanitarian Protection, all on the grounds of sexual trafficking (See Table Four below). Although it is difficult to generalise from the small number of cases in this research the Poppy Project reported a similar finding in their larger scale research on trafficked women's asylum applications from within the Poppy Project<sup>121</sup> (Poppy Project 2006).

**Table Three: Home Office Decisions at Appeal: 2001-2003**

<b>Given Name</b>	<b>First Appeal, heard by the Immigration Appellant Authority*</b>	<b>Second Stage of Appeal, heard at an Immigration Asylum Tribunal**</b>
<b>Adeola</b>	Appeal refused	Appeal Refused
<b>Cari</b>	Appeal refused, no leave to appeal to the IAT.	NA
<b>Fatima</b>	Granted Humanitarian Protection, but not asylum	NA
<b>Mira</b>	Granted Humanitarian Protection (however, not on the grounds of having been trafficked)	NA
<b>Olivia</b>	Appeal Refused	Appeal Refused, later forcibly deported
<b>Sriyani</b>	Appeal Refused	Appeal overturned before reaching IAT, granted Humanitarian Protection, but not asylum

\* and \*\* These later became the Immigration Asylum Tribunal

Four of the five women<sup>122</sup> whose asylum applications were rejected in the appeals court in this research had applied for asylum prior to the start of the Poppy Project in March 2003 and these women's asylum appeals were heard in between 2001 and 2003. These women's asylum applications tended not to be claims based upon trafficking experiences alone, but with a number of other reasons incorporated into the asylum claim. For instance, Cari was the first of the twenty-three women to apply for asylum in the UK, in December 2001. She was refused at the initial application and, in early 2003, was further refused at the appeal stage.

<sup>121</sup> As outlined above, this research related to thirty-two trafficked women's asylum applications, inclusive of the twenty-three analysed for this research.

<sup>122</sup> These were Adeola, Cari, Olivia and Sriyani (see Table Three above).

Cari was also later refused permission to go to the Immigration Appeals Tribunal<sup>123</sup> to appeal against this decision. Cari's asylum application included the grounds of persecution due to membership of a political group in her country of origin. Her trafficking and related experiences within the UK were secondary to this within the grounds given to the Home Office by her solicitor and within the Home Office response. It is clear from the way her case was initially presented and received during 2001-2003 that sexual trafficking was not, at the time of her application, believed to be adequate grounds for asylum in the UK by her solicitor, the Home Office or the adjudicator who heard her appeal. This was primarily because she did not claim asylum upon her arrival in the UK and the idea that she was held against her will and, therefore, unable to claim asylum, was not at any point entertained by the asylum adjudicator at her appeal:

I also find the claim lacking in credibility because of the appellants failure to claim asylum on arrival or soon thereafter. I note that she arrived in October 2000 and was admitted as a tourist for six months and it was not until November 2001 that the first mention of persecution was made. If she had really been detained as is now claimed I find that she would have mentioned that on arrival or shortly after.

**Cari, Turkey: Adjudication**

Cari's experience is similar to that of Sriyani. Sriyani initially applied for asylum in May 2002, was refused at the initial application stage and had her appeal heard in January 2003. Her appeal was rejected mainly on grounds of credibility. The adjudicator did not find her trafficking story credible and stated at several points, in the adjudication hearing, that she should have been able to escape from her traffickers. Her claim was further refused for similar reasons to Cari's claim, because she did not claim asylum upon first entering the UK. Her account of being imprisoned and forced to work as a prostitute was not believed. The adjudicator concluded that she was not in any danger if returned to Sierra Leone because, as he stated during the adjudication: "her past relationships and experiences with men no doubt fortifies her in dealing with unwanted advances". In Sriyani's account her experiences with men related specifically to gang rape as a child in Sierra Leone and then later forced

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<sup>123</sup> The Immigration Appeals Tribunal (IAT) was at the time of Cari's asylum application the second level of appeal in the asylum system. After the 2004 Asylum and Immigration (Treatment of Claimants etc) Act this was merged into one level of appeal and renamed the Asylum Immigration Tribunal (AIT).

prostitution in the UK. The adjudicator, at one point in the proceedings, also stated that the Home Office “considers prostitution to be a matter of prosecution, not persecution”<sup>124</sup>

A number of the legal professionals I interviewed indicated that often at the appeals stage of the asylum process the success of an application depended entirely upon which adjudicator/ judge heard the appeal:

*It all depends on who you get. I know that when I get to the court and see a certain name there I know I've lost the case, it doesn't matter how good the case is, I'm going to lose it because I've got one of these people.*

**Rachel, Solicitor: Interview with AJ**

Certainly from my analysis of the decisions made in the twenty-three trafficked women's asylum claims, there is a great deal of inconsistency between or within cases. Sometimes this refers to adjudicator's/judge's decisions between similar cases or within cases between one stage of the process and another. This is especially so in the early cases. Here I will look at inconsistencies in the decisions made in some of the earlier cases. These are inconsistencies between Sriyani's case, heard at appeal in January 2003, and Fatima's case, heard at appeal in February 2003. These two cases best illustrate inconsistency as the two women were trafficked together in similar circumstances. Sriyani and Fatima were trafficked from the same country to the same brothel in the UK and were rescued in the same police raid. Their accounts to the Home Office were very similar and involved experiences with the same trafficker(s). Both of their applications were rejected at the first stage of application. At the appeals stage Fatima was granted Humanitarian Protection but Sriyani's account was found to be incredible by the adjudicator (the appeal decision in Sriyani's case was explored above).

There were also some inconsistencies within Olivia's asylum application, first heard at appeal in June 2003 and later at a further appeal in January 2004. In Olivia's case there are inconsistencies between the reasons for refusal given by the Home Office at the two separate appeals. Olivia's story of being trafficked to the UK was found credible at her first appeal; her story was not at any point disbelieved. The adjudicator concluded that although she was believed to be a trafficked woman she was not eligible for asylum or humanitarian protection

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<sup>124</sup> The rejection of Sriyani's asylum case in the appeals court was later successfully overturned before it reached the IAT, and she was granted Humanitarian Protection in June 2004.

as her country of origin, Romania, was safe for her return to. The adjudicator concluded that Romania had adequate protection measures in place for trafficked women and that she was not on any danger upon return.

Olivia appealed against this decision and her case went to an Immigration Appeals Tribunal (her second appeal) where the exact opposite finding was reached. In contrast to the earlier decision, Olivia's story at the IAT stage of the asylum process was disbelieved. Her account of her trafficking experiences was now found to be incredible. Furthermore, in direct contrast to the earlier appeals court decision, the return of trafficked women to Romania was not considered to be safe, and adequate protection measures were not at this stage believed to be in place in Romania. This is a similar finding to Burgogne and Darwin's, who analysed ten trafficked women's asylum cases in the UK, and also found the Home Office's decision-making to be inconsistent and they concluded that trafficked women's asylum claims are, as a result, difficult cases to win (Burgogne and Darwin 2006).

It is apparent from my analysis of the women's asylum case files that credibility in the asylum courts is crucial to women's ability to access help and services and that the consequences of failed asylum applications may leave women vulnerable to further potential trafficking harms. For example after Olivia's asylum claim was rejected she was later forcibly deported by UK immigration and as I discussed in Chapter Five (pp118-121) deportation to the country of origin can render women vulnerable to further trafficking harm and/or re-trafficking. The reception of the trafficking account, which was often found to be incredible and outside the boundaries of the UK's refugee obligations, when women applied for asylum from 2001 to 2003, contrasts with the later successful asylum applications explored below (for further exploration of the effect of the asylum process on the women's access to help and services also see below).

#### *The Effects of Recognition*

Each of the legal professionals I interviewed identified a point in time when they believed the trafficking account became more identifiable and became recognised as a legitimate occurrence and, therefore more credible. One solicitor stated:

*I think its changed over time, I think initially, the idea of trafficking was one of those things that immigration judges didn't want to believe happened at all and then it*

*became patently obvious that this kind of thing was actually happening and certainly in relation to the Balkans and then more and more in relation to women being sent from Africa and possibly Asia and you had that swerve of feeling, of campaigns about trafficking and the Poppy Project, and then it became popular with advocates to try and look into it and see if somebody had been trafficked and maybe this is a way out.*

**Kate, Solicitor: Interview with AJ.**

Legal professionals, in my interviews with them, often claimed that trafficking cases were, at the time of interview, quite high profile, especially in comparison to the way in which they were received in the past. As one solicitor commented:

*Well it's certainly a catchword, has this person been trafficked or not? I mean sometimes I'm not sure that people know what they mean. In our field it's something you can add on to a basic human right or refugee claim. So its quite high profile, this isn't a refugee it's got **trafficking (shouting)**, it's got **added interest (shouting)**, yeah, I mean I think people are aware of it and it's sort of enthusiastic and I think that women case workers in particular are quite atuned to because it's so difficult to win women's cases*

**Susan, Solicitor: Interview with AJ**

As stated earlier, and as found by the Poppy Project (2006), there has been a high rate of successful asylum applications by trafficked women who have been assisted by the Poppy Project (the role of the Poppy Project in this development is explored in Chapter Seven). Successful applications have tended to reach the appeals stage later than the unsuccessful cases. I would suggest that this may be linked to the continuing emergence of trafficking as a social problem and its related, and subsequent recognition by judges/ adjudicators in asylum appeals courts (see also similar arguments in Chapter Seven).

I have identified a difference in the reception of trafficking accounts from around 2004. I do not claim 2004 as a definitive turning point for the recognition of cases at appeals; rather it is used as a general indicator. In fact, Fatima's case was heard in early 2003 and her account was considered credible at this time. However Fatima's claim was not recognised for a convention reason in which she would have been eligible for asylum and she was granted humanitarian protection only. All of the successful cases at appeal from 2004 onwards were

granted asylum as well as humanitarian protection (see Table Four below)<sup>125</sup>. Mira was also granted humanitarian protection at appeal prior to 2004, however this was not because her trafficking story was believed but because her involvement with a television programme made her vulnerable to being identified by those she had worked for (see Chapter Seven for further exploration). So, in fact, the Home Office considered only one woman's account of her trafficking experiences to be credible at appeal in the period from 2001- 2003 from my research sample. The situation from 2004 onwards was significantly different, as demonstrated in Table Four below:

**Table Four: Home Office Decisions at Appeal: 2004-2005**

<b>Given Name</b>	<b>First Appeal, heard by the Immigration Appellant Authority*</b>	<b>Second Stage of Appeal, heard at an Immigration Asylum Tribunal**</b>
<b>Akanke</b>	Granted asylum and Humanitarian Protection	NA
<b>Esther</b>	Granted asylum and Humanitarian Protection	NA
<b>Ionna</b>	Granted asylum and Humanitarian Protection	NA
<b>Jumoke</b>	Granted asylum and Humanitarian Protection	NA
<b>Lili</b>	Granted asylum and Humanitarian Protection	NA
<b>Sofiya</b>	Granted asylum and Humanitarian Protection	NA
<b>Stasia</b>	Appeal refused	NA
<b>Zara</b>	Granted asylum and Humanitarian Protection	NA

\* and \*\* These were later became the Immigration Asylum Tribunal

Seven out of eight of the asylum cases analysed for this thesis, which were heard in the UK asylum appeals court from 2004, were successful. The women's accounts of having been trafficked to the UK were considered credible and most were consequently granted both asylum and humanitarian protection by asylum judges. The summing up of the adjudicator/ judge at Ionna's appeal in 2004 is typical of the reception of the women's accounts in the asylum appeals courts around this time:

<sup>125</sup> This means that all of the successful cases heard in 2003 were not considered to be eligible for asylum for a convention reason. Humanitarian protection refers to those whose asylum claims fall outside of the 1951 United Nations definition of a refugee and the 1967 protocol, but who are still in need of protection on human rights grounds.

Having considered the appellant's account in its entirety, which included her responses in her interview, her screening form and SEF, together with her witness statements... together with her oral evidence, I am satisfied that in general her account regarding her introduction into prostitution and forced involvement in the sex industry, is likely to be a truthful account of such events. Having considered the background material before me. I am further satisfied that the details given by the appellant regarding her introduction to prostitution and the methods used by gang members, support the appellant's claim as to how she came to be involved in the sex industry.

**Ionna Ukraine: Adjudication.**

Many of the asylum applications relied not only on a women's account of what has happened to her, but upon a plethora of other sources in which trafficking accounts are told. The credence given to women's accounts and to other accounts of trafficking in the asylum process are explored in depth in Chapter Seven.

In all of the asylum appeals from 2004, trafficked women were found to be members of a social group, "women trafficked for the purposes of prostitution". This was the case in Sofiya's, Jumoke's, Zara's, Akanke's, Ionna's, Lili's and Esther's cases. All of which were determined in 2004 or 2005. This is in contrast to the earlier decisions made such as the Home Office's decision in Fatima's and Sriyani's claim, where only humanitarian protection was granted (and therefore not asylum).

**The Effect(s) of the Asylum Process on Trafficked Women**

The majority of the women recalled the asylum process as a difficult one, which has had detrimental effects upon them mentally and psychologically, often directly affecting their ability to recover from the trafficking harms that had been inflicted upon them<sup>126</sup>.

The women often remembered the initial interviews conducted by the UK immigration authorities as difficult and the conditions of these interviews as not being conducive to disclosure. Akanke was interviewed by the immigration authorities and by her (male) solicitor a few days before. She found it difficult to talk about her experiences in these interviews. Her asylum claim was initially rejected on the basis of this interview. In her statement of appeal, she recalled the interview:

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<sup>126</sup> See Chapter Three, p73 for details of the UK asylum process.

During the interview I was very afraid. I was the only one in the room with the immigration officer. My solicitor said he could not send anyone to go with me as he would not be paid for this. (Project worker 1) from the Poppy Project tried to go with me but the Home Office refused to let her in. I felt under pressure to give answers and I did not feel I had time to think properly. The interview took place at a time when I had started to feel very bad, just after I had been housed safely by the Poppy Project. I had stopped eating and was having terrible nightmares. Two days before the interview I had an appointment with my solicitor to discuss the interview procedure. (Project worker 2) from the Poppy Project accompanied me but Mr Z, my solicitor, refused to let her sit in. I find it difficult to be with a male solicitor particularly without a case worker from the Poppy Project present and I could not concentrate as I was very upset.

**Akanke, Nigeria: Appeal Statement to the Home Office**

The interviewing immigration officer also indicated Akanke's distress at this interview, when making a note of his observations on her statement of evidence form: "applicant cried on and off during the course of the interview but was fine to continue".

Similarly, Svetlana found the interview process harrowing and a number of breaks were taken, during her initial interview with the Home Office, due to her being upset and being unable to answer the questions<sup>127</sup>. Towards the end of Svetlana's interview, the interviewing officer made note of her mental state on Svetlana's statement of evidence form: "She says she cannot put up with any more questions any longer, begging us to stop, she feels mental pressure". Shortly after this interview Svetlana abandoned her asylum claim and the Poppy Project altogether.

Frequently in Home Office decisions on the women's asylum applications inconsistencies between the initial interview, Statement of Evidence Form (SEF) and/or further grounds for appeal were considered to cast doubt upon the credibility of the woman's "trafficking story". Indeed, in my own reading of the initial interviews, the Statement of Evidence forms and the further grounds submitted for appeal, I frequently observed differences between the women's accounts told in each. The later stories tend to be more detailed and included more information regarding the extremities of women's experience in the trafficking situation. It is often argued in the further grounds that these differences are due to the conditions of the initial interviews, which were not considered by the women to be conducive to disclosure (see also Spijkerboer 2000). As I have argued in the previous chapter, the ability of the

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<sup>127</sup> Also, see Chapter Three for further discussion of disclosure and ethical issues with relation to interviewing trafficked women.

women to tell their story appears to be dependent upon the circumstances in which, and time at which, their stories are told.

