

Joint Submission to the Group of Experts on Action against Trafficking in Human Beings

Response to the Forth Evaluation Round of the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings

Thematic focus: Addressing vulnerabilities to trafficking in human beings

Submission by:

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³ The UK BME Anti-Slavery Network (BASNET) which is part of AFRUCA Safeguarding Children is a coalition of over 50 BME-led charities and organisations committed to promoting race equality, diversity, and inclusion in the UK's modern slavery and human trafficking sector.

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1. Introduction

This joint response to the Group of Experts on Action against Trafficking in Human Beings (hereinafter 'GRETA') is submitted by the Anti-Trafficking Monitoring Group (ATMG), a coalition of 17 Anti-Trafficking Organisations,⁴ and by the following UK based anti-trafficking organisations, coalitions and Lived Experience Advisory Panels: After Exploitation, Anti Trafficking and Labour Exploitation Unit (ATLEU), BASNET,⁵ British Red Cross (BRC), Detention Taskforce,⁶ Every Child Protected Against Trafficking UK (ECPAT UK), Focus on Labour Exploitation (FLEX), Hestia, Hope for Justice, Human Trafficking Foundation & Lived Experience Advisory Panel, International Organization for Migration, Country office for the United Kingdom of Great Britain and Northern Ireland (IOM UK), Latin American Women's Rights Service (LAWRS), The Passage, The Salvation Army and Unseen UK.

This submission provides a response to the fourth evaluation round of the questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter 'ECAT') in the United Kingdom, which focuses on addressing vulnerabilities to trafficking in human beings.

At GRETA's request, the ATMG has collected the responses provided by each of the participating organisations and has collated them into one single document. Information shared by contributors is presented in *italic* and clearly attributed to each organisation by reference in the footnote. When appropriate, the ATMG has also drawn on its expertise and prior research in order to provide context to the contributions submitted by the respondents. The contributions provided by each respondent are also attached in a separate Annex and can be used by GRETA as stand-alone submissions.

⁴ The ATMG is comprised of seventeen leading UK-based anti-trafficking organisations: Anti-Slavery International, Ashiana Sheffield, Bawso, Children's Law Centre (CLC), East European Resource Centre (EERC), ECPAT UK, Flourish Northern Ireland, Focus on Labour Exploitation (FLEX), Helen Bamber Foundation, Hope for Justice, JustRight Scotland, Kalayaan, Law Centre (NI), Scottish Refugee Council, TARA service, The Snowdrop Project, UNICEF UK.

⁵ The UK BME Anti-Slavery Network (BASNET) which is part of AFRUCA Safeguarding Children is a coalition of over 50 BME-led charities and organisations committed to promoting race equality, diversity, and inclusion in the UK's modern slavery and human trafficking sector.

⁶ Helen Bamber Foundation (Chair), Focus on Labour Exploitation (Coordinator), After Exploitation, Anti-Trafficking & Labour Exploitation Unit (ATLEU), Anti-Slavery International, Association of Visitors to Immigration Detainees (AVID), Bail for Immigration Detainees (BID), Detention Action, Duncan Lewis Solicitors, ECPAT UK, Jesuit Refugee Service (JRS) UK, Hibiscus, Latin American Women's Rights Service (LAWRS), Medical Justice, Snowdrop Project, Unseen.

While we did our utmost to engage a wide range of relevant anti-trafficking organisations, some important voices are still missing from this submission.

We are very thankful to lived experience experts who have contributed directly to this submission, specifically the Human Trafficking Foundation Lived Experience Advisory Panel and indirectly through survivor-led research conducted with some of the contributors.

However, capacity, lack of resources to provide remuneration and the technicality of the questionnaire prevented a large-scale meaningful engagement of lived experience organisations and experts.

We reiterate the recommendations made during the last evaluation round and ask GRETA to review the accessibility of the questionnaire to ensure lived experience experts are at the core of these monitoring and reporting mechanisms. We also recommend that lived experience-led organisations and experts are proactively consulted during GRETA's forthcoming evaluation visit to the UK.

Over the course of this document, we use the term 'survivor' unless specific reference is being made to Home Office policy/statutory guidance, where the language is mirrored, and 'victim' is used.

This submission has been coordinated and compiled by Eleonora Fais on behalf of the Anti-Trafficking Monitoring Group and organisations who have contributed to this submission. For more information, please contact e.fais@antislavery.org.

2. Executive summary

Since GRETA's third evaluation round in 2020, the United Kingdom has regrettably taken many steps back in tackling vulnerabilities to trafficking and modern slavery.

Contributors to this joint submission have identified the Government focus on immigration enforcement and securitisation as the main barrier to developing a strong prevention response and the cause of the erosion of the identification and support mechanisms for survivors of modern slavery. Independent monitoring mechanisms, such as the Home Affairs Select Committee, have expressed deep concerns in relation to the UK Government's de-prioritisation of human trafficking in favor of a focus on irregular migration.⁷ More recently, the Lords Select Committee published their report following their inquiry into the Modern Slavery Act 2015, which found that immigration legislation has limited the support which the Act originally afforded to survivors, leaving them vulnerable and without adequate protection from their traffickers.⁸

All respondents have emphasised the detrimental impact of new legislation, specifically the Nationality and Borders Act (NABA) 2022 and the Illegal Migration Act (IMA) 2023. Whilst the IMA 2023 provisions relevant to modern slavery have not yet been brought into force, the rhetoric which accompanied its enactment through Parliament, created a long-lasting impact on survivors of modern slavery. In addition, NABA 2022 is already excluding many survivors of modern slavery from accessing identification and support through the National Referral Mechanism (NRM).⁹ The UK is therefore not only falling short of meeting its obligations under ECAT, but also proactively breaching many of its core principles.

Many respondents have also drawn attention to the little to no scrutiny and lack of consultation during the passage of these legislations and the ongoing changes in the modern slavery statutory guidance. While, more recently, efforts are being made to improve communication with the sector, organisations have called on the government to implement a clear and structured mechanism to consult with lived experience experts and organisations operating in the anti-trafficking sector prior to implementing these changes.

Even where respondents have identified pockets of good practice and improvements, they have acknowledged that the tension with immigration enforcement policies renders any prevention and safeguarding efforts ineffective. This is evidenced by, but not limited to, the low number of leave to remain granted, the barriers to identification in detention and prisons, the ongoing criminalisation of survivors and so forth.

This evaluation is both timely and important following the recent change in Government. We call on the new Government to abandon the focus on immigration enforcement and securitisation to ensure appropriate attention can be given to develop a robust prevention strategy to tackle modern slavery and

⁷ House of Commons. (8 December 2023). [Human Trafficking. First Report of session 2023-2024.](#)

⁸ House of Lords. (16 October 2024). [The Modern Slavery Act 2015: becoming world-leading again](#)

⁹ Dr Noemi Magugliani et al. (25 June 2024). [Assessing the Modern Slavery Impacts of the Nationality and Borders Act: One Year on.](#)

trafficking. This can only be achieved if survivors are guaranteed access to identification and support according to their needs and ensure there are secure pathways for them to report their exploitation without the fear of being criminalised.

We hope this submission provides useful tools to facilitate an evaluation round that will encourage the UK authorities into a more strategic, systematic, and robust implementation of their own anti-trafficking commitments and duties.

Part I - Addressing vulnerabilities to trafficking in human beings

3. Prevention (Articles 5, 6 and 7)

3.1 Do you have specific data/research/analysis of what makes people vulnerable to trafficking in human beings (THB) in your country? Please provide information on the categories/groups of people identified as being at risk of becoming victims of human trafficking, and how they are addressed in the national anti-trafficking strategy and/or action plan. Have you identified geographical regions or economic sectors in your country as particularly vulnerable to THB, and how do you address them in your strategy or policy?

Under Annex D of the Modern Slavery Guidance for England and Wales,¹⁰ the Home Office outlines specific categories of individuals who may be at heightened risk of exploitation. This is complemented by the mention of the Slavery and Trafficking Survivor Care Standards¹¹ and Annex 1 of the Trauma Informed Code of Conduct (TICC),¹² which provides further guidance on good practice for working with people who have experienced trafficking and modern slavery.