Many of the women did not find their solicitors or immigration interviewers easy to tell their stories to, or felt unable to tell their stories because one of these, or the interpreter involved, was male. Similarly, Bogner, Herlihy and Brewin found the disclosure of violence in Home Office interviews to be difficult for the majority of asylum seekers, but especially difficult for those who had experienced sexual violence. They link this in their study to the association of sexual violence with shame, and the effects of disassociation and Post-Traumatic Stress when disclosing sexual violence (Bogner, Herlihy and Brewin 2007).

In addition, Zimmerman argues that trafficked women's ability to give full accounts of their experiences is linked to their health, after having experienced extreme forms of abuse in the trafficking situation. Many of the trafficked women Zimmerman interviewed were suffering from varying forms of Post Traumatic Stress, as were the majority of the twenty-three women in this research according to the medical records submitted as evidence in their asylum cases (see also Chapter Three). Zimmerman concluded that the inability to recall clearly what has actually happened is consistent with Post Traumatic Stress and with trafficked women's experiences (Zimmerman 2003)<sup>128</sup>. Similarly the Home Office's Gender Guidelines state that:

Women who have been sexually assaulted may suffer trauma. The symptoms of this include persistent fear, a loss of self-confidence and self-esteem, difficulty in concentration, an attitude of self-blame, a pervasive loss of control and memory loss or distortion (Home Office Gender Guidelines: paragraph 8).

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<sup>128</sup> One of the recommendations from Zimmerman study, with regards to the services which ought to be available to trafficked women in the UK, in order for women to recover and give a full account of their experiences, is to: "Implement a recovery and reflection period of a minimum of 90 days to ensure that women's cognitive functioning has improved to a level at which they are able to make informed and thoughtful decisions about their safety and well being, and provide more reliable information about trafficking related events" (Zimmerman et al 2006:3).

The use of internal inconsistency to deny refugee status is also further criticised by Asylum Aid (1999) and Amnesty (2004). Asylum Aid and Amnesty argue that there are many reasons why refugees may give different accounts over time, including those involving psychological trauma and Post-Traumatic Stress.

From this analysis, I am suggesting that the inconsistencies between the women's accounts are created, not, as the Home office frequently argues, due to incredibility, but due to the political, cultural, social and psychological circumstances in which the accounts are told (Plummer 1995). Some of the inconsistencies are created due to the insensitivity of interviewing solicitors or immigration officials, and/or the conditions of the interview process, to gender and cultural differences. In this sense, at times, the asylum process generates inconsistency between accounts and then later prosecutes it as incredibility.

In addition to interviews with immigration officials, some of the women in this research also attended asylum appeals hearings where they were required to give evidence to defend their asylum claim. Again, women were asked in these encounters to recall their trafficking experiences. Sofiya recalled her experiences in the asylum appeals court as follows:

**AJ:** *How did you feel you were treated those in the appeals court?*

**Sofiya:** *The barrister- she told me before the questions she going to be asking to me, so that wasn't bad. But the Home Office one, she just keep asking and asking, it seems she doesn't believe in anything I saying and that was horrible, I was feeling horrible, so upset.*

**AJ:** *What about the adjudicator?*

**Sofiya:** *She was just quietly listening*

**AJ:** *Did you feel that she believed you?*

**Sofiya:** *I don't know (inaudible)*

Other women were not required to give evidence in the appeals court, due to their visible distress. In Akanke's appeal hearing the adjudicator commented:

I am satisfied that the decision not to submit the appellant for cross-examination was taken in her best interests. While the appellant sat in court, I noticed that she broke down on several occasions and appeared to be in a highly agitated state.

**Akanke, Nigeria: Adjudication**

All four women I interviewed considered the asylum process to be overly long. The time taken from the initial application to final decision ranges from 2 months<sup>129</sup> to 2 years and four months<sup>130</sup>. All those interviewed were in agreement that the process should be shorter as it had made them feel extremely worried and anxious about their futures:

*... it does hurt and upset and it depresses you as well so I think it should take a bit more faster. Because when I apply for the asylum I have been waiting for a year without having an interview or anything and then I had my screening interview and I don't know how long I'm going to wait for the result so it's like they are telling you that you still... you know it's quite a long time and you worry, every single day, you can't just go on with your life.*

**Anna, Moldova: Interview with AJ**

*Yes, it's like you feel like you are half a person, like you have no rights, you are nothing, you can't go back to the place you come from and you can't stay in the place where you are, you can't work and you can't (trails off- visibly upset)...*

**Sofiya, Ukraine: Interview with AJ**

The project workers I interviewed also expressed concerns about the length of the asylum process and linked this to the ability of the women to make effective recoveries during the asylum process.

**AJ** *What effect do you think the asylum process has upon the women at the Poppy Project*

**Elaine** *I think it's a profound thing really, I think its intrinsically linked to issues around safety and the future, and I think for many of them it's something that adds to that anxiety about what will happen in the future. I sometimes think that women who otherwise would have, I'm convinced, moved on and would have started to really come to terms with their experiences- not only are they forced to relive what has happened to them through this whole process, through giving statements, from going to hearings that kind of thing... I think it affects in them in terms of having to recount their experiences, so not, they can't kind of move on. They are kind of forced to stay for long periods of time in this sort of frame of mind where they are still kind of experiencing and re-experiencing what has happened. I was just thinking that some of the women that have been with us for two years and still their asylum claims haven't been solved- it's a long time where they are kind of forced to re-live the thing.*

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<sup>129</sup> This shorter period refers to Nina and Evangelina's cases where their applications were rejected at the initial written stage and they were given to leave to appeal against this decision.

<sup>130</sup> In Sriyani's case who went through all three stages of the asylum process.

The legal professionals I interviewed, however, were not in favour of fast tracking asylum applications which involved trafficked women. Their argument was that cases involving sexual violence should not be fast tracked because they needed to build relationships of trust with victims/survivors over time in order to make get more detailed, accurate accounts. They indicated that it was difficult to build a relationship with an asylum seeker in the first instance and that they often believed that the asylum seekers they worked with rarely trusted them to begin with. The legal professionals tended to argue that it was crucial to build up relationships of trust over time in order to get a full and truthful account of what had actually happened. As one of the solicitors, Rachel, said about her experiences of initially meeting trafficking victims/survivors:

*When you first see a client like that they have no confidence in you whatsoever and the first outline of their story- you just can't expect them to sit their and tell them everything that's happened in their lives. What you have to do is try and kind of build up the relationship... It puts you in the situation of almost being a detective. You are thinking god what's happened. What the real story?*

**Rachel, Solicitor: Interview with AJ**

It seems that the asylum process was difficult for the women in this study and caused extra concern and anxiety, which further added to the pressure they were under as trafficking victims/ survivors. However it is only through the women's accounts, and, when and if, the women were able to tell full accounts of their trafficking experiences, that they were able to access help and services such as those guaranteed by the UK asylum process.

The effect of the asylum process sometimes had catastrophic consequences for the women and their access to help and services. A few of the women abandoned the Poppy Project altogether during the asylum process, and although it is difficult to establish the definite reasons behind each of these women's decisions, project workers have indicated that they believed the asylum process was a factor:

**AJ** *Do you think women abandon the Poppy Project because of the asylum process?*

**Elaine** *Yes, well not necessarily because of the asylum process but because of the outcome of the asylum process, if they feel it is unlikely that they will be granted any leave to remain then I think yeah a lot of them abandon.*

A number of the women's access to services via the Poppy Project was seriously affected by the asylum process, this is particularly so in the earlier asylum cases, heard in 2001- 2003

rather than the later ones, heard in 2004-2005 and those heard since the research for this thesis (Poppy Project 2006). These include, Svetlana, who left the project after her first interview with immigration, her whereabouts, at the time of my fieldwork, was unknown by the project. Sakda, who left the project after being rejected at the initial stage of the asylum process. Sakda failed to show at her appeal hearing and so her appeal was dismissed, her whereabouts were also, at the time of my fieldwork, unknown by the project<sup>131</sup>. In addition, other women were prevented from accessing the help and services offered by the Poppy Project due to their failed asylum applications. For instance, Adeola left the project after she was refused at her second appeal to the Immigration Appeals Tribunal, and Olivia was forcibly deported to Romania after her second appeal was refused.

While they were applying for asylum, the women in this study indicated that they became aware of the stigma often associated with persons seeking asylum in the UK. Ionna, for example, approached a solicitor to ask about applying for asylum to remain in the UK. At this point in Ionna's account, Ionna had exited the trafficking situation and was working as a prostitute without the direct control of a trafficker. She recalls:

(I met) a lawyer, he explained that I was unlikely to be successful because in the UK nobody wants foreigners as foreigners are taking everything away from British nationals. I was afraid to go to the police because my English was not very good. I was afraid to they would return me to the Ukraine.

**Ionna, Ukraine: Witness statement**

The stigma associated with being an asylum seeker also has an effect upon the women after they reach the Poppy Project. Sofiya from Ukraine told me, in my interview with her: "its like

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<sup>131</sup> In a conversation I had with a project worker about Sakda's abandonment of the Poppy Project, the project worker indicated that Sakda had been very afraid after receiving her initial rejection letter. Sakda's project worker said that Sakda was afraid of being sent back to Thailand and was frustrated because being an asylum seeker in the UK meant that she couldn't earn any money to send home. Sakda had originally left Thailand to earn money to send home to her sick sister who had HIV, and couldn't afford the anti-viral medication. Sakda had believed she was coming to the UK to work as a waitress in a Thai restaurant. Upon arrival she was told she owed money and would have to work as a prostitute. According to her project worker, Sakda made a conscious decision to return to prostitution after receiving her reasons for refusal letter, as she felt she had to help her sister and was afraid of being deported and being unable to send remittances home.

they are looking at you saying ‘oh where are you getting your benefits from’. It’s very difficult and I just can’t understand it”. Also as one project worker observed:

*...it kind of also forces them to be part of a subgroup of society. I think that quite a few of the women have realised that asylum seekers are vilified and that asylum seeking is not seen as a positive thing and it does affect their self-esteem and how they view themselves to be part of that group and somehow feel that people around them feel that they are not welcome here.*

**Marion, Interview with AJ**

As argued in Chapter Five the trafficked women in this research were also negatively labelled and treated at other times as “illegal immigrants or as “prostitutes”, at different times in their accounts. I would argue that the term “asylum seeker” is another negative label attached to women as they attempt to access services in the UK. The Information Centre About Asylum and Refugees in the UK (ICAR) Project Team (2004) have argued that the figure of the “asylum seeker” and the “illegal immigrant” are associated in the British imagination with grotesque qualities, while Castles and Davidson (2000:8) observe “asylum seekers are among the most legally and socially disadvantaged people in Western societies” (see also Tyler 2006, for similar arguments)

### **The Effect(s) of the Asylum Process on the Poppy Project.**

As explored in the previous chapter, the “illegal” immigration status of trafficking victims/survivors is a factor in women’s reluctance to approach authorities or NGOs for help and assistance. The Poppy Project is only able to help those who are legally allowed to remain in the UK, either as asylum seekers or refugees, after an initial reflection period. Immigration policy and, more specifically, the immigration status of a trafficking victim/ survivor therefore has a direct and dependent relationship with the ability of the UK based project to offer help and services to a trafficking victim/survivor.

UK immigration policies do not only affect where and when, and to whom help can be received and/or given, but also had further reaching consequences, principally due to the asylum process, for project workers and the help and assistance they are able to provide. For instance as one project worker commented:

**AJ** *What effect do you think the asylum process has upon the Poppy Project?*

**Elaine** *I mean, certainly it's costing us a lot of energy and time really, what I mean to say is that quite a lot of time is taken up by these cases and it also feels like in supporting the women, it feels like a lot of the time we are talking about things that aren't necessary related to their trafficking cases. We are talking about things that are related to their status. So their fears and worried about going back home and their fears and worries about not being believed and their fears and worries about applying for asylum. So I think it does take up a lot of time, and if you kind of envisage the different system where women were, because they had been trafficked, were given British residence or something like that, I think it would be very different.*

My own observations of the project, whilst I was researching the asylum case files in the Poppy Project office, is that a great deal of time was spent by the project workers negotiating on the phone with solicitors and barristers, writing support letters and reassuring the women about their asylum applications. In conversations with project workers about the asylum system there was a great deal of frustration with the process and its effect on the women. In particular, when Olivia was forcibly deported to Romania, I observed a great deal of anger displayed by the project workers towards immigration officials and I observed the relationship between immigration officials and project workers, on a number of occasions, to be strained.

### **Conclusion**

It is outside the scope of this thesis to compare the reception of asylum applications, which have been made from outside of the Poppy Project with those analysed for this thesis. However, as discussed, some of the women's asylum applications were made prior to the official development of the Poppy Project<sup>132</sup>, a number of which were unsuccessful. Furthermore the legal professionals I interviewed believed that some of the sexual trafficking cases that they had worked on were far less likely to be successful in the asylum system without the added credibility of the Poppy Project (see Chapter Seven, p165). My interviews with legal professionals indicated that trafficking victims/survivors applying for asylum from outside of the Poppy Project had a more difficult time when trying to prove themselves credible authors of their own story.

The legal profession makes decisions upon asylum and immigration claims within a social/historical context. The credibility of a narrative on trafficking which aims to access help and services, in this case asylum in the UK, is directed by the law's relationship to the outside creation, production and consumption of knowledge(s) surrounding that narrative. Therefore,

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<sup>132</sup> A total of eight of the cases.

the accounts presented by trafficking victims/survivors in asylum claims are considered credible or not based upon the subjectivity of the production of knowledge (s) and narrative(s) or story(ies). As Jerome Bruner argues:

Legal stories used in courts- as opposed to literary representations of them- however constrained they may be by procedural rules, also need to evoke familiar, conventional realities, if only to highlight the offending deviations from them. So law stories, too, draw on established narrative traditions. (Bruner 2002: 12)

The Poppy Project, the Home Office and the UK police have a authoritative and definitive role in establishing a recognisable trafficking account. The power to create a trafficking victim/survivor identity is only partially in the hands (or voice) of the trafficking victim/survivor themselves, and is arguably at times secondary to the identity created for the trafficked woman by governmental, academic and media led discourse. The next chapter will consider why some of the accounts consulted for this thesis were identified as credible “trafficking” accounts and what other accounts they were measured against.

## **Chapter Seven: The Reception of Trafficking Stories in the British Asylum System**

There seem to be two motives for looking closely at what narrative is and how it works. One is to control it or sanitize its effects- as in law, where tradition forges procedures for keeping the stories of plaintiffs and defendants within recognised bounds, or where legal scholars explore the kinship among claims that constitute a putative line of precedent...The other motive for studying narrative is to understand it so as to cultivate its illusions of reality, to 'subjunctivize' the self evident declaration of everyday life. Its practitioners are literary- critics in all their guises and also creators (Bruner 2002: 11).

Moral crusades typically offer anecdotal horror stories in addition to inflated numbers of victims to demonstrate the gravity of targeted evil. This strategy is abundantly evident in the discourse of anti-trafficking forces both outside and inside the U.S Government. Typically, the testimonials of a few "rescued" victims are presented as evidence. Horror stories and photos of young victims are prominently displayed in government publications and web sites. Such depictions dramatise human suffering and are designed to cause alarm and outrage, and this strategy can be quite effective. For example, several members of the House- including the sponsors of trafficking legislation in the House and the Senate- have stated of that they became interested in trafficking only after hearing a particular victim's testimony. The official discourse repeatedly invokes "women and children" victims, arguably to equate women with children's vulnerability and lack of agency and to stoke popular revulsion for draconian measures (Weitzer 2007: 463).

Stereotypes of women who are being abused, which suggest that they are weak and passive miss the range and complexity of women's responses to "domestic violence". Policy and practice, which simply reproduces these stereotypes, will fail to offer meaningful support to many women (Kelly and Radford 1996: 29).

The credibility of a trafficked woman's account is decided during the asylum process and in incidents leading up to it: in interactions with the police, the immigration service and project workers (as has been explored in the preceding chapters). Narratives that define trafficking construct an understanding of its occurrence and/or how it occurs (the form the narrative takes), and also to whom it occurs and consequently to whom it does not occur. Narratives on trafficking have a dual effect in that they make visible the problem while constructing what the problem is and, as a result, they set out the perimeters of credibility in the British asylum system. This chapter will consider the dual effect of this process on asylum outcomes, where the visibility of trafficking, as a recognised story, simultaneously makes certain stories more visible and believable whilst silencing and disappearing others.

Credibility or “truth” relating to the women’s accounts is established at and inbetween<sup>133</sup> the various stages of the asylum process: during interviews, when cases are initially assessed by the Home Office, and by the adjudicators/ judges in the asylum appeals courts. The “truth” of a woman’s account is therefore “decided” by a myriad of individuals, but also by a system and in relation to laws and legal procedures, which are inevitably constructions of wider cultural and social productions of “truths” (Mackinnon 1987; Spijkerboer 2000; Bruner 2002)

At all times the trafficked woman’s position during the asylum process is tenuous, and others, who are invariably in a dominant position to her, decide whether her account is “true” or not. As Spijkerboer says of interviews conducted in the Dutch asylum system:

During the asylum process, a particular truth about the applicants is produced... In asylum interviews, the interviewer occupies the dominant position; s/he asks the questions and decides what is important and not important. In such manner, the interviewer has a decisive influence on the outcome of the procedure (Spijkerboer 2000: 102).

I have argued in preceding chapters that the reception of the trafficking story in the asylum system, and elsewhere, has changed over time, and that the trafficking story has become a more recognised account. This section will explore how some elements of the women’s trafficking stories are considered to be more credible than other elements. The findings presented in this chapter are largely consistent with earlier feminist research on the reception of women’s accounts of violence within the British legal system (Adler 1987; Kelly and Radford 1996; Lees 1996a; 1996b), and I will explore these connections throughout the chapter. The reception of trafficking stories takes place within cultural understandings around gender, ethnicity, sexuality, violence against women, prostitution, asylum seekers, immigration, the public and the private, and women’s bodies/ physical appearance.

This chapter will explore how accounts of sexual trafficking have been received in the British asylum system. These include accounts told by the trafficked women in this thesis (as analysed in Chapters Four and Five) and accounts told by other tellers, including the media, researchers and other “experts” on sexual trafficking. I will begin by considering how accounts told by

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<sup>133</sup> Inconsistency in the accounts between the different stages of the asylum process often affects credibility- see Chapters Five and Six for further exploration of the reasons trafficked women’s stories may be told differently at different stages of the asylum process, or in different encounters with the UK immigration authorities or police.

these other tellers have been used in the asylum process and the differing levels of credence these appear to have been assigned. I will then examine where some women's accounts were considered to be credible accounts of trafficking, and in what circumstances other accounts were deemed incredible.

### **Other Tellers**

During the asylum process accounts of trafficking are not only told by trafficked women, but also by a range of other tellers including policy makers, journalists, project workers, academics and other social researchers. A woman's asylum case is considered in relation to these other accounts and is frequently considered credible or not depending upon the similarity of the woman's account to accounts produced by others, which are used as evidence in asylum applications. This section will consider the evidence consulted in the women's asylum applications, the manner in which it is used and the credence it is assigned.

When applying for asylum trafficking victims/survivors are in a difficult position as a consensus on the definition of the phenomenon of "trafficking" remains currently elusive within the asylum process, as Angela, a barrister who represents asylum cases commented, "there is no consensus on the meaning of work on trafficking which given the present prevalence of this there should have been". As a result, the UK asylum process relies on a plethora of sources for evidential purposes. Burgoyne and Darwin in their analysis of asylum applications of trafficking victims/ survivors found that:

When there does not appear to be any evidence one way or another on the risks to trafficking victims in certain countries, the tribunal assumes that no such risks exist. This is unfortunate, particularly in relation to countries where the lack of an independent press can mean that objective reports are hard to come by. Where evidence does exist the tribunal tends to be persuaded by "official" reports (such as those of the US State Department) and sceptical of claims to the contrary even by nationals of the country concerned. Reporting about the scale and forms of human trafficking is scarce and there is an urgent need for further research and systematic data collection (Burgoyne, Darwin 2006: 43).

Similarly to Burgoyne and Darwin's findings, it appeared in my research that decisions were made on women's asylum application with a limited range of evidence. In addition, it appeared that different types of evidence were assigned different levels of credence within decisions taken by the Home Office and adjudicators/ judges in the appeals courts. As

Burgoyne and Darwin also indicate in their study, there appeared to be a great deal of credence assigned to US State Department Trafficking in Persons Reports<sup>134</sup>. Also evidence from the Poppy Project and the UK Police, which corroborated the women's stories, appeared to lend a higher degree of credibility to women's accounts. Other research and media reports were also frequently consulted in the asylum cases, but it was often difficult to assess exactly how each of these influenced the decisions of judges/adjudicators in the women's asylum appeals (see below).

There is, argues Anthony Good, a hierarchy assigned to the evidence used to determine asylum cases in the UK (Good 2004a, 2004b). Moreover Good expresses significant concern over the objective nature of evidence used to give credence in the British asylum system:

Decisions on asylum applications are heavily dependent upon assessments of the claimant's credibility, in relation to background information, referred to in the courts as "objective evidence", on the situation in their country of origin. This term "objective evidence" is problematic for social scientists (Good 2004: 359-360).

For social scientists, Good argues, truth is always contested and a product of a particular theoretical approach, or discourse, whereas in the asylum courts evidence is frequently taken to be objective due to credence assigned, by the UK asylum system, to its authors (Good 2004: 377). An example of this is the high credence assigned to evidence provided by the Medical Foundation for the Care of Victims of Torture, where if the Foundation has assessed and found an applicant to have experienced torture this is often given greater credence than if another medical body has found the same evidence (Macmillan, Jones, Henderson, Cohen, J, Rhys-Jones 2006<sup>135</sup>). Given the current contested "truths" about trafficking, and the international dominance of one set of "truths" over another, in present debates around trafficking (see Chapter Two), this situation is potentially exclusionary for trafficked women claiming asylum who don't "fit" the dominant trafficking narrative espoused by the US TIP reports, the media and other groups.

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<sup>134</sup> Which are not assigned much authority by other writers- see Chapter Two, pp39-41.

<sup>135</sup> This opinion was expressed by a number of legal professionals and medical experts at a conference entitled 'Asylum, Migration and Human Rights' I attended at Durham University in September 2006.

In many of the women's asylum appeals, background evidence was referred to as having assigned credibility to a trafficked woman's account. For example the adjudicator/ judge at Sofiya's appeal in September 2005 stated:

The appellant has given me a clear, concise, convincing and harrowing account of what has happened to her when she first came to the United Kingdom having unwittingly left the Ukraine to be trafficked almost as soon as she came to the United Kingdom. There has been placed before me a myriad of objective documentation in support of this appellant and what has happened fits in with all the objective evidence before me.

**Sofiya, Ukraine: Adjudication**

In Sofiya's case the 'myriad of objective documentation' referred to newspaper reports, grey literature, and research reports on trafficking, medical reports and a support letter from the Popp Project. This was typical of the range of evidence used in the women's asylum cases (see Appendix Four, p 220). Similarly, in Zara's asylum adjudication, the adjudicator/judge, referring to expert reports, statements from a Poppy Project support worker, a letter from the International Organisation for Migration (IOM), and an email from a an Albanian anti-trafficking service provider, concluded that:

The appellant's claim to have been trafficked is also entirely consistent with the objective evidence...I find, therefore, that the appellant's claim is entirely credible and I accept that she has been the unfortunate victim of traffickers on two occasions and that she has undergone horrific ill-treatment and abuse in both Albania and in various European countries, being forced into the sex industry and prostitution.

**Zara, Albania: Adjudication**

It is clear from my analysis of the women's asylum cases that their stories were not the only stories considered in the determination of an asylum outcome. A woman's account was considered credible, or not, depending upon its similarity or dissimilarity to other accounts told by other tellers: such as policy makers and governments, the media, other trafficking victims/survivors accounts, academics and other researchers. I will now consider the most authoritative of these, which was the US State Department's Trafficking in Persons Reports, followed by stories told by the media, stories told in grey literature and other women's accounts and experiences, through which the precedents of trafficking experience(s) may be set.

*US State Department's Trafficking In Persons report (US TIP).*

Within the 23 case files analysed for this thesis the US State Department reports on Trafficking In Persons were often used. Where the US TIP reports were used as evidence they were often assigned great credence within the women's asylum cases and were frequently considered to be an authority on trafficking situations. In fact the placement of countries within the US TIP's tier system<sup>136</sup> can often make or break a woman's asylum claim.

For instance, in Zara's asylum application the movement of Albania from Tier Three to Tier Two in the 2002 US TIP report appeared to play a significant part in the Home Office's reasons for refusal argument:

In 2002, the US State Department on Human Trafficking around the world promoted Albania from a Tier 3 to a Tier 2 country. This signifies that, according to the US State Department, the Albanian government has demonstrated a willingness to end trafficking, even if it has some distance to go.

**Zara, Albania: Reasons for Refusal Letter from the Home Office to Zara**

The reasons for refusal letter concluded that due to the US State Department's assessment, Albania was a safe country for trafficked women to return to, and this was in the reasoning for rejecting Zara's claim to asylum.

The US TIP reports for other women had positive effects for the outcome of asylum cases. In Sriyani's asylum case, for example, the inclusion of Sierra Leone in Tier Three of the US State Department's 2004 report was one of primary pieces of evidence used by Sriyani's defence team, when appealing against the negative decision of her first appeal, and was cited as one of the reasons the negative decision made at her first appeal was overturned (see the previous chapter for further discussion for the negative decision made at Sriyani's first appeal). It was cited by the Home Office, when the decision from her first appeal was overturned, that "the US State Department TIP report considers that Sierra Leone has not met the minimum standards for the elimination of trafficking and are not making efforts to meet minimum standards", so it was concluded by the Home Office that if Sriyani was returned to Sierra Leone the state could not provide Sriyani's safety from re-trafficking.

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<sup>136</sup> As explained in Chapter Two, p39.

Similarly in Akanke's appeal the inclusion of Nigeria on Tier Two watching, in the US State Department's report on Nigeria in 2003 (US State Department- Nigeria 2003) was part of the reasoning given by the adjudicator for granting her asylum and humanitarian protection. In his conclusions, the adjudicator stated that Akanke's story was consistent with the evidence before him and that she was at risk if returned to Nigeria. This assessment was based primarily on evidence from the US State Department, which found that the Nigeria government was not conforming to the minimum standards of protection, set by the US State Department, to protect trafficking victims on return (see Chapter Two p39).

The legal professionals I interviewed often lamented the lack of evidence on sexual trafficking, and, most stated that relevant and substantiating evidence is crucial if they are to have a positive outcome for the trafficked women they represent. They often argued that there tends to be a heavy reliance on the limited evidence available, of which the US State Department TIP reports are a substantial part. When I asked one barrister, Beth, how she might present a trafficking case to make it successful, she replied:

*I think it depends enormously on the country you come from and I think both a negative and potentially positive impact has come out of the US State Department trafficking reports... If one of the countries that they decide is a risk country then you can use them to good effect but most of the countries, including some we would regard as high risk, producing countries, and also, recipient countries, it doesn't. Even not all of the recipient countries are categorised... [The] US state department are given enormous credence in our system and so to that extent, it creates very often some sort of evidential hurdle that shouldn't be there. Most of them, these cases stand or fall on the basis of evidence and what is lacking or what is needed is really good evidence from appropriate authoritative and dispassionate sources.*

**Beth, Barrister: Interview with AJ**

The heavy reliance of asylum decisions upon limited evidence such as US State Department reports is not unique to trafficking cases and is frequently regarded to be a problem with all asylum applications in the UK. Anthony Good argues:

Asylum seekers representatives generally obtain country information from reports by Amnesty International, The US State Department, and UNHCR, presumably because these are felt to have an aura of authority likely to carry weight with the court. The reliance on state department reports would be something of a mystery otherwise, as they tend to repeat themselves year after year, and are not sourced (Good 2004: 360).

The objectivity and reliability of US State Department reports was also criticised by a number of legal professionals I interviewed (for similar arguments see Chapter Two, p39-41). One of the barristers, Angela, regarded the US State Department Reports in a similar manner to Anthony Good:

*They can be quite useful but like all the US State reports they are geared towards their own interest and therefore don't necessarily reflect what is really happening on the ground and it's useful to get when it's a very bad TIP but unless they are in Tier Two, then you can't use it.*

**Angela, Barrister: Interview with AJ**

As with the effect of the US TIP reports worldwide (again see Chapter Two, p39-41), the effect of the US TIP reports in the decisions on trafficked women's asylum applications has been diverse. At times, leading to a positive asylum outcome for the women, and at other times making their fears upon return appear incredible.

*Media and NGO tellers*

Many of the women's asylum cases included newspaper reports as evidence, which were put forward by the defence to demonstrate the women's accounts similarity to other stories of trafficking. Newspaper reports about trafficking were used as evidence in the women's asylum case files from the BBC, BBC online, the Sun Newspaper, the Evening Standard, the Economist, and the Times and Times online, amongst other media sources.

Although there is no direct reference evident in any of the Home Office decisions to these media reports it is likely that the adjudicators concerned consulted them, when making decisions on the women's asylum applications. For example, in Ionna's asylum application four media reports were submitted as evidence. The adjudicator concluded in his summing up:

Having considered the appellant's account in its entirety, which included her responses in her interview, her screening form and Statement of Evidence Form, together with her witness statements of [DATE] and [DATE], together with her oral evidence, I am satisfied that in general her account regarding her introduction into prostitution and forced involvement in the sex industry, is likely to be a truthful account of such events. Having considered the background material before me. I am further satisfied that the details given by the appellant regarding her introduction to prostitution and the methods used by gang members, support the appellant's claim as to how she came to be involved in the sex industry.

**Ionna, Ukraine: Adjudication.**

Although it isn't clear how much weight was given to the media reports submitted as evidence in Ionna's asylum application, it is fair to assume that they played some part in the background material referred to by adjudicator.

In addition to the media reports used directly in the women's asylum applications, a number of the legal professionals, in my interviews with them, specifically identified and acknowledged the role of the media in making trafficking accounts visible.

*Certainly a few of the adjudicators have been good, have been profoundly shocked by some of these T.V programmes definitely and got to know what is happening.*

**Angela, Barrister: Interview with AJ**

*I mean things like that television programme [referring to "Sex Traffic", Channel 4- see Chapter One, p 6-7] and things of that nature, it was very powerful and very good, I thought actually, and very hard hitting in the way of making people realise that these are these stories are true... Ironic isn't it that it's a drama that makes people realise things are true (laughs). A fiction.*

**Anne, Solicitor: Interview with AJ**

Also frequently consulted as authoritative evidence in the women's asylum cases were grey literature reports on trafficking. Reports consulted and/or presented as evidence in the women's asylum cases included reports from Amnesty International, Anti Slavery International, UNHCR and Asylum Aid (see Appendix Four, p220) and see discussion in Chapter Two). As with the media articles, these reports were part of the "objective evidence" consulted by asylum officials, against which women's experiences are measured and judged as 'true' or not. Again the 'objectivity' of these reports is essentially a (re) production of wider social and cultural processes in which trafficking stories can be, and through which, are now being told (Plummer 1995; Bruner 2002).