However, the tension between the modern slavery statutory guidance and legislative and policy changes introduced by the Home Office creates internal contradictions in the interpretation and operational implementation of the guidance itself. Over the course of this submission, we will analyse the substantial changes to the statutory guidance introduced by NABA 2022, specifically Part 5 concerning modern slavery, which is resulting in the exclusion of a significant number of survivors from identification and support. These and other changes are creating and exacerbating vulnerabilities which create fertile ground for trafficking and exploitation.

3.1.1 Research on vulnerabilities to trafficking in human beings in the UK and data gaps

Most of the available research on vulnerabilities to trafficking in the UK has been conducted by third sector organisations and universities. We provide the following, not comprehensive list of research projects around this topic:

- [At risk: exploitation and the UK asylum system.](#)¹³
- [Prevention and identification of children and young adults experiencing, or at risk of, modern slavery in the UK](#)¹⁴

¹⁰ Home Office. (October 2024). [Modern Slavery: statutory guidance for England and Wales \(under s49 of the Modern Slavery Act 2015\) and non-statutory guidance for Scotland and Northern Ireland, version 3.11](#)

¹¹ Human Trafficking Foundation. (2018). [The Slavery and Trafficking Survivor Care Standards](#)

¹² Rachel Witkin and Dr Katy Robjant, Helen Bamber Foundation. (2018). [The Trauma-Informed Code of Conduct for all Professionals working with Survivors of Human Trafficking and Slavery.](#)

¹³ British Red Cross and UNHCR. (2022). [At risk: exploitation and the UK asylum system](#)

¹⁴ ECPAT UK and University of Nottingham Rights Lab. (2024). [Prevention and identification of children and young adults experiencing, or at risk of, modern slavery in the UK](#)

- [The Safe House is Not Safe](#).¹⁵
- [Prevention of adult sexual and labour exploitation in the UK](#).¹⁶
- [Re-trafficking the current state of play](#).¹⁷
- ["Between two fires": understanding vulnerabilities and the support needs of people from Albania, Viet Nam and Nigeria who have experienced human trafficking into the UK](#)'.¹⁸
- [Before the Harm is done](#).¹⁹
- [The BASNET Race and EDI action plan](#).²⁰

Despite the modern slavery sector's willingness to develop research on the topic of vulnerabilities to trafficking and exploitation, this is often affected by a lack of consistent monitoring and data gathering mechanisms from statutory organisations, including in relation to long-term outcomes for survivors, which prevents us from building a comprehensive picture in relation to the survivor's recovery journey.

We continue to have very limited understanding of the pathways from identification/referral into the National Referral Mechanism (NRM) to long-term outcomes for survivors, especially for those categories supported by multiple statutory agencies, including children, those going through immigration processes and or criminal justice system, individuals who are experiencing homelessness, those in immigration detention and those who are removed to or repatriated to their country of origin.

The lack of consistent and comprehensive data sets prevents the Government and statutory agencies from implementing an appropriate and effective preventative response to trafficking and modern slavery. This is supported by evidence provided by many of the contributors to this submission. For example, The Passage stated: "we are the *only non-profit organisation that collects data on the housing status of survivors at the time of recruitment and at the time of identification as a potential victim. Further research is needed at national level.*"²¹

ECPAT UK also raised concerns around gaps in data provided by the Department for Education and Local Authorities: "*Published Department for Education and NRM data do not provide a breakdown of local authority referrals.*"²² To fill this data gap, FOI requests were submitted to 197 local authorities who made at least one referral to the NRM between 2018 and 2023, across England and Wales, Scotland, and Northern Ireland. Half of all local authorities that referred children into the NRM from 2018-2023 could

¹⁵ BASNET. (2024). [The safe house is not safe](#)

¹⁶ MSPEC. (2022). [Prevention of adult sexual and labour exploitation in the UK](#)

¹⁷ Independent Anti-Slavery Commissioner and University of Nottingham Rights. (2021). [Re-trafficking the current state of play](#)

¹⁸ University of Bedfordshire and International Organization for Migration (IOM). (2019). ["Between two fires": understanding vulnerabilities and the support needs of people from Albania, Viet Nam and Nigeria who have experienced human trafficking into the UK'](#)

¹⁹ ATMG. (2018). [Before the Harm is done](#).

²⁰ BASNET. (2021). [The BASNET Race and EDI action plan](#)

²¹ The Passage submission

²² Local authorities referred the largest share of potential victims experiencing modern slavery as children into the NRM from 2015-2023, representing 47% (16,446 children) of all referrals across this period

not provide basic information such as gender, nationality, location of exploitation, exploitation type, county lines, reasonable grounds decision and conclusive grounds decision, on the children that they had referred. For those authorities that did respond, the gender breakdown shows higher representation of male child victims than female with criminal exploitation was the most highly reported exploitation type consistent with NRM data.”²³

We have provided additional information on data gaps and barriers to data gathering and monitoring in the section 3.1.2(a) below and in sections [3.2.3](#), [3.4.1](#) and [3.6.3](#).

3.1.2 Categories/groups of people identified as being at risk of becoming victims of human trafficking

Information shared by respondents to the GRETA questionnaire highlighted a significant number of categories, who have been identified as at heightened risk of trafficking and exploitation. Within those categories it is possible to recognise multiple enablers of trafficking and exploitation.

Crucially, a person's vulnerabilities and resilience to trafficking or risks of re-trafficking can fluctuate in respect of a journey to exploitation and from exploitation. Anecdotal information shared by ATMG member, Hope for Justice, based on data gathered through their service, has shown the following vulnerabilities, which often can be multiple and intersecting:

- Childhood abuse and/or trauma in early childhood
- Unemployment and lack of employment opportunities in country of origin/UK
- Marital/relationship breakdown
- Bereavement
- Poverty
- Homelessness
- Debt bondage
- Diagnosed or undiagnosed learning difficulties
- Diagnosed or undiagnosed mental health issues
- Pre-existing drug or alcohol misuse
- Cultural factors and cultural disorientation e.g. not understanding processes and rights
- Language
- Use of spiritual practices such as Ju Ju
- Systems failing (e.g. lack of recourse to public funds/short term visas etc).
- Migrants including those seeking refuge and migrant workers.
- Forced Displacement across the world due to conflict/climate change and wider humanitarian crises
- Systemic discrimination

²³ ECPAT UK submission

It is important to note that trafficking and exploitation can affect people regardless of nationality, gender, age and background, however all these elements, combined with other personal/familiar/cultural and systemic factors, do create and exacerbate conditions which trap people in exploitation. We also acknowledge that the categories we have analysed in the next section should not be intended as an exhaustive list of all affected categories or a “victim hierarchisation exercise”. These are not presented in any particular order and reflect the experiences of the contributors to this joint submission.

3.1.2(a). Children and young people

I. Trends and data discrepancies

According to the NRM statistics published by the Home Office,²⁴ out of the 17,004 potential victims of trafficking and modern slavery referred to the NRM in 2023, 44% (7,432) were children. We continue to see a prevalence of reports for male (80%; 5,918) compared to female (20%; 1,507) children.

Consistently, since quarter 4 2019, criminal exploitation has been the most prevalent type of exploitation reported in the NRM statistics for children.²⁵ As noted by ECPAT UK: *“The characteristics of those identified as potential victims of modern slavery exploited as children have radically changed since the adoption of the Modern Slavery Act 2015, particularly as a result of the recognition of child criminal exploitation for drug supply and distribution as a form of modern slavery”*.^{26 27} This has been compounded by changes to the NRM reporting system, which in quarter 4 2019 began disaggregating criminal exploitation from labour exploitation and reporting statistics as a distinct exploitation type.