The relationship of the law and policy to the media, to academia and to the NGO sector is crucial as the production of knowledge(s) about trafficking is created within and between these arenas<sup>137</sup>. As Bruner argues:

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<sup>137</sup> In one of the women's accounts the media played a more direct role. Mira was assisted by the makers of a television documentary to exit the trafficking situation. The makers of the television documentary were also later involved in her referral to the Poppy Project. The media here has shaped a trafficking account, while at the same time adding to the public awareness and public knowledge about trafficking, and thereby having a direct and discursive relationship with sexual trafficking.

In time, the altered narrative sensibility produced by literature comes to affect how lawyers tell their legal stories and how judges put them into legal categories. Eventually well wrought literary narrative works its way, sedulously, into the corpus juris of past legal decisions, its presence there providing further inducement to the lawyer to make his or her law stories more like literature (Bruner 2002: 53).

It seems from this study that trafficking stories have become more recognisable as a legitimate account of reality over time (as argued elsewhere in the thesis). It is difficult to say how far, when or exactly how the stories told by film and documentary makers, writers, artists, policy makers, feminist activist groups etc have influenced the reception of trafficking stories within the asylum process or have influenced and informed each other. However, as Bruner argues:

A culture's narrative dialectic expresses itself first in the imaginative works of writers and playwrights, and it is virtually impossible to predict whether, when, or how it will express itself in the culture's corpus juris (Bruner 2002: 62).

### **The Role of the Poppy Project in Determining Credibility**

Being recognised by the Poppy Project as a victim of human trafficking often appeared to have an effect on credibility. A woman's story is made credible because she has been earlier considered credible by the project. This impact was most evident where adjudicators/ judges were assessing the credibility of a woman's story. When making decisions over who is a trafficking victim/ survivor and who is not, the Poppy Project frequently plays a direct role in the credibility of the woman's story. At Jumoke's adjudication, for example, the judge/ adjudicator stated:

I accept that the core of the appellant's account is reasonably likely to be true. I believe that she came to the UK believing she would be assisted to find an education and that she was tricked into working as a prostitute. She has been consistent about the main parts of her account from the outset and has been accepted by the Poppy Project as a person who has been trafficked for the purposes of prostitution and forcibly exploited. I accept that the organisation is entirely reputable and has relevant expertise. I am inclined to agree with their assessment.

**Jumoke, Nigeria: Adjudicator speaking at Jumoke's Appeal Hearing**

The legal professionals interviewed for this thesis also often spoke of the role of the Poppy Project in the success of trafficked women's asylum applications. One solicitor commented:

**AJ** *Have you noticed a difference between trafficking for domestic labour purposes or sexual trafficking? And the way they are handled?*

**Anne** *well...yes...in that there isn't the Poppy Project and there is... you can't use that particular piece of evidence.*

From my analysis of the asylum case files and from my interviews with legal professionals who have worked upon trafficked women's asylum cases, it seems that often women's accounts of their experiences are considered credible in the British asylum system if they have formerly been considered credible by others, considered to be "experts" on sexual trafficking. These include project workers from the Poppy Project and often the police. For example in Jumoke's appeal, the adjudicator concluded:

I heard evidence first from...a senior support worker with Eaves Housing who confirmed that the appellant was referred to the organisation by the police and after having been interviewed by an immigration officer. She said that the organisation was funded by the Home Office and that the criteria for deciding who should have access to their limited resources were very strict. They had to be satisfied that the woman had been brought to the UK, had worked as a prostitute and had been forcibly exploited. Through the referral in the appellant's case had been seen by the police she had also been screened by the organisation itself. To her knowledge all women referred to the Poppy Project had been interviewed by an immigration officer. They were obviously only referred when the Immigration Service and the police were satisfied that the relevant criteria was met.

**Jumoke, Nigeria: Adjudication.**

In most of the women's asylum cases a submission was made by the Poppy Project supporting the woman's claim for asylum and supporting the credibility of the woman's story, in which it was asserted that this woman's story concurred with typical trafficking experiences. The women applying for asylum from within the Poppy Project had also been recognised as trafficking victims/ survivors by the project, within the criteria of the project (see Chapter Three, pp71-72, for more detailed discussion of this). Many of the legal professionals I interviewed talked about the trafficked women's asylum cases they had worked on which involved the Poppy Project as "clear cut trafficking cases", and said that the other trafficking cases they had represented had not been as clear cut:

*I mean I think the worst one we had is that the woman was clear from the outset that she had been brought here on the offer of a job and then locked up in a room and she realised that it was going to be prostitution... She came to us from the Poppy Foundation and you know her whole story was about trafficking.*

**Kate, Solicitor, Interview with AJ**

Most of the legal professionals I interviewed said that sexual trafficking cases which they had worked on, which did not have the support of the Poppy Project, tended to be less uniform and more complex accounts of trafficking, which were subsequently more difficult to argue and less likely to be considered credible accounts of trafficking in the asylum process.

The Poppy Project, in their own study on trafficked women's asylum applications, acknowledges the role of their project in successful appeals (Poppy Project 2006: 24). The Poppy Project report states that the success of women's asylum applications from within the Poppy Project is often due to the expertise of the project workers who work to get the best legal representation and negotiate the complex UK asylum system on the women's behalf. It indicates that they believe that the difference between the initial and appeals stage of the process may be because some of the women are referred to the project during the asylum process, i.e. some women were referred after their initial application but before their appeal. However, this factor would not account for the rejection of all of the initial applications, some of which were assisted by Poppy from the outset of their applications.

In addition to the Poppy Project, the police often identify trafficked women, and women are frequently encouraged to give evidence against their trafficker(s). This may be used as support for their asylum case. The Poppy Project believes that some of their cases are successful because the women are helping the police (Poppy Project 2006: 21). For example, the following was submitted as evidence in Akanke's solicitor's letter to the Home Office:

Since her arrest, with the help of her support worker at the Poppy Project, Ms X has approached CO14, the clubs and Vice unit at the Met police, to report the men who trafficked, imprisoned her and threatened her with death should she attempt to escape. She has indicated to the police that she is able to provide names, addresses and descriptions of the men who were involved in her trafficking and abuse. DS Ed Bird has indicated that the police are not able to interview Ms A to investigate the crime, which continues to be carried out against other women, due to the ongoing prosecution against her. We submit

this prosecution against Ms A therefore stands in the way of the public interest to investigate and bring these men who traffic and abuse women to justice.

**Akanke, Nigeria From solicitors letter to the Home Office**

The Poppy Project, in their own research on asylum outcomes, have expressed concern that women helping the police may be a deciding factor in women's successful asylum outcomes. In my analysis of the asylum outcomes, it appears to be a factor that gives the women's cases additional credibility and, perhaps, fits with the image of a "trafficking victim" as recognised by asylum judges/ adjudicators. Elsewhere Kamala Kempadoo has argued that:

While trafficked/migrant persons are designated "victims" under various policies and laws, unless they become informants to the police, they are treated as illegal immigrants and criminals, and as threats to national security (Kempadoo 2005: 15)

**Trafficked Women as Tellers**

In this study, women's stories, as told to the UK authorities via the asylum system, were, as I have already explored, often found credible or not depending upon their similarities to the stories told by other tellers. Thereby, the women's accounts were often understood as credible accounts in relation to, and as part of, wider discursive understandings of sexual trafficking, prostitution and violence against women, which appear in wider media representations, literature and research (some of which is discussed in Chapters One and Two). As Stanko has argued of other situations involving violence against women:

Understanding violence requires one to develop a cognitive map for contextualizing "what happened". The landscape is tightly woven around social identities, social meanings, and social context. It is virtually impossible, I would argue, to separate the social and legal meaning of an incident from its wider social, political and economic context. Statute on criminal harm occasionally specifies such context...but usually the context of violence provides a powerful grounding for establishing its meanings (Stanko 2006: 545).

*The Choice/Force Binary*

Many of the women's stories were considered credible or not, depending upon social understandings relating to 'choice/ agency' or 'coercion'. Understandings of women's choice and agency and where either is, or can be, exercised often differed from case to case, and as I

have argued earlier in Chapter Six, the understanding(s) of each appeared to have changed over time; perhaps as the trafficking story has become more recognisable.

Where trafficked women's asylum claims were found to be incredible, often the Home Office indicated that they believed a woman had exercised either too much or too little agency. In some cases the Home Office concluded that the woman's story is incredible because that the woman has exercised too much agency to be considered a victim of trafficking and therefore was believed to have chosen the circumstances in which she has found herself. On the other hand, at other times, the Home Office considered women to have not taken enough action to extract themselves from those circumstances and therefore it was believed, by the Home Office, that the woman has chosen the situation through her inaction. For an account to be believed by the Home Office, it appears that there must be a very delicate balance between woman's agency and a trafficker's coercion.

For example, the adjudicator at Mira's asylum appeal disbelieved Mira's story principally because she was considered to have exercised too much agency at some stages in her account while at other times her apparent inaction indicated to the adjudicator that she could not be a victim of trafficking:

There is no evidence that she was forced to leave Albania in 1999. She chose to come to the United Kingdom... Why did she tell a false story when coming here instead of cutting her links with the criminals at the time? Why did she not seek help from the authorities when she arrived? When arrested by the police in 2001 she did not seek help. She chose to give them wrong details about herself. On the videotape she says that she screamed and shouted at the police when she was arrested. This shows someone who seeking to avoid removal... The appellant returned to the United Kingdom from Albania after being deported there in 2001. I find it most significant that she returned to the same group and to the same circumstances that she left when she was deported. I do not believe that she had to return here. I do not believe that she had to go back to being a prostitute with them.

**Mira: Albania: Adjudication**<sup>138</sup>

This illustrates how at times certain acts of agency are considered by the Home Office to be conflicting with a recognisable trafficking narrative. In particular, where women have

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<sup>138</sup>For an exploration of the reasons why Mira may not have sought help from the authorities, may have given a false asylum claim, returned to her trafficker in the UK, and did not seek help from the UK authorities on arrival or later when the police when arrested her as an "illegal immigrant", see Chapter Five.

escaped/ exited/ left the trafficking situation on their own without assistance from the authorities, UK immigration or police; doubts regarding their credibility were often raised, particularly where the women had continued to work as prostitutes after exiting the trafficking situation. As explored in Chapter Five, women in their accounts to the Home Office often maintained that they believed they had little choice other than to work in prostitution after exiting a trafficking situation, due to the potential threat of the traffickers finding them in their country of origin and their fear of the UK immigration services. The Home Office, however, frequently cites women's decision to return to work in prostitution while no longer under the direct control of trafficker(s) to be incongruent with the actions of "victim of trafficking".

Andrew Gilbert (2007), in his analysis of court cases involving the prosecution of trafficker(s) in the UK, argues that in the UN protocol (see Chapter Two, p38) it is possible to have "willing victims"<sup>139</sup>. Additionally Gilbert notes that in a number of cases involving the prosecution of trafficker(s) it was the conditions of work, which were found to be at fault, in these cases, rather than the fact that women had been forced into prostitution. However, Gilbert also observes that harsher sentences tended to be meted out to those trafficker(s) who forced women into prostitution, especially where women were ignorant of the work they were destined for. Therefore where a woman appears to choose, regardless of the structural circumstances of that choice, prostitution as an occupation, this is seen as either incongruous to "force" in other circumstances (as argued above), or the human rights, violence and abuse committed against the woman in question is seen as less serious in the British prosecution courts (as in Gilbert 2007<sup>140</sup>).

While agency is frequently considered as contradictory to the recognisable trafficking narrative in the asylum process, an element of agency is assumed or perhaps even required for credibility. This element requires that the trafficked woman has expressed her desire to escape or perhaps attempts to enact her escape. In this situation agency and force are closely

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<sup>139</sup> By this, he means women who knew they were going to be working in prostitution when they migrated, but became 'victims of trafficking' due to their experiences on arrival.

<sup>140</sup> As I explored in Chapter Four, the majority of women in this research were unaware that they would be working in prostitution before they left their countries of origin, so unfortunately I don't have any evidence to support Gilbert's finding and consider whether women's stories involving voluntary routes into prostitution would have any effect on the credibility of their asylum claims.

interlinked. In terms of credibility only a small amount of agency is required for the account to be considered credible, too much agency and the account is often considered incredible due to the woman having enacted too much agency. Too much agency and the woman can no longer be considered to be a victim.

These findings echo findings by feminist writers who have analysed the outcomes of rape trials. Feminist writers have often spoken of the “good victim” in rape trials (Adler 1987; Bumiller 1991; Kelly and Radford 1996;; Lees 1996a, 1996b, among others). Adler, for instance, in her study of rape trials found that in order to be found credible, the victim must be perceived to be respectable, be sexually inexperienced, should not have been raped by an acquaintance, ought to have fought and be hurt, and have reported the case straight away (Adler 1987). This has many parallels with the reception of trafficked women’s cases in the UK asylum system and is illustrated by the adjudicator’s concluding remarks in Sofiya’s asylum appeal:

It has been accepted by the respondent that the appellant has indeed been trafficked...the appellant was beaten up regularly; raped and ill-treated...she and the other women were kept as prisoners. She was deprived of sleep, taken to various places so that she did not know where she was. She could not make friends with the other girls as they were regularly moved. She could not ask the customers for help. She was continually monitored. She thought of escape constantly and was able to try on two occasions unsuccessfully. She was in their hands and they could do what they wanted with her if she did not do what she was told...I accept the appellant’s account of what happened to her at the hands of her traffickers.

**Sofiya, Ukraine: Adjudication.**

Sofiya, according to her statement to the UK immigration authorities attempted to escape on a number of occasions and as soon as she was able, presented herself to the police and asked for help<sup>141</sup>:

I was advised in advance that the police were coming to the house. I did not try to leave the scene; instead I remained at the scene and waited for the police. This was the first opportunity I had to tell my story to anyone in authority who could help and protect me. I claimed asylum at the police station.

**Sofiya, Ukraine: Statement to the Home Office**

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<sup>141</sup> For an exploration of the reasons trafficked women may not present themselves to the authorities at the first possible opportunity see Chapter Five.

Sofiya's story in many ways represents the "good victim"<sup>142</sup> described by Adler and others. Her story shows she had little agency in the trafficking situation, she was tricked into prostitution, endured a great deal of violence against her person, yet she indicated her desire to escape and finally she made good that escape, by reporting her story at the first opportunity. Her story comprises the right blend of victim-hood and agency, while also being told and heard at a time when the adjudicator was perhaps most receptive to the trafficking story, as argued in Chapter Six. Similarly, Julia O'Connell Davidson has also argued that in most countries, for a woman to stand any chance of being identified and assisted as a 'victim of trafficking' by the authorities, a migrant woman or girl working in prostitution needs to demonstrate first that she did not choose to or consent to work in prostitution, and second that she has undergone great physical suffering (O'Connell Davidson 2006).

Schneider (2000), among other writers, argues that being a victim is often the only way that women are heard within the law, and from my analysis of the data in this study, I would argue, that this is also frequently the case in trafficked women's asylum applications. The women's accounts were often considered credible accounts of trafficking when their accounts were primarily the accounts of a perceived victim. Certain acts understood as agency were seen as incongruent with being a trafficking victim, while other acts were necessary to be considered a victim<sup>143</sup>.