Despite the year 2023 saw the highest number of referrals for child victims since the NRM began, *“evidence shows that both identification and prevention efforts for trafficked children, and those at risk, are failing.”*²⁸

Of significant concern, data published by the Department for Education (DfE), which produces annual statistics²⁹ for children in need³⁰ *“highlights significant discrepancies between those officially identified as potential victims and children with human trafficking related factors in their child in need assessment.*

These figures cover the financial year, with the latest report for the period 1 April 2022 to 31 March 2023. Factors identified at the end of assessment are additional factors that social workers record as being

²⁴ Home Office. (2024). [National Referral Mechanism Statistics, End of Year Report 2023](#)

²⁵ *In Quarter 4 (Q4) of 2019, NRM statistics In Q4 of 2019, criminal exploitation was recorded as a form of exploitation experienced by 56% of child potential victims. This increased to 65% in 2020, then decreased again to 61% in 2021 and 53% in 2022. A significant proportion of criminal exploitation cases involving children are categorised as ‘county lines’ cases.”* (ECPAT UK submission)

²⁶ Maxwell, N. et al. (2019). [A systematic map and synthesis review of Child Criminal Exploitation](#)

²⁷ ECPAT UK submission

²⁸ Saker, A. (2022). [Practitioner Responses to Child Trafficking: Emerging Good Practice](#)

²⁹ Department for Education. (2023). [Children in Need Statistics](#). C3 Factors Identified at the end of assessment by local authority

³⁰ A legally defined group of children (under the Children Act 1989) assessed as needing help and protection as a result of risks to their development or health in England

relevant in a case, with one episode of need potentially having more than one factor recorded. The instances of trafficking recorded as a factor by local authorities is the low figure of 2,710.³¹ Yet a factor of child sexual exploitation was recorded 15,020 times, child criminal exploitation (included as a category for the first time in 2022) 14,420 times, and the category gangs was a factor identified for 11,110 assessments. This data cannot be interrogated in detail given no disaggregation is provided. It also encompasses England only and the figures are not comparative to national modern slavery data sets.”³²

After Exploitation raised similar discrepancies between the numbers of child sexual exploitation factors and the cases actually reported to the NRM and they go on to further exploring the reasons behind this difference stating that: *“As a result of incorrectly applied thresholds for identifying child victims in the UK, and guidance which does not appropriately signpost professionals to the NRM, there is a gulf between recorded cases of potential child sexual exploitation and those referred into the NRM.”³³*

This data seems to suggest that the number of children who are trafficked and exploited are actually much higher than the reported figures, which raises further questions on why these children are not referred to the NRM. After Exploitation evidence identifies some of the causes. They note discrepancies between the international definition of child trafficking in international law^{34 35} and the one used in government guidance. A briefing, available on request,³⁶ specifically expands on the issues in relation to the domestic definition of child sexual exploitation, which contains an element of coercion, deception, or manipulation.

“Similarly, current Department for Education guidance on child sexual exploitation (CSE) characterises CSE as including an element of grooming in which perpetrators “coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity”, despite these components not being necessary to identify child victims under modern slavery legislation.

Lived experience consultants for the Independent Inquiry into Telford Child Sexual Exploitation found that the government’s failure to ensure that characterisations of child sexual exploitation remained in line with international law was exacerbating existing barriers to identification.”³⁷

This is further supported by evidence shared in relation to Local Authorities practices: *“we are concerned about growing reports across the sector alleging that local authorities remain aware of trafficking*

³¹ *Ibid*

³² ECPAT UK submission

³³ After Exploitation submission

³⁴ Children are defined as victims of trafficking where **the action** of trafficking is present, and **the purpose** of the action is exploitation. Unlike in definitions of exploitation in adulthood, **the means** used to exploit children is irrelevant as their young age is itself a factor which allows for the exploitation to take place. OHCHR. (October 2014). [Human Rights and Human Trafficking](#)

³⁵ OHCHR. (15 November 2000). [Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#)

³⁶ Hutchison, K. (2024). *It's all about the Means: A CSE perspective on why exploited children are being failed in the UK*. Available upon request

³⁷ Lived Experience Consultees of the Telford Inquiry. (1 July 2024). [Documented Findings by the Lived Experience Consultees for the Inquiry into Telford Child Sexual Exploitation](#)

indicators in children but do not consistently refer those child victims onto the NRM due to perceptions of the process being too 'bureaucratic' or onerous on the child, or the view that they can manage safeguarding 'in-house' without engaging with the NRM.

In cases of child criminal exploitation (CCE), this leaves survivors unable to rely on protection under non-punishment provisions should they end up in the criminal justice system as offenders, due to the fact they have not been identified as victims. More broadly, poor identification leads to children being unable to access ring-fenced support relating to their experiences, such as Independent Child Trafficking Guardians and associated assistance.³⁸ Due to a lack of clear reference to the NRM in the Department for Education guidance on modern slavery and childhood exploitation, some remain unaware of their legal obligation to refer child victims.³⁹

ii. Vulnerabilities and trafficking enablers

Information shared by organisations identified a number of at-risk factors affecting specific cohorts of children, highlighting a lack of appropriate safeguards and preventative measures from authorities. As a result, children are being left at heightened risk of trafficking and exploitation.

Drawing from their frontline experience,⁴⁰ BASNET reports that *"children in Black and Ethnic communities are vulnerable to trafficking due to many factors including poverty and deprivation, cultural, religious and patriarchal practices which could push children, especially girls outside the home into different forms of exploitation. Traffickers exploit these traits, targeting young people for drug trafficking or online sexual exploitation."*⁴¹

ECPAT UK expands further on the risk factors associated with child trafficking in the UK, drawing from their recent research project with the University of Nottingham Rights Lab.⁴² *"The vulnerability of childhood itself is the most prevailing factor for this population with many targeted simply because of their age, experience, knowledge, and maturity level. Other prevalent risk factors identified in this study include not having protective family and guardians surrounding them, as well as being subject to neglect and abuse. This may involve children in care of local authorities and children with a history of adverse childhood experiences such as divorce, domestic violence, abuse, neglect, parental mental health issues, or parental substance misuse.*

For children in care, the shortage of appropriate placements and the frequency of missing episodes significantly increases risk of exploitation. The socio-economic background of children has a significant impact on their vulnerability, as families experiencing poverty often induces instability for the children. Examples include parents who may be absent due to working multiple jobs, families not having secure

³⁸ Home Office. (May 2024). [Interim guidance for independent child trafficking guardians](#)

³⁹ After Exploitation submission

⁴⁰ AFRUCA. (April 2023). [Commission on Young Lives Call For Evidence: Violence And Exploitation of Girls and Young Women, Including Around Criminal Gangs. Written Evidence By AFRUCA Safeguarding Children](#)

⁴¹ BASNET submission

⁴² Celiksoy, E. et al. (2024). [Prevention and identification of children and young adults experiencing, or at risk of, modern slavery in the UK](#)

accommodation or secure access to food, and children not being able to maintain education due to an expectation to work to help provide for the family.

The research also found other key risk factors to child trafficking such as having an unstable immigration status and hostile migration policies. Recent legislative measures such as the Nationality and Borders Act 2022 and Illegal Migration Act 2023 increase risks of exploitation for children, as the threat of removal from the UK is likely to prevent coming forward to be identified as exploited in modern slavery.

Children with special educational needs and disabilities, as well as those outside of education including through school exclusion and drop out, are particularly vulnerable to exploitation. Lack of access to legal aid in school exclusion appeals also hinders the ability to prevent exploitation. As young people move into adulthood there is significantly less support, this includes the drop of support for children formerly in local authorities' care and for those with protective parents or carers, who will have less influence and authority over decision making.”⁴³

3.1.2(b). Those affected by homelessness and housing insecurity

I. Data

Research shows that survivors consistently rank housing as one of the most important needs in their journey to recovery and to prevent re-trafficking and exploitation.⁴⁴ The lack of safe and stable accommodation often results in homelessness and destitution, which are both recognised as a root cause and a consequence of trafficking and exploitation. This is also used as a method of coercion to keep people in situations of exploitation, especially where the trafficker is providing the accommodation.

The Passage shared some data gathered through their frontline service, which shows the interlink between homelessness and trafficking: *“According to the analysis of the first five years of our Modern Slavery Service (report to be published in the coming months), out of 204 potential victims identified, 42% (86) were experiencing homelessness when they were recruited. This clearly shows that homelessness can be a driver of THB. Indeed, individuals living on the streets are susceptible to manipulation, coercion, and deceit. In addition, according to our service users, the threat of homelessness is a control method used by perpetrators.”⁴⁵*

Concerningly, a recent report from the Human Trafficking Foundation⁴⁶ found that in September 2023 only 13% (1000) of adult survivors were housed in accommodations provided under the Modern Slavery Victim Care Contract (MSVCC). Therefore, the majority of survivors live in other settings, including asylum accommodations, which are often inadequate to meet the survivor's specific needs.