#### *The Victim/Perpetrator Binary*

As I have argued in Chapter Two, trafficking itself is a construction, which is believed to involve the binary roles of victim and perpetrator, and this is reflected in the reception of women's accounts in the asylum system. As many theorists have argued, all concepts of human action, whether as a victim or an agent, are socially constructions within the law (and

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<sup>142</sup> Also Kapur has argued that in the context of law and human rights, it is invariably the abject victim subject who seeks rights, primarily because she is the one who has had the worst happen to her. The 'victim subject' has allowed women to spell out about the abuses that have elsewhere remained hidden or invisible in human rights discourse (Kapur 2002: 5).

<sup>143</sup> Gordon argues of resistance in domestic violence situations:, "Resistance is itself an interpretation, a construction, one participated in by the historian and reader, as certainly as by the (wife-beating) victim herself" (Gordon 1993:126).

elsewhere) and the constructions of each are likely to change over time<sup>144</sup> (Gordon 1993; Schneider 2000).

In order to be believed by the UK immigration services, it is not just the actions of the woman in her account, which are scrutinised, but the actions of others, especially trafficker(s), which come under close scrutiny in the asylum decision-making process. In order to be believed a woman's story should include the "right" kind of trafficker and the trafficker's actions should be consistent with common understandings concerning the roles of the victim and the persecutor within trafficking situations. This is most evident when a trafficker is presented in a woman's story as a "boyfriend" or partner. In Mira's case, as outlined in Chapter Four, pp86-87, she was at one point forced to work in prostitution, in the UK, by a man she referred to as her boyfriend. The adjudicator concluded that this was one of the reasons her story was incredible:

There is no evidence that she was forced into prostitution. She simply complied with her boyfriend's request to become a prostitute... She claims that she was beaten four times by her boyfriend during her second stay in the UK and yet she chose not to go to the police<sup>145</sup>.

**Mira, Albania: Adjudication**

Where women's cases were found incredible in this research, as with the adjudicator in Mira's case, women were considered, by adjudicators, and by the UK Home Office, to have more agency in situations involving "boyfriends" or partners and, therefore, their accounts were not believed to be consistent with a trafficking situation. By contrast where organised crime groups were involved in a woman's trafficking account the woman's account were often considered more believable. This has parallels with the 'popular' or dominant sexual trafficking story as described in Chapter One. This is illustrated by Olivia's asylum case which was lost at her first appeal and then afterwards at the second appeal: at an Immigration Asylum Tribunal. The adjudicators involved did not believe Olivia had been trafficked, as there were no references to large-scale organised crime groups in her story:

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<sup>144</sup> As with the category prostitute, who has historically been viewed in British law sometimes as a vulnerable victim in need of protection and at other times as a criminal and polluting agent in need of control (Self 2003, among others).

<sup>145</sup> Which is reminiscent of the reception of women's stories of "battering" legal cases where women's inaction by not leaving a domestic violence situation is questioned (Schneider 2000).

It was put that as a trafficked woman she would carry a stigma on return to Romania and would be particularly vulnerable. We cannot see how the experiences she had in the United Kingdom could possibly lead to that being a tenable argument. It is questionable whether she had been trafficked at all. She left Italy entirely of her own free will, according to her to meet X in the hopes of making some sort of relationship with him. These hopes quickly evaporated and she found out he was much more of an unpleasant character than she had hitherto suspected. The behaviour of X and what actually occurred to the claimant does not smack to us of large scale organised trafficking or anything like it... Although there is mention of sexual intercourse in which she is not a fully consenting partner there is nothing in her statement about being raped<sup>146</sup> or beaten, let alone being subject to horrific violence.

**Olivia, Romania: IAT Determination**

Sometimes the actions of the trafficker(s) are questioned by the Home Office, and where trafficker(s) have acted contrary to their perceived role as persecutors, doubts have been raised, by the Home Office, about the authenticity of a woman's account. Olivia described in her account, how her trafficker had threatened her with violence, had thrown things at her and been verbally abusive, but she states that he didn't actually hit her at any stage. This has perhaps led the adjudicator, in this determination, to not consider that Olivia's story is a "sexual trafficking story" as extremities of violence were not involved<sup>147</sup>. In addition Olivia was forced into prostitution, according to her account, by one individual already known to her whom she owed money to due to her migration to the UK, rather than by an organised criminal gang described in some of the other women's account and in the dominant or "popular" or dominant sexual trafficking story described in Chapter One.

Another of the women whose story did not "fit" was Evangelina, who was trafficked while in the UK on a temporary visa. Evangelina's story was refused at the written stage of application with no leave to appeal, as her story did not "fit" into a typical "sexual trafficking story". Most conceptualisations of sexual trafficking involve the movement of women between national borders, whereas women (including local women) may be vulnerable to similar abuses within UK national borders.

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<sup>146</sup> It is unclear in the adjudicator's reasoning what difference he considers there to be between "sexual intercourse in which she is not a fully consenting partner" and "rape".

<sup>147</sup> Also, Kelly and Regan have argued that "The law plays a central role in constructing "what counts" as crime and in the case of sexual violence (unlike for example, public order offences) it focuses almost entirely on extremes, thereby discounting many women's experiences. Thus only a proportion of women's complaints are seen as legitimate, according to the law" (Kelly and Radford 1996: 21).

*The Private/Public Binary*

Also contrary to the typical or dominant sexual trafficking story is Adeola's account of her experiences. Adeola's story and experience took place in private spaces not commonly associated with the popular imagination of sexual trafficking, as outlined in Chapter One. Adeola's account was situated in one household where she was trafficked for domestic purposes, but where one man also subjected her to sexual violence and other abuses. Adeola's story differed from the other women's stories in one principle respect, and this is that her experiences took place primarily in a private "family" spaces. Many feminist writers have explored the link between "public" justice and women's "private" experiences (Pateman 1988; Lacey 1993; Fineman & Mykitiuk 1994; Duncan 1996; Boyd 1997; Walby 1997).

Lacey argues:

The ideology of the public/private dichotomy allows government to clean its hands of any responsibility for the state of the 'private world and depoliticises the disadvantages which inevitably spill over the alleged divide by affecting the position of the 'privately' disadvantaged in the public world (Lacey 1993: 97).

Feminist writers have frequently argued that the divide of the public and the private often has detrimental effects on women where they seek redress for injuries committed against them in the private domestic sphere (Graycar & Morgan 1990; Duncan 1996). It has been also argued in the literature that the distinction between the public and the private has the effect of marginalizing groups or experiences by legally confining experiences to one sphere or the other, where the law does not legislate over experiences in the private sphere, a situation which adversely affects women's access to legal redress (see for example Schneider 1994; Duncan 1996). In my analysis of the asylum records, in 2001-2005 at least<sup>148</sup>, it appears that the British asylum system understands trafficking situations to take place in prostitution, which the law has often regulated, as opposed to other apparently "private" actions involved in (hetero) sexual practises. In these conditions the sexual violence committed against Adeola in a private domestic space, is therefore likely to be, and was, seen as incongruent with a recognisable trafficking narrative (see Table Three, p140).

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<sup>148</sup> This situation may be different now as other forms of trafficking are becoming increasingly the focus of international and national agendas- see Chapter Two, pp17-20.

In addition, the majority of cases, which the legal professionals interviewed for this thesis had dealt with, were sexual trafficking cases as oppose to trafficking for other purposes<sup>149</sup>.

During my fieldwork, I hoped to compare asylum applications involving sexual trafficking cases and other trafficking cases. However, when I approached Asylum Aid for case files on trafficking cases which involved forms of exploitation other than sexual trafficking, I was informed that Asylum Aid did not have any such records, as they would not encourage someone trafficked for non-sexual purposes to apply for asylum in the UK, due to the unlikelihood of a successful outcome. Many of the legal professionals I interviewed also indicated that sexual trafficking cases were a lot easier to present to the Home Office, as they were much more likely to be considered as credible by the Home Office, because the sexual trafficking account was the story most recognised as a legitimate trafficking experience by the UK asylum system. As Susan commented:

Its quite a complex issue but certainly the arguments are easier if, if say you can say that someone's been caught up in the sex industry against their will, then it's very clear they have been abused. I would say a similar abuse exists in any form of bonded labour and in a way it's irrelevant how they were caught up, entrapped into the sex industry, or trapped into the cockle picking industry, it doesn't really matter but I think it's harder to make those arguments to the Home Office.

**Susan, Solicitor: Interview with AJ**

One of the solicitors suggested that cases of trafficking for non-sexual purposes were not coming through the immigration system as they were tied up in the British criminal and immigration system, and this solicitor considered these people to be the “invisible victims” of trafficking into the UK.

*Certainly from the work we have done with prisons there are kind of invisible victims of trafficking, generally from China for instance, who are not trafficked for prostitution. They are trafficked for labour and they're a lot more invisible... People seem to be turning a blind eye to the Chinese women held for labour.*

**Anne: Solicitor: Interview with AJ**

Both Adeola and Augustina were trafficked for purposes other than prostitution, Adeola principally for domestic labour and Augustina for other labour purposes, but both spoke of

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<sup>149</sup> Also, there have been no prosecution of traffickers for any trafficking purposes other than prostitution since the introduction of measures to criminalize human trafficking in the UK to date (Gilbert 2005).

sexual violence in their accounts. Although it is impossible to generalise from just two accounts of trafficking and impossible to predict how far Adeola's and Augustina's experiences reflect other women's experiences of trafficking for non sexual purposes, it does seem likely that gender and women's bodies play a significant role in constructing the experiences of all trafficked women, whether they are trafficked for the purposes of prostitution or not. This raises two questions: how far are other migrant women's experiences outside of the "sexual trafficking story" hidden and how far are similar experiences, including sexual violence, involved in other trafficking stories, where women are trafficked for other purposes other than prostitution?

#### *Appearances*

The physical appearance of women in asylum cases may have also been a factor that affected believability, especially in the asylum courts where women had to give evidence and physically tell their stories<sup>150</sup>. In my analysis of the asylum cases it was difficult to assess the effect of a woman's appearance or age on an asylum determination, as these judgements were not recorded in the written accounts relating to the asylum process. This does not however mean that they are not a potentially important factor in the decision-making process. I am only here able to recount the effect of age and appearance through the impressions of legal professionals who have worked on trafficked women's asylum cases.

The legal professionals whom I interviewed often discussed how the appearance of the women in the asylum courts might affect their credibility. In terms of age<sup>151</sup> and appearance, a number of the legal professionals talked about how youth and appearances (see also Bumiller 2001) could be a factor when adjudicators/judges are assessing the credibility of trafficked women's asylum claims. For example as Beth, a solicitor, stated:

*I guess that line where you're essentially talking about congruence with what you expect a trafficking victim to be like and if the young woman is very different from that, either in the sense of being angry or assertive or very pretty or you know, or even very unattractive, so a whole lot of things might be seen as being incongruent and that feeds into whether*

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<sup>150</sup> Spijkerboer argues that in the Dutch asylum system the right amount of visible emotion is necessary to be considered credible. Too little and the applicant is considered to not be telling the truth; too much and the applicant is suspected of play acting (Spijkerboer 2000).

<sup>151</sup> In Gilbert's analysis of the prosecution of traffickers in the UK's criminal courts, harsher sentences were based upon the age of the victims/ survivors: the younger the victims/ survivors involved: the harsher the sentence reached by the prosecution courts (Gilbert 2006).

*they are believed.*

**Beth, Barrister: Interview with AJ**

Also one of the barristers, Angela, described Mira's asylum case and compared the reception of Mira's account of her experiences (explored elsewhere in this chapter and in the thesis) to another trafficked woman's account:

*[I had] one case which had a huge problem with credibility because there was a real doubt whether she had consented or not, she was older<sup>152</sup> and she came across as much harder and what they did, it was an extraordinary determination, they actually disbelieved her completely on her account but they gave her asylum at her appeal on the grounds that going by on the programme<sup>153</sup> she had exposed herself to risk, when actually it could have been anyone's story and it was quite graphic: her story. Whereas actually they believed the other women who had a much weaker story but then she was much, much younger.*

**Angela, Barrister: Interview with AJ**

Another of the barristers described how in the trafficking cases she had represented, which involved young adults, judges tended to be less sympathetic if the applicant did not fit the image of a victim by maintaining a degree of innocence:

*(They) often get a very negative view of the young woman and they consistently say in their cases that these girls are rather too knowing and too adult and so there is a reluctance to see them as victims because they are too worldly for their age*

**Beth, Barrister: Interview with AJ**

Other elements in the women's accounts, especially those which are related to illegal activities, could be seen as incongruous as these may not be considered to be compatible with the "innocent trafficking victim". Cari, for example, explained in her statement to the Home Office how her addiction to drugs gave her little room for agency within the trafficking situation:

Initially if you wanted to try drugs, you did not need to pay for them. When you became addicted to them, you had to pay with either your body or with money. There were days that I could not wake up. My mind was not

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<sup>152</sup> Mira was 22 years old when giving evidence in the asylum courts.

<sup>153</sup> This is a reference to Mira exiting the trafficking situation with the assistance of a television documentary team.

there. I became addicted to it.

**Cari, Turkey: Statement to the Home Office**

Rather than this being recognised as an element commonly found in trafficking stories, this was viewed by the immigration adjudicator as casting doubt upon her credibility:

I find that after her arrival in the United Kingdom the appellant was involved in sexual liaisons with other men and may have even been sexually abused by one man but it impossible to say exactly what happened because of her practice of taking alcohol and class B controlled drugs

**Cari, Turkey: Adjudication**

In much of the literature on prostitution in the UK, drugs as a controlling and coercive factor is a common element (For example see Epele 2003; May and Hunter 2006), however here this is seen as incongruent with women's trafficking experiences and appears to cast women as unreliable witnesses of their own experience in the British asylum appeal courts.

*The Category 'Refugee'*

In addition, parts of the women's accounts (and as explored in Chapter Six) are inconsistent with the dominant story of a refugee. Spijkerboer (2000) argues that in European asylum systems economic migration is seen as opposite to politically necessary migration, so choosing to migrate for economic reasons, as many of the women in this study did, is usually not seen as coherent with refugee status. Trafficking is outside of traditional understandings of a refugee, as the trafficking accounts often involved economic push factors, and many of the women left home as economic migrants in the first instance. This appeared to be a factor in Sriyani's failed appeal where the presiding adjudicator/ judge did not view Sriyani as a victim/survivor of sexual trafficking, but as an economic or "illegal" migrant:

I find her removal has the legitimate aim of proper immigration control. I consider the Appellant arrived in the United Kingdom for economic

motives. I find her removal is necessary to deter her and others.

**Sriyani, Sierra Leone: Adjudication**

Again, as argued elsewhere in the thesis, the categories of “illegal immigrant” and “trafficked woman” are interacting to prevent women from accessing services in the UK context.

**The Future?**

Some of the legal professionals interviewed for this thesis raised concerns about the sudden prevalence of trafficking/ asylum cases and were concerned that the focus on “trafficking victims” was having a detrimental effect on other asylum cases, which by comparison are not deemed as worthy of help and assistance. For example as Beth commented:

*I think it's difficult for clients sometimes because if they have been trafficked then all well and good but if they haven't then why aren't you taking me seriously with what I'm telling you, you are trying to think of some other account why I'm here. At the time I think and a lot of my colleagues felt a degree of concern that trafficked women, it was like trafficked women: good women and this other lot, asylum seeking scroungers, characterised as bad by the press and we can separate this trafficked woman out... and they are victims and that's wonderful, we can patronise them as victims and that made me quite cross... it was quite divisibly a good thing in a bad way.*

**Beth, Barrister: Interview with AJ**

The legal professionals interviewed for this thesis also occasionally expressed concern that trafficking was at other times was considered by the authorities to be a “bandwagon” to circumvent the UK asylum system.