⁴³ ECPAT UK submission

⁴⁴ The Human Trafficking Foundation. (October 2023). [The Key Issue: Housing for survivors of modern slavery](#)

⁴⁵ The Passage submission

⁴⁶ The Human Trafficking Foundation. (October 2023). [The Key Issue: Housing for survivors of modern slavery](#)

However, a recent report from BASNET⁴⁷ raised reports of inadequate and unsafe living conditions within MSVCC accommodations: *“The report reveals instances of discrimination based on race, ethnicity, gender, and sexual orientation, with Black, Ethnic and LGBTQI survivors disproportionately affected. Survivors have reported encountering structural issues such as unsafe living conditions, neglect by support workers, being propositioned for sex by other residents and inadequate protection, which increase their vulnerability to re-exploitation.”*⁴⁸

ii. Interventions to prevent homelessness in modern slavery legislation

The Passage acknowledges that authorities have taken steps to recognise homelessness as a vulnerability to human trafficking by committing to work with specialist organisations and statutory agencies to develop a robust response.

*“The UK Modern Slavery Strategy⁴⁹ was published in 2014. It acknowledges homelessness as a vulnerability to THB (p.12) and the Government committed then to work with homelessness organisations to raise awareness of THB. The strategy highlights the Home Office Department for Communities and Local Government work with The Passage on the ‘Before You Go’ campaign.”*⁵⁰

It is worth noting that the UK has a Homelessness Reduction Act 2017⁵¹ and its Code of Guidance⁵² includes a whole chapter on THB (Chapter 25) to help local authorities understand the National Referral Mechanism (NRM) and how it interacts with statutory homelessness duties.

In addition, the UK has a strategy to end street homelessness (Ending Rough Sleeping for Good, 2022)⁵³ which recognises the potential risk of those sleeping rough becoming victims of THB (p. 61-62). The strategy states:

*“We are committed to improving our understanding of the interactions between homelessness and modern slavery. This is why we have added modern slavery as a support need to the Homelessness Case Level Information Collection (H-CLIC) system. We will continue to work with partners across the modern slavery and homelessness sector and the Home Office to build our evidence base to help ensure services are recognising and meeting the needs of modern slavery victims.”*⁵⁴

Regrettably, as evidenced by the data provided, many survivors continue to be at risk of homelessness and destitution and often live in unsuitable, unsafe and temporary accommodations. Current legislation

⁴⁷ BASNET. (2024). [The safe house is not safe](#)

⁴⁸ BASNET submission

⁴⁹ HM Government. (November 2014). [Modern Slavery Strategy](#)

⁵⁰ *Ibid.* p.22

⁵¹ [Homeless Reduction Act 2017](#)

⁵² Ministry of Housing, Communities and Local Government (22 February 2018). [Homelessness Code of Guidance for Local Authorities](#)

⁵³ Department for Levelling Up, Housing and Communities. (September 2022). [Ending Rough Sleep For Good](#)

⁵⁴ The Passage submission

fails to clearly set out the rights of modern slavery survivors, preventing housing officers, support workers and survivors themselves from implementing and enforcing these rights. As a way of an example, the Housing Act 1996 does not clearly include survivors of modern slavery in the list of those in priority need when applying for social housing. Regardless, some may not be eligible to access these rights because of their immigration status. We have provided further information on access to accommodation for survivors in [section 3.6.3](#) of this submission.

3.1.2(c). Migrant workers and those with insecure immigration status

I. Insecure immigration status

Many contributors to this submission cited insecure immigration status and/or lack of it as one of the main at-risk factors when it comes to analysing enablers to trafficking and exploitation. Organisations recognise the unique position of *“migrants, asylum seekers, and refugees (which) face increased risk due to their insecure immigration status, language and cultural barriers, and limited or no access to public funds.”*⁵⁵

Further concerns have been raised in relation to the intersection between migrant workers, insecure immigration status and exploitation. We have provided further information on the unique challenges faced by survivors seeking asylum in [section 3.6](#) and migrant workers below and in [sections 3.7](#) and [4.2](#). We have also provided further evidence in relation to limited leave to remain granted to survivors of modern slavery in [section 4.8](#). Furthermore, the current legal aid crisis, as shown in [section 6.1](#), creates further barriers to access legal representation for those who need to regularise their immigration status in the UK.

ii. Migrant workers

Over the past few years, there have been increasing reports of labour exploitation affecting migrant workers. Organisations have traced this back to *“under resourced and fragmented labour market enforcement, prioritisation of immigration enforcement over victim and survivor wellbeing, as well as the increasing use of restrictive visas which worsen power disparities and actively empower exploiters has worsened the situation in the UK.”*⁵⁶

Additionally, *“Brexit and the end of free movement has also created precarity amongst communities who had previously been able to migrate to the UK. As the UK transitions to e-Visas at the end of this year, we are concerned”*⁵⁷ *that millions of people will be at risk of being left without status and subject to the government’s hostile environment. The EU Settlement scheme, where e-Visas have been piloted, has*

⁵⁵ BASNET submission

⁵⁶ FLEX submission

⁵⁷ ILPA. (11 June 2024). [Joint letter to Ed Mackie, Deputy Director UK Visa & Immigration Home Office. The UK’s Transition to eVisas: A Digital-only Immigration System Not Fit for Purpose](#)

shown that when technology fails or is inaccessible, individuals are left in precarious situations and unable to prove their rights. The inability of migrants to work, rent, open a bank account or access basic services if they cannot prove their immigration status is well documented.”⁵⁸

The below case study provided by LAWRS provides an example of the vulnerabilities faced by migrant workers and barriers to access information and support to escape their situation.

Case study 1: Catalina’s* story

Catalina was brought to the UK from Latin America in early 2023 to work as a live-in housekeeper and look after two children. She was paid £850 a month. Catalina would wake up at 5 am to start work and never had an end to her working day, often going without food.

Catalina was not allowed to leave the house. The house had camera surveillance in most of the rooms, so she was watched all day. The toilet was the only space with no cameras, and this is where she would go to take a break, but even her time there was controlled. Her employer also took her passport away.

Catalina was unaware of her rights in the UK or where to find help. When Catalina said she wanted to leave, her employer said she could not leave until she could go to her home country and bring someone back to replace her. When Catalina threatened to call the police, her employer told her that because she did not speak English no one would believe her. She was told to remember that she was at the bottom of the pile in the UK.

Catalina is undocumented, and this threat made her terrified to try and call the police. Catalina got in touch with LAWRS after a former victim of the employer gave her our number. Catalina did not want us to report to the police as she was undocumented and just wanted help to get back home. LAWRS eventually supported her to make a report to the police so she could escape and be taken to a refuge. When the perpetrator found out that Catalina had escaped, they published posts on social media to try and search for her.

***This is not her real name**

LAWRS submission further expands on the vulnerabilities created by the intersection between migrant work, insecure immigration status and exploitation: *“As recognised by the UK Government, immigration status can be a risk factor for becoming a victim of trafficking and modern slavery. Migrant workers with insecure immigration status are particularly vulnerable to exploitation.”⁵⁹ The UK’s Hostile Environment*

⁵⁸ The Windrush Scandal is a clear example of how thousands who lacked the documentation to prove their right to remain in the UK ended up losing their jobs and homes, being denied healthcare, and even being detained and deported. You can see read about this in JCWI’s explainer: <https://jcwi.org.uk/reportsbriefings/windrush-scandal-explained>

⁵⁹ Home Office. (October 2024). [Modern Slavery Statutory Guidance for England and Wales \(under s49 of the Modern Slavery Act 2015\) and non-statutory guidance for Scotland and Northern Ireland, version 3.11](#)

policies⁶⁰ make it harder for migrants to challenge unfair conditions, report abuse, change employers or demand fair wages. As evidence shows,⁶¹ these policies enable abusive employers to use migrants' immigration status to threaten, control and trap them in abusive and exploitative situations.”⁶²

The above is also reflected in FLEX submission, which also flags that: *“with workers coming from further afield, the levels of debt that workers' have accrued before arriving in the UK has also increased the risks of debt bondage.”⁶³*

LAWRS goes on to highlight the negative impact of current policies, which criminalise migrant workers and traps them in exploitation: *“Criminalisation of undocumented work through the illegal working offence, coupled with high fines for those employing undocumented workers, has left many migrants with no other option than to accept unsafe jobs, often with conditions that amount to or that pave the way for exploitation, including forced labour and servitude. Our experience shows that rather than deterring employment of undocumented workers, it is used by employers as a tool to maintain a compliant workforce that is unable to demand fair conditions or exit exploitation, as workers know that if they seek support, they could face fines, detention and/or deportation.*

The current government's plans⁶⁴ to increase sanctions for employers hiring undocumented workers and detention of workers is a worrying sign. Furthermore, in our experience supporting victims of modern slavery and domestic abuse, it is often as a result of the exploitation and abuse that victims lose their legal status. Such is the case when, for example, an employer gives false information to the worker about their immigration status or their right to work in the UK or makes false promises to apply for the appropriate visa when it is time to do so.”⁶⁵

The following case study provided by LAWRS provides evidence on how the lack of immigration status can be used by exploiters to keep people trapped into exploitative situations and have far-reaching consequences.

⁶⁰ Hostile environment is a concept widely used to refer to policies and legislation that seek to make life for migrants in Britain increasingly difficult, including the introduction of immigration control in every aspect of daily life, such as renting accommodation, working and accessing vital services such as the NHS. It also includes a highly divisive and dehumanising public rhetoric against migrants

⁶¹ FLEX, LAWRS, Trust for London. (2022). [Preventing and addressing abuse and exploitation: A guide for police and labour inspectors working with migrants.](#)

⁶² LAWRS submission

⁶³ FLEX submission

⁶⁴ Electronic Immigration Network. (21 August 2024). [Home Office intends to significantly increase removal of failed asylum seekers](#)

⁶⁵ LAWRS submission

Case study 2: Carola's story

Carola was brought to the UK under a lie, having been told that she did not need a visa to work here as a domestic worker for 6 months. She worked 6 days a week, 16 hours a day, and received £1.92 an hour. She was isolated, did not speak English and did not know what the National Minimum Wage was in the UK.*

She was paid twice: once after the first 3 months, and again after the second 3 months, and deductions were made for the flight that the employer had paid. After sending money back home she was left with no financial safety net to leave this exploitative situation. After the first 6 months were up, Carola was not allowed to leave the house, and her passport was taken from her without her knowledge. Carola only managed to escape when her employer went out and forgot to lock a door. She was owed 3 months wages when she escaped.

After a while Carola found LAWRS via a friend. LAWRS explained that she had been a victim of exploitation and that she could be referred to the National Referral Mechanism (NRM).

Her case was referred to The Salvation Army and Carola initially received a negative Reasonable Grounds decision. LAWRS made a reconsideration request to the Single Competent Authority and Carola finally received a positive Reasonable Grounds decision and is receiving support.

Carola had a baby in the UK and as a result of being undocumented she had accumulated a debt with the NHS of over £9,000. The hospital refused to recognise her as an exempt patient, despite her receiving a positive Reasonable Grounds decision. She was referred to Maternity Action and after four months of advocacy her debt was cancelled, but only after her case was escalated to Public Health England. Carola was also offered the opportunity to try to recover unpaid wages from her exploiter, but chose not to go ahead with making a claim at the employment Tribunal for fear of having to re-engage with her exploiter.

****This is not her real name***

In addition to the vulnerabilities developed as a result of systemic factors, contributors to this submission have also identified risk factors linked to specific sectors in the UK. Migrant workers are often employed in sectors rife with exploitation, where employers exploit their precarious immigration status to make profit by underpaying their wages and asking them to work long hours and often in unsafe conditions.

The above is made possible because: *“Migrant workers also face many intersecting barriers to accessing support when their employment rights are breached. Alongside language barriers, others include lack of access to information and lack of knowledge of rights; a lack of awareness of the three enforcement bodies that could provide support; lack of appropriate and holistic support from enforcement bodies when migrant workers do eventually reach out for help, as they lack understanding of migrants’ specific and intersectional needs.*

These barriers are felt more acutely by migrant women in domestic work who tend to live very isolated lives, often having limited contact with anyone outside of the family they are employed by. In LAWRS’ experience, it is common practice for employers to keep domestic workers from learning English, and even

from registering with a GP. As a result of this, the responsibility of navigating access to support for exploited migrant workers falls on community organisations with limited resources.”⁶⁶

3.1.2(d). Those in immigration detention

I. Data

Organisations in the UK raise significant concerns about the increasing number of survivors of modern slavery in detention. The Detention Taskforce reports that: *“The number of survivors of trafficking being detained has increased dramatically in recent years. The number of referrals to the National Referral Mechanism from detention has increased from 501 referrals in 2017 to 2,384 in 2023 (with 3,063 referred from detention in 2022).”⁶⁷ From our experience as frontline organisations, we believe it is likely that the actual number may be significantly higher as many survivors never disclose, or do not consent to being referred into the NRM.”⁶⁸*

We have provided more information in relation to the experience of survivors in detention in sections [4.5.1](#) and [4.6.9\(a\)](#).

ii. Barriers to identification and support

The exponential increase of survivors of trafficking in detention appears to denote failures in the identification mechanisms prior to individuals entering detention.

Information shared by UK NGOs shows the additional barriers faced by individuals who enter detention, which further hinders their identification: *“...the detention setting is counterinteractive to them being able to disclose.”⁶⁹ “.... survivors are expected to disclose their experiences to a Home Office official, who they likely see as the person (or representative of the system) responsible for their continued detention. This will be extremely difficult for them for a range of reasons including but not limited to “distrust, shame, fear of stigmatisation, and threats from traffickers who may still be controlling them, as recognised in the Modern Slavery Statutory Guidance.”⁷⁰*

This is further compounded by:

- *Poor vulnerability screening processes – both prior to and during the detention process⁷¹*

⁶⁶ LAWRS submission

⁶⁷ FOI2024/00253

⁶⁸ Detention Taskforce submission

⁶⁹ Independent Chief Inspector of Borders and Immigration. (12 January 2023). [Third Annual Inspection of Adults at Risk Immigration Detention June to September 2022](#)

⁷⁰ Home Office. (n.a). [Modern Slavery Awareness & Victim identification Guidance](#)

⁷¹ The Independent Chief Inspector of Borders and Immigration’s first inspection into the Adults at Risk policy, April 2020, recommended that there should be enhanced screening for vulnerabilities; See also: Joint Committee on Human Rights. (February 2019). [Immigration detention Sixteenth Report of Session 2017–19](#); Medical Justice. (April 2022) [Harmed Not Heard: Failures in safeguarding for the most vulnerable people in immigration detention](#)

- *A lack of quality legal advice*
- *Inadequate support in detention*
- *A hostile environment and proven culture of disbelief*
- *Lack of provision for those who do not speak English*⁷²

The Government has introduced a number of safeguards to identify and protect individuals entering immigration detention, however independent enquiries have found these safeguards (including healthcare screening, Rule 34 and Rule 35 appointments), to be dysfunctional and inadequate.”⁷³

This is supported by evidence shared by contributors: *“individuals recognised as vulnerable under these safeguarding systems often continue to be held in detention even when evidence that they are a survivor of trafficking comes to light. They are held in inappropriate conditions, which many survivors report as reminiscent of their trafficking experience, and some endure lengthy stays in immigration detention where their recovery needs are not capable of being met. This has been shown to have a detrimental impact on a person’s mental health.”*^{74 75}

Research shows that survivors of trafficking are frequently diagnosed with depression, post-traumatic stress disorder, anxiety, and suffer from self-harm and suicidal ideation. The appropriate treatment for these conditions, such as individual trauma-focused therapy, is rarely available in immigration detention. Even if such therapy was provided, it would not be effective in the harsh conditions of immigration detention as it requires the person to feel stable and safe to benefit from treatment.⁷⁶

The above findings are of great importance to understand the unique vulnerabilities of survivors in detention. The Detention Taskforce highlights that *“...detention continues to have an accumulative and damaging impact upon their(survivors) physical and mental health which in turn can increase a person's risk of being re-trafficked or exploited further.”* *“In our experience many people who are detained are released without any prospect of removal,”*⁷⁷ *evidence that in reality detention serves no purpose other than to cause unnecessary harm.”*⁷⁸

People in immigration detention and prisons are often targeted by traffickers and exploiters upon their release. Criminal organisations see this as a vulnerability to control and keep people in exploitation. We will provide more information in the following section.