*Well as I say the most recent adjudicator we had on our case work with the woman who had been trafficked bent over backwards but he did it in such a way that it felt more like an accusation than he was trying to help her and I think that for a certain length of time that adjudicators thought there was a bandwagon that women were jumping onto and saying that they were trafficked and trying to get asylum that way... I think initially there was a feeling that trafficking was a way to circumvent the system*

**Kate, Solicitor: Interview with AJ**

*I will say that with that particular judge, the publicity about trafficking just confirmed in him that we were at risk of a tide of hostages and so he just didn't want to hear about it.*

**Beth, Barrister: Interview with AJ**

This has also been evident in the government's apparent concerns over signing the European Convention Against Trafficking in Human Beings:

We are concerned about one aspect of the convention- the automatic reflection period may be a pull factor in respect of immigration.

**Meg Munn, (House of Commons, Hansard, 26<sup>th</sup> March 2006)**

People will claim to be victims of human trafficking when they are not, they'll use it as a way of extending time here... We've been very clear over recent months and years to differentiate between those people who genuinely seek asylum and those people who come here for other purposes, we don't want to undermine that.

**Paul Goggins, Home Office minister, speaking to the BBC. (quoted in Justice 2006: 3)**

Meg Munn and Paul Goggins, both Labour MPs, are here expressing the UK governments' concerns about signing the European Convention on the Human Trafficking, which would allow an automatic reflection period to remain in the UK, for those identified as "trafficking victims". The Labour government's objections to the Convention were based principally on a concern over undocumented migrants using the Convention as a way of circumventing the asylum process, by falsely claiming to be human trafficking victims.

The relationship between the "trafficking victim" and the "bogus asylum seeker" or "illegal migrant" is one which is unlikely be resolved easily (as explored throughout Chapter Five). Although it is impossible to predict the future effect of this relationship in the asylum courts, one of the barristers expressed the opinion that any positive effects, in terms of women being granted asylum and/or humanitarian protection, would be temporary as the trafficking narrative becomes recognised, and she predicted that there might be a time where trafficking may become "just another story":

*My only concern is that... there is a very limited window of opportunity before the judges stop being sympathetic, going from not really understanding it and not wanting to touch it to being a bit more sympathetic and cases being allowed through, to: oh no! not another trafficking victim, whose spinning this story again? So I think it's a really fine line, I think the more people you get, putting forward trafficking claims the harder its actually going to be because people will just think its another story, which is difficult.*

**Anne, Solicitor: Interview with AJ**

During my time at the Poppy Project, I also observed, that as the stories of women became familiar to the project workers, they became, to some project workers, as a result, less believable. In a conversation I had with one of the project workers about the women "rescued" in the Birmingham Brothel Raid, she expressed the opinion that the story the woman had told seemed almost too familiar to be a true account of that woman's experiences. It seemed, to

her, to be too much of a set trafficking story to be a “true” account. As Plummer has earlier argued of rape stories:

For some, the stories will go on unfolding but they will be of little consequence. There is an excess of frenzied story telling which in fact now signifies nothing. A spectacle that makes no difference. There has been a story-telling overload: and as a parade of stories pass before us every day on Oprah and Donahue, in cheap paperbacks and sensational tabloids... they count as nothing. Mild amusement, mild diversion; here today, gone tomorrow. If this is so, its does not augur well for the modernist stories of rape. (Plummer 1995: 78)

### **Conclusion**

Taking into consideration my analysis of trafficked women’s asylum applications and the experiences of legal professionals who have worked on trafficked women’s asylum applications, it seems that while trafficking has become more recognised, the effect on trafficking victim’s/ survivor’s position within the asylum process has been diverse. On the one hand, some asylum cases based on trafficking have had more positive outcomes, especially, and perhaps because of, being from within the Poppy Project. The rise of trafficking as a social problem has had a positive effect for many of the women in my research with regards to their access to help and services, both through the Poppy Project and within the asylum system, by making visible the problem and allowing the social and political space for such stories to be told, heard and believed. On the other hand, as a particular trafficking story is frequently told, heard and considered credible, stories, or elements of stories, that do not “fit” are less likely to be considered credible. Furthermore, it is also possible that as the story becomes more recognised it may become less believable, as it becomes almost commonplace in its narration. Therefore, as I have argued of social and public policy elsewhere in the thesis, it is only if a spectrum of stories and experiences can be given discursive space within the British asylum system that all migrant women harmed in the sex industry will be enabled to seek protection through the asylum process. In the final chapter, I will consider the more recent stories being told about sexual trafficking, which relate to the period after my fieldwork (which ended in November 2005) to the time of concluding this thesis (in December 2007).

## Chapter Eight: Conclusion

Since I have been in a place of safety, I feel like I have been born again. I have been able to get an education and learn about how things really are. I used to think prostitution was the only life I would ever have. I did not trust anyone, and it was worst with men.... I know that I have been damaged by men. But now, I feel stronger in myself and think I am learning to cope with things. My confidence has been coming back and growing stronger, I can now think about the future without getting depressed. I feel I have a life to look forward to. I would like to stay in this country, get married and have a family. I feel safe and all I ask is please let me stay in this country.

**Zara, Albania: Statement to the Home Office**

When I have read of the discursive implications of sexual trafficking as conceived by various writers, and of the negative effects that this discourse is often believed to have upon many women working in prostitution and upon migrating women (see for instance, Adams 2003; McDonald 2004; Sharma 2005; Agustin 2007; GAATW 2007; Weitzer 2007, see also Chapter Two), I have been drawn back time and again to the above quote from Zara's Statement to the Home Office, taken while she was being assisted by the Poppy Project and shortly before she was granted asylum and humanitarian protection to remain in the UK. I have also listened to the four women I interviewed discuss their happiness at having been assisted by the Poppy Project and of being granted asylum, all of which is arguably a product of the same "sexual trafficking discourse" described in other studies. The "sexual trafficking discourse" has often had for the women in this study a positive effect upon their access to services, including asylum, in the UK.

This is not to argue that the "sexual trafficking discourse" does not have different (sometimes negative) impacts upon different groups, but to concede that some impact(s) may be positive as well as negative (Plummer 1995). The findings in this thesis do not contradict the findings of these other writers, where impacts have been found to be negative (as above), but offer a different perspective of the effects of the same discourse, drawing upon the experiences of twenty-three women, many of who have been women in prostitution, and all of who have been migrant women (as have the women in many of the above studies). From this, I would conclude, that sexual trafficking, migration and prostitution each involve a continuum of experience(s) involving different people, at different times and in different circumstances. This thesis has aimed to explore the effect of the emerging dominant story, or what I have referred

to elsewhere as a “popular” story, of sexual trafficking, and the effect that this has had upon twenty-three trafficking victims/survivors access to help and services in the UK context.

Furthermore as I suggested at the outset of this thesis, the findings presented here have implications for social and public policies concerning both trafficking and prostitution. Social and public policy, as I have shown, is frequently dictated by the “story” of the moment, whereas I have argued, women’s experiences within trafficking situations and of prostitution are multifarious and can be placed on a continuum. Social and public policies which concentrate on one “story” as opposed to the range of stories that could be told will therefore always fail to represent and protect the interests of all women concerned. One of the principal findings of this thesis is that current policy and legislation which aims to assist women in trafficking situations or legislate prostitution, needs to be adaptable to different experiences and differing social contexts. For, as I have shown, one dimensional policy frequently can create difficulties for women who don’t fit the “dominant story” of the time, and can negatively affect their access to the help and services they need.

Trafficked women’s journeys towards help and services in the UK, as analysed in this thesis, have not always been recalled as easy and unhindered. On the contrary, as I have shown, these women have often occupied difficult and tenuous positions, viewed at times as victims/survivors of trafficking situations and at other times as “prostitutes”, “illegal immigrants” or “asylum seekers”, with all of the negative associated connotations and difficulties therein.

This thesis has highlighted the relationship between illegal immigration status and sexual trafficking and has found that a lack of citizenship status can act as another factor within trafficked women’s lives if they attempt to exercise agency within sexual trafficking situations. Immigration status has acted in some women’s stories in ways that have limited their agency within trafficking situations, prevented their exit from trafficking situations, and narrowed their occupational choices after exiting trafficking situations. As explored in Chapter Five, a number of women recounted working in prostitution for their traffickers and/or after exiting trafficking situations as they believed they had no choice due to their immigration status.

From my analysis of the data, it seems that in interactions between the women and the authorities, women are labelled and treated as “illegal immigrant” and/or “asylum seekers” or

as “trafficked women”, at different points in their accounts. As all of the women in this study are at one stage recognised as trafficking victims/survivors, the question is why were the trafficked women’s accounts of their experiences heard and considered credible by police officers and immigration officials in some encounters but not in others. As I have shown, sometimes the women said they didn’t feel able to speak about their experiences, and at other times they have described how they believed that no one was listening to them. Furthermore, I have shown, and as O’Connell Davidson (2006) has argued elsewhere, that in the UK context a particular story is seen to be emerging as a legitimate account of sexual trafficking by immigration officers, the police and the asylum system, and that often the threshold of ‘victimhood’ is quite high when women tell their stories to these authorities (so those that “fit” the current story become considered as “trafficking victims”). Also, I have argued how stories or ‘popular’ stories of sexual trafficking may have influenced decision-making processes in the UK asylum system, regarding trafficked women’s claims for asylum.

This research is also relevant to, and reflective of, existing feminist knowledge on the reception of female sexualities and the category “prostitute” within British law. Historically, the “prostitute” has been frequently criminalized and subject to constant control and legislation (Self 2003). The “prostitute” has been pitted against the “respectable woman” in these discourses, and in many legal decisions (Kennedy 1994; Kantola and Squires 2002; Self 2006). As Kennedy argues:

This distinction, between respectable women and the others, whose lives seem to have a different value, is made repeatedly in the press, by the police and in court. One of the most prevalent kinds of serial murder is indeed that of the prostitute; she especially represents the myth of Eve, of woman as responsible for male concupiscence and carnality (Kennedy 1993: 149).

I have explored in this thesis how “sexual trafficking victims” stories were received in the British asylum system, at different times, and have argued that some of the “sexual trafficking” accounts retold in this thesis are perhaps granted asylum and access to services on the basis that they “fit” an ideal of the female “trafficking victim”. I have argued that the reception of women’s accounts as “good victims” often reflects other related feminist arguments relating to female sexuality and prostitution within other areas of the law (for example as in Mackinnon 1983; Kelly and Radford 1996; Lees 1996a 1996b; Kennedy 2004; Stanko 2007).

The success of (some) trafficked women's asylum claims in the British asylum courts does not, I would argue, indicate a break away from the gendered construction of British asylum law<sup>154</sup>, but is a reflection of that construction. Spikkerboer (2000) has argued of the Dutch asylum system, that where women from the developing world are conceptualised as victims, especially of sexual violence, this confirms legal constructions of gender and ethnicity within asylum law, and in these circumstances women asylum claims are more likely to be successful. The successful asylum claims of many of the women in this study do not, I would argue, disrupt the binary of the "prostitute" and the "respectable woman", but rather act to confirm this binary. For the women in this study to be granted asylum, and indeed for them to have been earlier identified by other groups as "sexual trafficking victims" these women have often had to be understood as "respectable women", who have been victimised through their experiences as trafficked persons<sup>155</sup>, as it is often only through "victimhood" and extreme tales of force and violence that is a woman considered to be a credible teller of a "trafficking story" (O'Connell Davidson 2006). In addition, I have explored how the victim/perpetrator binary is also often unchallenged in the consideration of trafficked women's asylum claims; where sexual trafficking and sexual violence are frequently believed to involve certain types of perpetrators as well as victims (see also for instance similar arguments in Richardson and May 1999).

Again, I would argue that all of this is located in the power of stories, where which stories can be told, and which cannot is socially and politically situated. I have explored throughout this thesis where and how stories about "illegal immigrants", "asylum seekers" and "prostitutes" intersect and interact with stories about "trafficking victims/survivors". This research has also focused on how trafficking stories have interacted, supported and/ or contradicted each other and who has had the power to tell at different times, in different contexts. As Ken Plummer

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<sup>154</sup> See for instance Camus-Jaques 1990; Castel 1992; Forbes Martin 1992; Tuitt 1996; Spijkerboer 2000; Alexander, Bland, Alldred 2003; Cenada 2003; RWRP 2003; Treacher, Coombes and Reed 2003; Cenada 2004.

<sup>155</sup> Also Gilbert notes in his study of the prosecution of trafficker(s) in the UK, sentences for trafficker(s) were harsher depending upon the degree to which the victim had 'consented' to the exploitation. Therefore the exploitation of a woman who knew she would working in prostitution appears to be considered less severe than the exploitation of a woman who knew nothing of the type of work she would be engaged in sentencing trafficker(s). More severe sentences were also meted out to trafficker(s) the younger the victims/survivors were and the larger in scale the criminal enterprise involved. (Gilbert 2006). This is similar to Kennedy's observations where crimes committed against the persons of prostitutes are not seen as serious as those committed against the person of "real" and "respectable" women (Kennedy 1993).

has argued all stories have a moment. The act of being able to tell a story and to have a receptive audience for that story is political, and each stories “moment” develops within certain social and historical spaces (Plummer 1995, 2003), or as Plummer puts it: “for stories to flourish there must be social worlds waiting to hear” (Plummer 2003: 34). I would argue that the research conducted for this thesis has perhaps occurred within such a “moment” where (some) stories relating to violence against migrant women working in prostitution were vocalised, heard and acted upon, and were (re)produced by ‘popular’ media representations. It is also possible (as argued in the previous chapter) that this moment may be a transient one, as changes in the conceptualisation(s) of sexual trafficking are ongoing.

As I stated at the outset of this thesis, this research has taken place within a fast changing policy and research context. The findings presented in this thesis are of a particular social and historical moment, a moment that has possibly already passed, as the stories represented in this thesis relate to sexual trafficking experiences from 1995 to 2005, and encounters with UK immigration, the police and the asylum system described here have occurred within this timeframe. Since completing my fieldwork towards the end of 2005, there have been a number of developments in the UK context relating to sexual trafficking, and these developments are ongoing and evolving. This includes the implementation of the Council of Europe Convention on Action Against Trafficking in Human Beings (Council of Europe 2005), which will happen in the next few years, the setting up of the UK Human Trafficking Centre (in October 2006) and the effect of the UK Action Plan on Tackling Human Trafficking (Home Office, March 2007). Policy developments in the UK have reflected the wider telling of new stories about trafficking and migration as explored above. These policy developments often use new and emerging terminology and discourse relating to “modern slavery”. In these evolving dialogues, stories relating to sexual trafficking, human trafficking and migration are interacting, informing and challenging one another and thereby are involved in a process where the boundaries of understanding are being critiqued and (re)created. Therefore, if I were to conduct this study now, in 2007/8, I would perhaps discover a very different research context.

However, these developments do not mark any sudden disparity with the past. In fact, their implementation is more likely to be a continuation of past discursive practises and knowledge(s) around sexual trafficking. For example, in terms of accessing permanent citizenship rights in the UK, the European Convention only goes so far as to offer a “recovery

and reflection period of at least 30 days<sup>156</sup> when there are reasonable grounds to believe that a person concerned is a victim of trafficking” (European Convention: 12), which is no advance upon the provision for victims/survivors already in place through the Poppy Project. Access to long-term human rights protection and/or asylum for trafficking victims/survivors in the UK will presumably therefore remain within the lottery of the British asylum system (see Chapters Six and Seven).