⁷² Detention Taskforce submission

⁷³ Most recently by the Brook House Inquiry: Kate Eves, Chair of the Brook House Inquiry. (19 September 2023). [The Brook House Inquiry Report Volume II](#), HC 1789-II and Independent Chief Inspector of Borders and Immigration (ICIBI).(2022). [Third annual Inspection of Adults at Risk in Immigration Detention - June - September 2022](#)

⁷⁴ Helen Bamber Foundation. (2022). [The impact of immigration detention on mental health – research summary](#)

⁷⁵ Detention taskforce submission

⁷⁶ National Institute for Health and Care Excellence. (December 2018). [Post-traumatic stress disorder guidance](#)

⁷⁷ A Freedom of Information Request (70719) showed that in 2021 only 21 victims of trafficking with positive Conclusive Grounds decisions were actually removed from the UK through the ‘Enforced Returns’ process.

⁷⁸ Detention Taskforce submission

3.1.2(e). Those with criminal convictions

In the ATMG experience, those who have criminal convictions are at heightened risk of exploitation. The criminalisation of survivors has been used time and time again as a tool to control and keep people in exploitation. For example, Hope for Justice reported that in their many years of work they have witnessed survivors with pre-existing vulnerabilities, including previous (often minor) offending behaviour, actively targeted by exploiters on recruitment.

Similarly, the Helen Bamber Foundation reported that in their experience *“one of the most effective ways to keep victims in fear is to force them to commit crimes, so they will be criminalised if they come forward to the authorities.”*⁷⁹

Very compelling evidence on the consequences of wrongly criminalising survivors has been given by Operation Fort,⁸⁰ hailed as the largest case of modern slavery in Europe. This exposed that victims were recruited from outside prisons, which has been recognised as a vulnerability to be exploited.

Case Study 3 – Operation Fort

An EEA national victim came to the UK under false promise of work and a better life. He was exploited for around 6 months for labour and fraudulent activity. After exiting his exploitation, he found himself homeless. With the support of Hope for Justice (HfJ), he was subsequently entered into the NRM system and reported his case to the Police.

After around 45 days of staying at a safe house, he received a positive conclusive grounds decision, officially recognising him as a victim of human trafficking. After several months, the Home Office informed the safe house that they would not grant discretionary leave due to past criminal history. It was later decided to detain him and progress deportation. Following a challenge from a public law solicitor, his detention was deemed unlawful, the deportation appeal allowed, and he was eventually released from a detention centre.

The victim stated he “felt hurt that he was detained after what had happened to him” and this experience further impacted on his psychological well-being. Added that he does not trust anyone, even people who are helping and supporting him – “it’s hard to believe in what they are saying”.

The victim subsequently gave evidence in Operation Fort and his exploiters have been successfully convicted, leading to the ongoing prosecution of a large criminal gang.

Had he been deported it is highly likely he would have been lost to the prosecution case and there would have been risks from the wider criminal gang, as well as risks of re-exploitation due to the victim’s significant vulnerabilities.

⁷⁹ Helen Bamber Foundation. (2021). [Written evidence to the Committee on the Nationality and Borders Bill](#).

⁸⁰ Crown Prosecution service. (25 June 2021). [Operation Fort: Three gang members convicted of human trafficking](#)

The introduction of the public order disqualification under section 63 of the Nationality and Borders Act (NABA) 2022 has further exacerbated the vulnerabilities of survivors with criminal convictions. For instance, in the case detailed above, the survivor, even if identified, would have potentially been subject to the public order provision. As a result, he would have been disqualified from identification and support in the NRM, which would have impacted on his recovery and therefore put him at heightened risk of re-trafficking and made him liable to removal. This in turn would have prevented him from engaging with the criminal justice process and giving a statement.

We have provided additional information in [section 6.3](#) in relation to the application of the non-punishment principle, matters concerning the identification in detention and prison in [section 4.5.1](#) and disqualifications from identification and support on public order grounds in [section 4.3.4\(b\)](#).

3.1.2(f). Girls and women

Respondents to this submission have identified various vulnerabilities affecting girls and women, which remain underrepresented in the official NRM statistics. We have collected the majority of this evidence in [sections 3.3.1](#) and [3.3.3](#) of this submission, where we have provided evidence on the gender dimension of trafficking.

Both LAWRS and FLEX submissions also highlight specific vulnerabilities affecting migrant women:

“Though unequal power relationships are present within most places of work, in low-paid and insecure work they often intersect and are compounded. There is an overrepresentation of minoritised groups like women, migrants and ethnic minorities who face intersecting vulnerabilities stemming from discrimination to language barriers, restricted labour market mobility and limited access to social security. Low pay and precarious employment acts to further increase these power imbalances.

As highlighted by one worker: Women may also be vulnerable to exploitation due to their need to provide and care for others. Approximately 68.5% of single parents are in work, the vast majority of whom are women.⁸¹ Where a family depends upon a single workers’ employment for survival, their ability to leave or challenge abusive working conditions is likely to be significantly reduced. Workers with caring responsibilities, which most frequently are carried out by women, may also be forced to accept poorer working conditions and entitlements in exchange for the flexibility they require to care for children or sick or elderly relatives. For example, a woman worker may have to take a part-time job that is low paid or below her skill level in order to fit with her family care demands. In these cases, the danger of losing employment, or even the risk of a reduction of hours, may be too significant to risk making a complaint. Gender discrimination against women workers is particularly prevalent when it comes to pregnancy and

⁸¹ Office for National Statistics (ONS). (2022). [Families and the labour market, UK: 2021](#)

*maternity leave. This may result in mistreatment, a reduction in pay or hours, and even the termination of employment.*⁸²

Moreover, workplace sexual harassment is often directly connected to unequal power dynamics in society, for instance gender and racial inequalities, and in the workplace, unequal power dynamics between workers and employers and between workers and customers. Perpetrators of sexual harassment often take advantage of these unequal power relationships.

Previous FLEX research found that in the heavily feminised sectors of cleaning and hospitality, harassment was mainly perpetrated by direct supervisors and managers and, in the case of outsourced workers, client company employees.⁸³ In the app-based delivery sector, couriers were harassed by mainly restaurant staff and customers. Couriers rely on their tips and positive ratings, and if a complaint was made about the worker their account could be terminated. This creates a power imbalance that impeded workers' ability to challenge sexual harassment."^{84 85}

3.1.3. Prevention failures in at-risk sectors

Part II of the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT) contains binding provisions on the prevention of trafficking and sets out a framework for preventing trafficking, recognising that a holistic approach is required and that diverse measures should be implemented.

However, many contributors to this joint submission raised concerns about the lack of necessary safeguards and prevention mechanisms to ensure individuals are protected from trafficking and modern slavery.

The Modern Slavery Act 2015 was introduced to consolidate and improve the criminal justice response, therefore adopting a strong criminal justice lense and was developed concurrently to the introduction of strong anti-immigration legislation, which is identified as the 'hostile environment'. As a result, *"...the Modern Slavery Act failed to adopt a meaningful preventative approach capable of addressing the structural drivers of trafficking or provide for early intervention against abuse. Nor did it do enough to set out provision of support to victims who had been identified as having been trafficked, to support people to recover and move on with their lives and prevent re-exploitation and trafficking.*

*The Modern Slavery Act 2015 was based primarily on a policing and criminal justice approach (with the limited exception of due diligence provisions in section 54). Little attention was paid to the development of a preventative approach that would address the causal factors that produced risks of labour exploitation in the first place."*⁸⁶

⁸² Maternity Action. (2020). [Insecure Labour: the realities of insecure work for pregnant women and new mothers](#), p.5; Maternity Action. (2017). [Unfair redundancies during pregnancy, maternity leave and return to work](#), p.2

⁸³ FLEX. (2021). [Position paper: Tackling sexual harassment in low-paid and insecure work](#). p.11

⁸⁴ *Ibid.* pp.11-12

⁸⁵ FLEX submission

⁸⁶ FLEX submission

UK organisations raised concerns about a number of sectors which saw increasing reports of labour exploitation, such as farming, fishing industry, care workers and domestic workers. These are sectors at already high risk of exploitation and have increasingly and overwhelmingly relied on migrant workers. This, compounded by a combination of factors, such as labour shortages in so called “low skilled” sectors, use of restrictive and short-term visas, under resourced and fragmented labour market enforcement bodies, has created and exacerbated vulnerabilities to exploitation.

3.1.3(a). Care sector

In December 2021, the Government added the care work sector to the Shortage Occupation List⁸⁷ to address the shortage of care workers in the UK and allow care workers to use the Health & Care Worker visa. The number of Health & Care Worker visas granted grew from 47,194 in the year ending 2022, to 121,290 in the year ending June 2023 (a 157% increase). In the period of June 2022 to June 2023, the Health & Care Worker visa represented 57% of all ‘Worker’ visas.⁸⁸

As explained by FLEX: *“The Health and Care Worker visa creates a dependency on individual sponsors, as workers on this visa must have a job offer from an approved UK employer who is also their visa sponsor. As such, workers’ right to stay in the UK depends on maintaining their relationship with their employer or finding a new employer who can sponsor their visa within 60 days. The resulting reliance on the sponsor for employment and the right to remain in the UK creates a barrier to reporting concerns about labour exploitation or other bad practice.”*^{89 90}

As reported in the below case study provided by FLEX, the charity Unseen collected data in relation to reports of exploitation in the care sector. More information can be found in their report “Who cares? A review of reports of exploitation in the care sector.”⁹¹

Case study 4: Exploitation of Health & Care Worker visa holders

*Increasingly, there have been reports of severe forms of labour exploitation in the UK care sector, with issues including illegal fees, exorbitant repayment clauses, non-payment of wages, debt bondage and excessive overtime highlighted in media coverage. Using data collected through the Modern Slavery & Exploitation Helpline, the charity Unseen has reported a 606 per cent increase in the number of modern slavery cases in the care sector from 2021 and 2022.*⁹²

⁸⁷ On 4 April 2024 the Shortage Occupation List has been replaced by the Immigration Salary List (ISL)

⁸⁸ Home Office. (2023). [National statistics - Why do people come to the UK? To work](#)

⁸⁹ FLEX et al., (December 2023). [Joint Position Paper on Preventing Exploitation in the Adult Social Care Sector](#)

⁹⁰ FLEX submission

⁹¹ Unseen. (2023). [Who Cares? A review of reports of exploitation in the care sector](#), p. 4

⁹² *Ibid* p.4

The Director of Labour Market Enforcement has identified adult social care as a high-risk sector for labour exploitation, with live-in and agency care workers believed to be at particular risk.⁹³ The Migration Advisory Committee (MAC) has stated that the Government has tacitly accepted exploitation in the care sector.⁹⁴ The UK's care sector is suffering ongoing and rising labour shortages.⁹⁵

This is not translating into improved conditions. Low pay, poor conditions and abusive treatment remain endemic in the sector. This is not translating into improved conditions. Low-pay, poor conditions and abusive treatment remain endemic in the sector.⁹⁶ In this sense, the Health & Care Worker visa has 'landed' on top of an already high-risk sector, with workers being caught between the prevalent systemic poor conditions of the adult care sector and the harsh effects of UK immigration policy. Rather than increasing wages and improving conditions, the Government and employers in the adult social care sector are placing the true costs of providing care on workers.

We have summarised some of the recommendations made by FLEX on how to prevent and mitigate the risk of exploitation in the care sector:

- **National Care Service** - Establish a NHS-style system for social care.
- **Labour Market Enforcement** - Establish a Single Enforcement Body that is accessible to workers in practice, adequately funded, provided with robust enforcement powers and has secure reporting pathways in place. The Government must separate all labour market and immigration enforcement activity.
- **Dependency/Options for Workers** - Introduce bridging visas or the ability to apply to renew a visa in-country once expired. Ensure that all work visas have pathways to permanent settlement, the ability to change jobs easily and access to public funds. Recognising the vital role of care workers in the UK, and the need for migrant workers to support the sector, related visa fees for both the worker and the sponsoring employer must be removed.
- **Recruitment** - Recruitment should only take place via agencies on the 'ethical recruiters list'. Ensure that the UK Code of Practice on ethical international recruitment is made enforceable so that unscrupulous employers and recruitment agencies cannot operate freely outside of it. As recommended by UNISON, Integrated Care Systems in England, with involvement from local authorities, should operate a central point in the region tracking vacancies with sponsoring employers. This would enable care workers to find new employers more easily.⁹⁷

⁹³ Director of Labour Market Enforcement. (2022). [United Kingdom Labour Market Enforcement Strategy 2022/23](#)

⁹⁴ The Guardian. (2023). [Exploitation of care workers in England is 'appalling', says government adviser](#)

⁹⁵ Skills for Care. (2022). [Vacancies in social care increase by 52 per cent to their highest rates and the workforce shrinks for the first time](#); Unseen (2023), note 37, p.3

⁹⁶ UNISON (2023). [Migrant care staff in UK 'exploited and harassed' by employers, says UNISON](#)

⁹⁷ FLEX submission

3.1.3(b). Seasonal workers in agriculture

The UK introduced the agricultural Seasonal Worker visa as a pilot in 2019. Since then, the scheme has expanded from under 3,000 visas in 2019 to up to possibly 57,000 available in 2023 (10,000 of these could be released subject to unpublished criteria and 2,000 are shorter visas for the poultry sector). This scheme has rapidly grown despite concerns that it can create risks of exploitation for workers, including reports of workers being left without work after only a few months in the UK, so they are unable to repay migration debts.⁹⁸

The Bureau of Investigative Journalism has produced a series of investigative pieces reporting on exploitation, abuses and poor living and working conditions faced by seasonal workers in farms across the UK.⁹⁹

Case study 5: the Seasonal Worker Scheme

The issues faced by workers on the Seasonal Worker Scheme provide an illustration of how the modern slavery approach to workplace abuses can act to exclude workers from protection and support and hinder a preventative approach. Research points to the presence of International Labour Organisation indicators such as deception in recruitment, degrading living conditions and dependency on employers (among other such risks) (FLEX and Fife Migrants Forum, 2021, p.32) and serious concerns as to how the scheme is operating in practice.

The GLAA have confirmed that they do not proactively inspect farms, and instead will only conduct a visit where there are allegations of modern slavery having occurred. Nor does the GLAA conduct in-country licence or compliance inspections of overseas labour providers. This limited oversight of overseas labour providers and their activities in workers' country of origin, combined with a lack of clarity around recruitment processes and costs or adherence to the Employer Pays Principle¹⁰⁰ poses a range of recruitment-related risks for workers including deception and debts which they may not earn enough to repay.

3.1.3(c). Overseas domestic workers

In April 2012, the Government made drastic changes to the terms of the Overseas Domestic Worker visa, removing protections the previous regime (in place from 1998 till 2012) offered to workers to prevent forced labour and trafficking. Some of these safeguards permitted workers the right to change employers,

⁹⁸ Landworkers alliance, FLEX, JCWI, New Economics Foundation, Sustain. (2023). [Debt, migration and exploitation. The seasonal worker visa and the degradation of working conditions in UK Horticulture](#). Chapter 1

⁹⁹ The Bureau of Investigative Journalism. [Trapped in work](#)

¹⁰⁰ FLEX and Fife Migrants Forum. (2021). [Assessment of the risks of human trafficking for forced labour on the UK Seasonal Workers Pilot](#). London, p.9

registering any such change with the Home Office, and the right to renew their visa if they could demonstrate their labour as a domestic worker was still required.¹⁰¹

Following the changes to the visa, *“reports of exploitation on the Overseas Domestic Worker visa increased dramatically in 2012. This meant that exploitative employers knew that workers could not leave and look for a better job and even complaining carried the risk of being sacked and left destitute and unable to work.”*¹⁰²

Some changes were made to the terms of the visa in 2016 after the UK Government acquiesced workers should not be trapped in abusive employment. The right to change employer was reinstated but the Government did not accept that workers need time to be able to do it safely.

An independent review published in December 2015 found that *‘the underlying rationale of a right to change employer is to give [workers] a safe way out of an abusive situation, of which safe re-employment is an essential part.’* The Government disagreed and only permitted workers to change employer during the currency of their original six-month visa. They also placed continued reliance on the availability of workers to use the National Referral Mechanism for trafficking survivors.