Moreover, under the new provisions, it will frequently remain the responsibility of UK police officers and/or immigration officials to identify “victims of trafficking”, which as I have shown is frequently tied up with dominant discursive representations of “sexual trafficking” and “victimhood”. In the definitions of “sexual trafficking” in UK Action Plan on Tackling Human Trafficking these dominant discursive representations remain evident, and as a result the telling of “sexual trafficking” stories to the authorities is likely to stay within the limited discursive domains described in this thesis. Additionally, the UK Action Plan on Tackling Human Trafficking reflects the more recent emergent trend of conflating “sexual trafficking” with other forms of “human trafficking”, under the umbrella term of “modern slavery”, which may arguably act to silence gendered and sexualised experience(s) within discourses on “human trafficking”, while at the same time perhaps incorporating more diversified experience(s) of migrant labour exploitation. The “moment” of the telling of the dominant “sexual trafficking story”, as described in this thesis, is possibly over, as other experiences of migration and labour exploitation are increasingly explored and more widely spoken about<sup>157</sup>. However, it remains yet to be seen how exactly the telling of these other stories will interact with and/or affect the telling of sexual trafficking stories, and it is impossible for me to predict this here. As Plummer argues:

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<sup>156</sup> According to the convention “Such a period shall be sufficient for a person to recover and escape the influence of traffickers and/or take an informed decision on cooperating with the competent authorities” Whereas Zimmerman et al (2006) recommended at least 90 days in their study based on the health consequences of sexual trafficking, also see arguments elsewhere in this thesis about the difficulties involved in the disclosure of sexual trafficking experiences.

<sup>157</sup> For instance, the telling of other trafficking stories is evident in Mende Nazer’s autobiography “Slave” (2004), in which she recounts her experiences of being “sold” as a “slave” to work in domestic service in the UK. See also the accounts of other forms of “modern slavery” in Bales 2000 and Gupta 2007, which are told alongside sexual trafficking accounts. Also the recent drama/ documentary “Ghosts” by Nick Broomfield (2007), in which the stories of the Chinese undocumented migrants, who were killed on Morecambe Bay, while working in the Cackle Picking industry, were depicted.

For with every new story there is a rival old one. Indeed, traditional and largely authoritarian stories of the past are placed severely under threat from a multiplicity of conflicting voices. Will one drown the other out? Can they co-exist, and if so how? (Plummer 1993: 39).

I am aware of a number of limitations of the findings in this thesis, which have mainly evolved from my experiences accessing the research field (see Chapter Three). I have become aware throughout my research that the identification of who has been trafficked, and who has not, by the Poppy Project, and other groups, often relies upon discursive understanding(s) of what sexual trafficking, prostitution and sexuality comprise. Ideally, I would have liked to compare the reception of other trafficking stories with the ones retold in this thesis. The stories retold in this thesis frequently reflect the dominant sexual trafficking story, which I have been attempting to critique, however, I was unable to access any other stories or consider their reception in the British asylum system or in encounters with the UK authorities, other than through the experience(s) of the legal professionals I interviewed. As I explored in Chapter Three, this was inevitable given the issues of access involved a study of sexual trafficking. As one barrister, Angela, commented about my research:

*You see, I think it's difficult, you are only seeing the Poppy Project, it's such a small sample and they are treated completely differently. I don't think the others are treated badly if they get to one of the solicitors that deal with trafficking cases. But I suspect that in other cases no-one identifies them as trafficking. Or if they identify them, they don't really get the necessary evidence because, I mean, given the thousands we know are in London there are very few of them which get asylum.*

**Angela, Barrister: Interview with AJ**

This observation of trafficking cases in the asylum system is similar to O'Connell Davidson's (2006) observations of the current situation regarding sexual trafficking in the UK. She argues that despite there being apparently and reportedly a high number of sexual trafficking victims/survivors in the UK, very few of this number appear to be identified, helped or assisted in the UK context. I would argue that this is either due to an exaggeration of the extent of the problem, or due to the complex interaction inherent in the processes whereby victims/survivors are identified. This thesis has aimed to explore the complexities of the latter, but is unable to give an answer to the former, as the study is small scale and exploratory in nature. What I can conclude, however, is that the identification of sexual trafficking victims/ survivors, by the UK authorities, takes place within a complex and interacting array of discursive understandings, related to trafficking, prostitution, sexuality, gender, ethnicity,

migration, and understandings of agency and “victimhood” therein. This thesis has reflected these processes, as have the stories retold within it.

Despite these limitations, and in part due to them (see Chapter Three, p53-54), this research hopes to add to knowledge about the issues involved in the debates around sexual trafficking and/or migrant women’s experiences of migrating and in prostitution. To date, as I explored in Chapter Two, there are still very few studies in the UK, which empirically engage with the stories of sexual trafficking victims/ survivors. Much of the existing research on trafficking to the UK is based upon professionals impressions of the trafficking situation in the UK (Kelly and Regan 2000; ECPAT 2001, 2004), or literature reviews of what is already known (Craig et al 2007). Therefore one of the major contributions of this research is in providing original empirical findings, relating to sexual trafficking experiences in the UK. However, research with those identified as sexual trafficking victims/ survivors in the UK is often limited to research conducted by the Poppy Project (2004a; 2004b; 2006; 2008), or through the accounts of women who have been assisted by the Poppy Project in other studies (Zimmerman et al 2006<sup>158</sup>), and this study does not depart from that trend. Explorations of sexual trafficking in the UK tend to rely upon a limited number of women’s accounts accessed through the Poppy Project<sup>159</sup>. It is difficult to say how far these research studies, including my own, reflect wider experiences of women’s migration, or of women’s experiences in prostitution.

This thesis is reflective of the research context in which it has been conducted. My access to some stories but not others has perhaps been due to the present domination of one story over other related stories and representations, and as a result this research has raised particular methodological and ethical insights. The experiences of women in this thesis may also, however, be reflective, to a lesser or greater degree, of other women’s experiences in prostitution and/or of migration. I am here hesitant to predict the definitive likelihood of either, but I am willing to predict the partial likelihood of both. I believe that wider research is needed to empirically explore the continuum of women’s experience(s) of prostitution and/or migration, or as Jyoti Sanghera (1997: 2) puts it, to explore “the multitudinous shades of grey which stretch out extensively across the black and white”.

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<sup>158</sup> In Zimmerman et al’s study some of the women interviewed were accessed through the Poppy Project, but some were also identified and interviewed outside of the UK.

<sup>159</sup> Therefore to date upon the accounts of a maximum of 107 women, who have been assisted since the Project’s set up in March 2003 to August 2007.

In conclusion, I would argue, that this thesis has emerged within a sociological ‘moment’ and within a fast changing policy landscape. Its findings provide, albeit within the limitations outlined in this chapter, original and empirically grounded data relating to the trafficking of persons within the UK, which are of relevance to developing policy contexts and theoretical knowledge(s) relating to the sexual trafficking of women to and in the UK. Most importantly, this thesis offers a challenge to the current feminist theoretical polarisation on trafficking and prostitution, in which some feminist theorists have focused upon some stories over others, and thereby silenced other women’s stories in the process. The findings of this thesis suggest that feminist theory on trafficking and prostitution should move to a broader understanding of women’s experience(s) within trafficking and prostitution and accept the continuum of women’s experiences within these social contexts. For until it does, feminist theory and activism will frequently fail to represent the interests of the very women it aims to represent and support. The same arguments apply to developing social and public policies on these issues. For until social and public policy is able to recognise the continuum of trafficked women’s experience(s) it will also fail to act in all trafficked women’s interests.



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**Appendix One: Timeline of legislation relating to trafficking,  
immigration and asylum as discussed in the thesis**

Date	United Nations	Europe	United States	United Kingdom-Trafficking	United Kingdom-Immigration and Asylum
1999					Immigration and Asylum Act
2000	UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children		Trafficking Victims Protection Act  First US State Department Trafficking in Persons report (US TIP).		
2001					
2002				Nationality and Immigration Act	Nationality, Immigration and Asylum Act
2003				Sexual Offences Act	
2004				Asylum and Immigration (Treatment of Claimants) Act	Asylum and Immigration (Treatment of Claimants) Act
2005		European Convention Against Human Trafficking			Immigration, Nationality and Asylum Bill Act
2006				UKHTC developed	
2007				UK Action Plan on Tackling Human Trafficking  UK government ratifies European Convention of 2005.	

## Appendix Two: List of Organisations and Persons Contacted for Access to Trafficked Women

### Trafficking Research-UK

Name of organisation
Refugee Council/ Tina Puryear.
David Mason- Refugee Council/ Brit Council Also Rebecca Donoghue from the Brit Council
Anti Slavery/ Elaine Pearson
Prostitute Outreach Workers Programme, POW. Nottingham. Sonia Dowdie
University of Sussex- John Davies. PhD student.
West Sussex Local Gov. Lynne Chitty
Child & Women Abuse Studies Unit, North London Uni. cwasu@unl.ac.uk Julie Bindel & Liz Kelly
Change
Eaves Housing

### Trafficking Research- Elsewhere.

<b>Russia-</b> Institute of Non-Discriminative Gender Interrelations (INGI) Crisis Centre For Women.
<b>Italy-</b> TAMPET (Transnational AIDS/STD prevention among migrant prostitutes in Europe Project Associazione on the Road.
<b>Belgium-</b> Three shelters for Trafficked women PAG-ASA in Brussels; Surya in Wallona and Payoke in Flanders. All run by the Centre for Equal Opportunities and Opposition to Racism.
<b>Czech Republic-</b> La Strada
<b>Germany-</b> Ban-Ying
<b>Poland-</b> Association Zapo.
<b>Albania-</b> Counselling Centre for Women and Girls.
<b>Bosnia-</b> Association Lara.
<b>Ukraine-</b> La Strada- International Human Rights Centre.

**Appendix Three: Various correspondences relating to the to  
“Psychological Crisis Centre for Women in St Petersburg, Russia**

Dear Natalia Khodyreva,

I have been given your email address by my PhD supervisor at Newcastle University in the UK, Robin Humphrey. He contacted you a few weeks regarding my PhD topic. Thank you very much for agreeing to speak with me.

My intention is to conduct a sociological study on women that have been trafficked for the purposes of prostitution from Russia and Eastern Europe and into the UK. It would be interesting to know what type of work you are involved in St Petersburg with women that have been trafficked and which groups of women you deal with.

Thank you again for agreeing to talk to me and I look forward to your reply.

With Kind Regards

Alison Jobe

Dear Alison,

we have already run some projects against traffic and work with women who wish to go abroad and already deported.

please find short information about our project in attach. files.

Best wishes,

**INSTITUTE of NON-DISCRIMINATIVE GENDER  
INTERRELATIONS (INGI)/  
CRISIS CENTRE FOR WOMEN**

**registered as independent non-profit women's organisation in 1994  
192071, St.Petersburg, Russia, P.O. Box 72,  
fax 7-812-272-86-57, phone 7-812-327-3000  
e-mail crisis@online.ru, natasha@women.spb.su**

The **mission** of our organisation is creation of safe world for all women, struggle against discrimination and violence over women, enhancement of public awareness in this sphere with a view to develop gender equal relationship.

The **Crisis Centre for Women** took its origin from the idea of rendering psychological help to women, which happened in 1988. **One of the first** practical steps of our women-psychologists was participation in setting up a facility within the municipal teenager support service that was aimed to help to the victims of sexual assault (autumn 1991). Upon completion of the first year of work we collected some statistical data showing that 93% of the victims were women. We held one of the first academic conferences “Psychology and Women's Problems” in Leningrad State University. In 1992 – 1995 we took part in the formation and activities of Petersburg

Women's Centre, Petersburg Centre of Gender Issues; in the first months of the work of "Woman in Danger" shelter we consulted the clients on telephone hot-line.

Dear Natalia,

Thank you very much for your reply to our enquiry.

With regards to my research, I am hoping to talk to women who have experienced some form of human trafficking. I fully appreciate the ethical considerations and practical difficulties in meeting women who have been subjected to this experience, and I would therefore approach contacting and talking to these women with great care and sensitivity. I am at present establishing links in the UK that will, hopefully, enable me to talk with women who have been trafficked to this country, and I would like very much to ask if it would be possible to work with you and your organisation to make contact with women who have been trafficked from or to Russia.

My PhD studentship is supervised by Professor Diane Richardson, an authority on gender issues in sociology, and Dr Robin Humphrey, who is experienced in biographical research. The studentship is funded by the British social research council (the Economic and Social Research Council), and they could fund a field trip to Russia and pay for any translation costs. I could also attempt to learn the rudiments of Russian before any visit, although I expect not to get become too fluent in a short period of time!

Many thanks once again, and I look forward to hearing from you.

With best wishes

Alison Jobe

PhD student, Sociology and Social Policy,  
School of Geography, Politics and Sociology,  
University of Newcastle upon Tyne, NE1 7RU  
UK

**Appendix Four: List of data in the trafficked women's asylum case files.**

Name	Data in Asylum Case File
Sriyani	Undated application including interview Solicitor's letter to Sriyani Home Office Refusal Letter Notice of Appeal Appeal Letter Adjudication Statement of support Worker (From Eaves Housing for Women) Application to appeal Tribunal Application to appeal to tribunal- grounds Tribunal skeleton argument Solicitors Letter Solicitors letter to Police Immigration Asylum Tribunal Finding Immigration Asylum Tribunal Determination Home Office Letter (in which she was granted humanitarian protection) Solicitor's letter to Immigration Appellate Authority <b>Evidence used in Asylum Case</b> US State Department Trafficking in Persons report 2004
Akanke	Statement of Evidence Form Solicitor's letter Home office refusal letter Solicitor's Letter Solicitor's Letter Appeal statement Solicitor's letter Psychiatric report Expert opinion document Adjudication Additional bundle <b>Evidence Used in Asylum Claim</b> US State Department TIP Nigeria country reports West Africa report All Africa article Women Trafficking: Nigeria on US watch list Economist article BBC News article Amnesty report Nigeria on Human traffic, human rights Human traffic article BBC Article Stop Traffic Case study UNCHR FGM Comments UNHCR Letter
Svetlana	Statement of Evidence Form
Anna	Solicitors Letter

	<p>Solicitors Letter (within this are witness statements/ police statements, The Sun newspaper article)  Letter from Police regarding trafficking case  IND (Immigration and National directorate form)  Solicitor's letter  <b>Evidence used in asylum claim</b>  Newspaper Article from The Sun Newspaper</p>
Elena	<p>Statement to the Home Office  Eaves Women for Housing Letter  Solicitors letter  Police letter  <b>Evidence used in Asylum Claim</b>  Report by London School of Hygiene and Tropical Medicine  Information Paper  Newspaper article from the Evening Standard newspaper</p>
Nina	<p>Statement of Evidence Form, including interview  Home Office Refusal letter  Psychological report  Expert report  Solicitor's letter  <b>Evidence Used in Asylum Claim</b>  Other Adjudication (used in case as evidence)  Other Adjudication. (used in case as evidence)</p>
Ionna	<p>Screening form  Statement of Evidence Form  Statement to the Home Office  Solicitors letter  Medical Foundation Report- for care and victims of torture  Supplementary statement  Expert report  Home Office Refusal Letter  Notice of appeal to adjudicator  Adjudication  <b>Evidence used in Asylum Claim</b>  UK Weekly article  Newline article  Capitas Europa article  Anti-Slavery report  BBC Report</p>
Cari	<p>SEF interview  Statement  Adjudication  Witness Statement  Immigration Appeal Tribunal Letter refusal to hear appeal  Eaves Housing for Women Support Letter  Medical assessment  Second Medical report  Further Representations letter by solicitor  <b>Evidence used to support Asylum claim</b>  Amnesty International Report</p>

Sakda	Statement GAATW email Solicitors letters x5 Adjudication
Sofiya	Statement Statement of Evidence Form Solicitor's letter Notice of adjourned hearing Solicitor's letter Medical report Further witness statement Written representations from Immigration Reception Centre to the Home Office Home Office Refusal letter Notice of appeal, with additional grounds attached. Poppy project worker letter Notice of removal letter Adjudication <b>Evidence used to support Asylum claim</b> Times online report Times newspaper report Asylum Aid report United Nations report on Ukraine
Evangelina	Statement Home Office Refusal letter
Stasia	Screening form Level 1 Solicitor's letter Home Office Refusal letter Adjudication
Fatima	Screening Interview Statement Solicitor's statement Barrister's Skeleton argument Adjudication Home Office grant of Humanitarian Protection
Olivia	Statement with additional grounds Home Office refusal letter Further Home Office letter Further grounds Solicitor's letter Adjudication Solicitor's further representation letter Eaves Housing for Women letter for further representation Immigration Asylum determination
Jumoke	Screening form Eaves Housing for Women letter Home Office refusal letter Notice of appeal to adjudicator Clinical psychology report Witness statement-(From Eaves Housing for Women)

	<p>Adjudication  Immigration Asylum Tribunal application to appeal (Home Office appealing)  Immigration Asylum Tribunal decision (Home Office overruled)</p>
Adeola	<p>Home Office Refusal Letter  Adjudication  Application to Immigration Asylum Tribunal  Immigration Asylum Tribunal Determination  Grounds of Appeal  Solicitor's letter  Solicitor's letter</p>
Zara	<p>Statement  Home office refusal letter  Solicitor's Letter  Screening form 1  Grounds of Appeal  Screening Form 2  Solicitor's letter  Statement  Statement Evidence Form  Solicitor's letter  Immigration Service Interview  Notice of Appeal to adjudicator  Expert Report  Statement  Email- from an anti-trafficking service provider in Albania  Email to the International Organisation for Migration  Statement from Eaves Housing for Women  Adjudication</p>
Lili	<p>Medical assessment  Screening form  SEF form  Immigration Service Interview  Home Office refusal letter  Notice of Appeal to adjudicator  Eaves Housing for Women letter  Solicitor's letter  False Asylum Claim, submitted as evidence  Barristers chronology  Statement  Expert report  Solicitor's letters x 3  Email- from an anti-trafficking service provider in Albania  Email to the International Organisation for Migration  Adjudication  <b>Evidence used to support Asylum claim</b>  Academic Article x 2  Asylum Aid report  Expert report (by an academic)  UNICEF report  Regional Clearing Point report</p>

	US Department of state- Trafficking in Persons report- Albania
Kristina	Solicitor's letter including statement
Mira	Statement Home Office refusal letter Barrister skeleton argument Barrister chronology Psychiatric report Adjudication Home Office Grant of Humanitarian Protection Expert Report- (by an academic)
Anya	Solicitor's letter including SEF Statement Statement of additional grounds Home Office refusal letter Solicitor's letter x 2
Esther	Statement Statement of additional grounds Home Office Refusal Letter Adjudication
Augustina	Eaves Housing for Women letter Solicitor's letter x 7 Psychotherapy report. Statement of additional grounds Home Office refusal letter Notice of appeal Statement of additional grounds Notice of appeal plus grounds of appeal <b>Evidence used to support Asylum Claim</b> Romanian Newspaper small ads. Translation of Romanian small ads Translation of Romanian Newspaper ad. Regional Clearing Point Report International Labour Organisation report

**Appendix Five: Approach letter to Interviewees (trafficked women),  
including the Poppy Project's research consent form**

15<sup>th</sup> August 2005

Dear

Letter of Introduction to research.

My name is Alison Jobe. I am presently conducting research into women's experiences of applying for asylum in the UK and have been working with the support and help of the Poppy Project for the last 18 months. I am looking for volunteers who are applying or who have applied for asylum. I am interested in anything you have to say about your experiences and in your opinions of the UK asylum application process.

I will be interviewing those who would like to take part from August of this year. The interviews can be arranged at any time to suit you and will take place at Eaves' office. Travel costs will be paid and refreshments provided.

In return for your participation I would like to give you a voucher as a token of my appreciation to the value of £20.

If you do choose to participate, please note I will never give anyone identifying information about you such as your name or date of birth. Your confidentiality will be strictly maintained at all times.

If you have any questions, please speak to Anna at the POPPY Project who will forward them to me.

I look forward to meeting you.

Yours sincerely,  
Alison

**POPPY PROJECT CONSENT AGREEMENT**

Part of the POPPY Project's work is to use information about the women we work with to support this sort of work in future. For example:

- To campaign for better services for trafficked women
- To assist academics undertaking research on trafficking.
- To provide reports and statistics to the people who provide funding to the project.

The information we give is general rather than specific in most cases. To make up an example of this, we might say something like, 'We have supported 12 women from Germany, and seven of those were brought to the UK on a plane'.

**We will never give anyone any identifying information about you, such as your name or your date of birth.**

We need your consent to our use of this information as part of your admission and stay on the project.

.....

As a service user of the POPPY Project, I agree that information about me can be used in a variety of ways to support work done with trafficked women. However, I understand that details identifying me are kept private.

Signed \_\_\_\_\_

Name \_\_\_\_\_

Date \_\_\_\_\_

## Appendix Six: Interview Questions for Trafficked Women

### Introduction

My name is Alison Jobe. I have asked you here today to ask you a few questions about applying for asylum in this country. I would like to know about your experiences of applying for asylum and how you felt during the process.

There are a few things I would like to discuss with you before we begin.

- Confidentiality
- Any question you don't understand. Ask me to repeat it.
- Take your time
- Any question you don't want to answer just let me know and we can move on.
- If you want to take a break at any time just let me know.
- Any questions for me?

### **Process of getting to Eaves**

How did you know about the Eaves /Poppy project?

How did you arrive here at the Eaves project? Who did you come into contact with during this time? Who referred you/ brought you/ told you about here?

Tell me about them

Did you come into contact with the police? Immigration? Anyone else during this time?

Looking back on the way you were treated during this time, is there anything you feel could have been done differently?

How did you feel when you were admitted to the Eaves project?

Tell me about your time at Eaves.

Do you see this place (Eaves) as a place of safety?

### **Process of help and key actors before and after Eaves**

Tell me about where you were living before you came to Eaves?

(Asylum detention centre? Tell me about this. How did you feel during this time?)

Before this you were in a very difficult situation (you don't need to tell me anything about this if you don't want to).

During this time did you consider seeking help?

Who did you think about contacting? Who do you think you could have contacted for help? Who could you have gone to? Did you try to seek help at any time?

Why did you/ Why didn't you?

Did you consider contacting the UK police? Immigration officials? Anyone else?

Have you received any help since you have been at Eaves? Tell me about this help. Who have you received help from? How has this been? Would you like any more help?

### **Asylum Process**

Do you want to stay here in the UK?

What would you like to do if you stay here?

Were you aware you would have to apply for asylum/ leave to remain in order to stay in the UK?

When did you become aware of this process?

How did you become aware of this process? Who told you? What were you told?

How did you feel about it? Did you understand the process? Did you feel it was explained to you in a way you could understand?

Have you any criticisms of the process? How do you think it might be improved?

Did you have a solicitor? Did you meet with them? How was this? Tell me about this.

Were you granted asylum/ leave to remain after your initial application?  
If so, how did this make you feel?  
If not, how did you feel when you received your initial rejection letter?

Did you appeal against the decision? If so why?

Have you been to an appeals court?

Tell me about this. How did you feel in the court?  
How do you feel you were treated? By your  
barrister? By the other barrister? By the adjudicator  
(s). Other people in the court?

Was your appeal accepted/ rejected?

How did this make you feel?

Did your case go to a tribunal (2<sup>nd</sup> appeal)?

Tell me about this. How did you feel in the court?  
How do you feel you were treated? By your  
barrister? By the other barrister? By the adjudicator  
(s). Other people in the court?

During the process of seeking asylum you will have  
come across different people working in different  
organisations. Throughout this time you will have  
had many different experiences with different  
people. (UK police, Immigration, solicitors,  
barristers, adjudicators)

Tell me about the times you feel you were treated  
well.

Tell me about the times you feel you treated  
unfairly

Looking back on all you have been through. How  
do you think you could have been helped? How do  
you think women in a similar situation to yourself  
could be helped in the future?

## Appendix Seven: Approach and Information Letter for Legal Professionals

Address

Date

Dear Solicitor/ Barrister,

I am writing to ask you for your help and expertise. I am a doctoral student at the University of Newcastle upon Tyne. I have been working with the Poppy Project/ Eaves Housing for Women for around 18 months on trafficking and asylum issues. I would like to speak to a relevant representative from your firm about their experience of asylum cases where women have been trafficked to the UK. The interview should be no more than half an hour and may be arranged at a time to suit.

If anyone is available to speak to me it would be very much appreciated. I will be in London from Monday 26<sup>th</sup> September until Wednesday 12<sup>th</sup> October in the short term. I would also be able to return to London at a later date if that is more convenient. If you have any questions or concerns regarding the research please do not hesitate to ask. You can contact me to arrange a time or with questions at A.D.Job@ncl.ac.uk or on 07734329590.

I have attached further details of my research for your attention.

Yours Faithfully

Alison Jobe.

## **Asylum, Immigration and Human Trafficking.**

**Alison Jobe**

**University of Newcastle upon Tyne.**

### **Research Focus**

My research is concerned with contemporary incidences of human trafficking of women into the sex industry in the UK. I am interested in the ways in which UK immigration and asylum policies may interact with the trafficked women's situation. I am interested in research as a route to action on behalf of disadvantaged groups. I hope to develop my research to formulate a positive dialogue for action and a greater understanding of the issues involved.

### **Aims and Objectives**

- To consider how immigration policies in the UK and throughout Europe contribute toward situations in which the trafficking of women for sex may take place.
- To consider how the illegal status of trafficked women in the UK may act to prevent or discourage women from seeking help to escape situations of trafficking harm.
- To explore how the consequences of that illegal status have acted in women's lives as they try to seek help or try to escape from trafficking situations.
- To consider how the process of applying for asylum in the UK may prevent or discourage women, who may be at further risk from their traffickers or from re-trafficking if they return to their country of origin, from applying for asylum.
- To look at the formulation of laws and policies in the UK context. My concern lies with whose voices are present and/or powerful in these debates and whose voices are absent and/or powerless. In particular I will focus upon the debates leading up to the implementation of the new UK Asylum and Immigration Bill 2004, and the debates surrounding the European Convention Against Trafficking in Human Beings that are underway at present.

### **Approach to the Research/ Methods.**

I will explore the above in a number of ways.

•Case files of women applying for asylum, accessed through the Poppy Project, UK.

Through the analysis of asylum case files, I hope to establish and distinguish between the multiple actors present in the process of applying for asylum in the UK. I intend to analyse the power relationships inherent in the application process and consider how these act to allow or prevent women from achieving legal status in this country. Perspectives present in the case files includes the lived experience of the trafficked woman; a legal framing that life experience; the voices of legal actors from solicitors, immigration officials to the adjudicators of asylum tribunals and often the UK police.

In addition to this initial analysis I intend to interview a number of the actors present in the aforementioned case files. These include:

- Interviews with Trafficked women about their experiences of asylum application in the UK.
- Interviews with Poppy Project workers.
- Interviews with solicitors.
- Interviews with adjudicators/immigration officials.
- Interviews with police.
- Interviews with Home Office Representatives/ Policy makers

## **Appendix Eight: Questions for Legal Professionals**

What has been the extent of your experience of trafficking cases? How many have you worked on? Have these been Poppy cases/ non Poppy cases? Have these been trafficking for sex purposes cases or trafficking for non-sexual purposes? Have you noticed any differences between the different types of trafficking cases you have worked on?

Has the new Immigration and Asylum bill 2003/4 had any effect on trafficked women's asylum applications? If so, in what way?

What changes to the trafficking law or asylum system would be beneficial for trafficking victims?

What do you feel might be the further effect of the Immigration, Asylum and Nationality 2005 bill introduced in June, if any?

Have you ever referred a woman to the Poppy Project because you thought she might have been a victim of sexual trafficking? If so, why did you think she was a victim of sexual trafficking? (Omit for barrister)

How do trafficking cases differ from other asylum cases you have worked on, if at all? Do you think they are treated or received differently?

Do you think there is a particular way of presenting the case, which leads the women to be believed by the Immigration authorities? How might one represent a woman's story so that the chances of her case being successful are increased? What sorts of cases tend not to get believed? Have you noticed any general patterns emerging in the cases you have been involved in?

What kind of factors would make it very hard for you to achieve a positive outcome for the women?

Have you noticed a change of attitude toward trafficking cases as the issue of trafficking has become more widely discussed?

In the cases you have dealt with or in your experience how do you feel the women have been treated by a) Immigration Officials (when taking statement/ SEF). b) interpreters c) Adjudicators at appeals court. d) The police (if applicable) e) The system as a whole.

Do you have anything to add in addition- anything from your experiences which you feel is relevant?

## Appendix Nine: Interview Questions for Project Workers

What effect do you think the asylum process has upon the women?

What effect do you think the asylum process has upon the Poppy Project?

Does the asylum process have any effect on your role as a project worker? Does it interfere with your ability to help the women?

Have you been responsible for identifying women as victims of sexual trafficking? If so, why did you think they were victims of sexual trafficking? How did you identify them as such?

In your opinion is there a particular way of presenting a case, which leads the women to be believed by the immigration authorities? What sort of cases tend not to get believed? Have you noticed any general patterns emerging in the cases you have been involved with?

Have you noticed a change of attitude toward trafficking cases as the issue of trafficking becomes more widely discussed?

Do you know what has happened to any of the women after they have been deported?

In the cases you have dealt with or in your experience how do you feel the women have been treated by a) Immigration Officials. b) Adjudicators at appeals court. c) Interpreters. d) the system as a whole.

What changes in the law/ system would you like to see? What changes would make a positive difference to your work and/or the women's lives?

Do you have anything to add in addition- anything from your experiences, which you feel is relevant?

## Appendix Ten: Coding Framework for analysing the asylum case files

D.O.B  
 Age when Trafficked  
 Nationality  
 Ethnicity  
 Religion  
 Political Affiliation.  
 Marital status.  
 Route of Trafficking/  
 Countries trafficked through (worked in).  
 Also countries of transit en route to UK  
 How trafficked in first instance/ route into trafficking.  
 How exited from trafficking situation. Route out of trafficking  
 How referred to the Poppy Project  
 Family background  
 Vulnerabilities of note- Pre Trafficking  
 Vulnerabilities of note- During trafficking  
 Vulnerabilities of note- Post trafficking.  
 Solicitor(s)  
 Barrister (s)  
 Adjudicator  
 Grounds on which asylum is claimed  
 Reason for refusal/ acceptance- At initial written application stage/ including further grounds  
 Reason for refusal/ acceptance At appeals stage  
 Reason for refusal/ acceptance At Tribunal Stage  
 When initially applied  
 Date of Reasons for Refusal Letter  
 When appealed/Notice of appeal  
 Date of appeal/ adjudication  
 Date of final decision  
 Any further dates or further actions  
 Time elapsed from initial application to conclusion