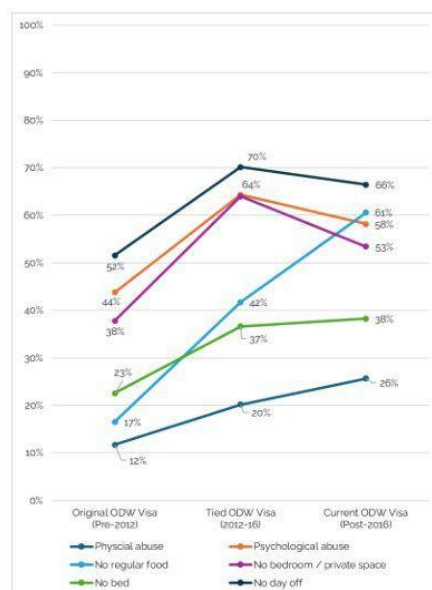
The reality of workers fleeing abusive employers without references or possession of their passport, with merely months or weeks remaining on their visa, means that exercising their right to change employer is not accessible in practice.

The National Referral Mechanism is also not suitable for those workers whose treatment does not fit within the legal definition of trafficking or modern slavery, and who fall into a protection gap where they are at risk of further harm. In Kalayaan’s recent report *“12 Years of Modern Slavery”*, analysis of over 2,000 workers registering with the charity demonstrated the increase in reported abuse since the restrictions took hold in 2012, with levels remaining consistently high following the 2016 changes.¹⁰³

¹⁰¹ Kalayaan. (2024). [12 Years of Modern Slavery: the smokescreen used to deflect state accountability for migrant domestic workers](#)

¹⁰² FLEX submission

¹⁰³ Kalayaan. (2024). [12 Years of Modern Slavery: the smokescreen used to deflect state accountability for migrant domestic workers](#)



Graph 1. Analysis of 2,080 Kalayaan clients registered between April 2008 and April 2024

3.1.3(d). Fishing industry

The fishing industry is rife with vulnerabilities which may lead to exploitation. The use of Code 7 leave, designed to allow migrant fishers to transfer onto a vessel to work outside of UK waters, has left exploited migrant fishers with few options.

If they are working more than 12 nautical miles from the UK coast, they are outside of enforcement jurisdiction. If they are closer, even if for a limited period, they are in breach of immigration rules. This means that contacting the authorities will more likely lead to an immigration enforcement response than support to access rights. The immigration restrictions on Code 7 leave restrict access to external support and to rest opportunities as well as access to medical support. This means that unscrupulous employers can use the limitations of the ‘transit loophole’ in the context of priority being given to Immigration Enforcement over workers’ rights and access to justice, to control workers and prevent exploited workers from seeking assistance.

In April 2023, the Government confirmed that non-UK fishers must hold a Skilled Worker visa to work within UK territorial waters.¹⁰⁴ While this confirmation might appear to be positive there are risks depending on enforcement; if in practice fishers who apply to jobs in good faith continue to be hired using the transit loophole the authorities need to be very clear that enforcement action will be against their employer, rather than the fisher who should be provided with an immigration route which enables them to find alternative employment in the industry and, where applicable, seek redress for any exploitation.

¹⁰⁴ Home Office. (2024). [Home Office visa support for the seafood sector](#)

The 2022 Rights Lab report, *'Letting Fishing Off the Hook: Evidencing labour abuses in UK fishing'* found that most surveyed workers worked excessive hours in violation of ILO Convention 188 and received pay substantially lower than domestic and EEA fishers. 60% reported working minimum shifts of 16 hours, and one third reported working shifts exceeding 20 hours. 30% reported that they had never received 10 hours of rest.

Due to the requirement that workers remain onboard the fishing vessel while in port, 25% reported that they had never received 77 hours of rest across a 7-day period, as they are required to clean and conduct maintenance during their 'off' days in port. Non-EEA migrant fishers reported that they received as little as £400 per month and up to £1,500 per month. On average, workers incurred around £1,800 of debt despite ILO Convention 188 ('Work in Fishing' Convention) prohibiting fishers from being charged placement fees. When calculating wages, debt, catch-based top-ups, and average working hours (excluding informal port work), the average salary for migrant fishing workers was £3.52 per hour.

Beyond that, overwork and non-payment of wages, 35% of fishers reported that they had experienced regular physical violence. There were also reported examples of extreme violence, for instance, one worker recounting being beaten while racial slurs were yelled at them by the skipper's son. Additionally, two fishers reported extreme acts of sexual violence.¹⁰⁵ Probable forced and compulsory labour was found in 19% of the interviews and survey responses, with potential forced and compulsory labour found in 48%, demonstrating the scale of exploitation in the UK fishing industry.¹⁰⁶

An additional risk relates to the isolation that migrant fishing workers face on board vessels, as well as the insular nature of the fishing industry in the UK. As a result, many workers do not know who to trust in reporting a grievance and rely on welfare groups and ITF to raise grievances rather than Government bodies like the MCA who are tasked with enforcing Convention 188. Over 60% of workers reported that they would never report a grievance out of fear of reprisal, such as blacklisting.

3.1.3(e). Recommendations on how to mitigate vulnerabilities in at risk sectors

FLEX makes some practical recommendations on how to tackle the widespread labour exploitation in many high-risk sectors across the UK and create stronger and effective prevention mechanisms.

- *"The enforcement of existing labour standards should be strengthened, focusing on sectors with low pay and high rates of insecure work. This will require evidence-based resourcing of labour inspectorates, so they have the staff and capacity to proactively enforce workplace standards, as well as a review of their powers and remit.*
- *The Government should repeal the No Recourse to Public Funds (NRPF) policy, which has been shown to create and exacerbate extreme poverty and inequality, to ensure a baseline access to social protection.*

¹⁰⁵ Rights Lab. (2022). [Letting exploitation off the hook?: Evidencing labour abuses in UK fishing](#)

¹⁰⁶ *Ibis*

- *People whose employment rights are being breached must be able to challenge this early on and access support to enable them to ultimately leave exploitative work. Support should not require people to be at the point of destitution, homelessness, or experiencing exploitation so severe that it meets the threshold for modern slavery.*
- *Routes should be planned, recognising and responding to the continued demand for labour migration into jobs and sectors like food manufacturing, construction and hospitality with safeguards built into all work visas to ensure workers can exercise employment rights in practice, with the ability to change employer and renew their visa.*
- *The UK should also look to learn from good practice such as that being piloted in Australia with the Workplace Justice Visa and protection against visa cancellation by a sponsor where workers have been exploited. These provide practical options for workers to report and take action against exploitation without risking their immigration status and work options and actively addresses the very real issue of exploitative employers weaponising the immigration system for the power it gives them over the workers they sponsor.*
- *The Government should revise regulation and administrative practices in order to protect the human rights of migrant domestic workers, in particular reinstate the pre-2012 Overseas Domestic Worker visa which allows domestic workers to change employer and the linked and required right to renew the visa and when eligible apply for settlement. LEAG call on the Government to ratify ILO Convention 189 (the Convention on Domestic Workers, formally the Convention concerning Decent Work for Domestic Workers). The UK should not have any visas which are designed as short term and cannot be renewed where there is ongoing employment.”¹⁰⁷*

3.2 What specific measures are taken to reduce children’s vulnerability to THB by creating a protective environment for children? Please provide information in the following areas:

The Modern Slavery Act 2015 introduced important provisions to improve the identification and support system for children. For example, section 48 makes provisions for the creation of the Independent Guardianship Service (ICTG). This service is currently delivered by Barnardo’s, a children’s charity, in **England and Wales**. The ICTG service has also been introduced in **Scotland** and it is delivered by the Scottish Refugee Council, which together with the Aberlour Children’s Charity also delivers the Scottish Guardianship model for all unaccompanied children in Scotland. In **Northern Ireland**, the Independent Guardian Service (IGS) was set up under section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.¹⁰⁸

A recent assessment commissioned by the Government provides staggering evidence on the positive impact the ICTG support provides to children affected by modern slavery.¹⁰⁹ The Government is currently

¹⁰⁷ FLEX submission

¹⁰⁸ [The Human Trafficking and Exploitation \(Criminal Justice and Support for victims\) \(Independent Guardian\) Regulations \(Northern Ireland\) 2016](#); [The Independent Guardian Service for Trafficked and/or Separated Children/Young People](#)

¹⁰⁹ Home Office. (21 May 2024). [Independent Child Trafficking Guardian \(ICTG\) MSA evaluation](#)

developing a revised model with the commitment to extend the service across the UK, however, the ICTG service only covers 2/3 of the UK at present, leaving many children without access to specialist support.

Additionally, the NRM Child Devolved decision-making panels were introduced through a pilot, which currently covers 20 sites across 30 Local Authorities. The Government has conducted an assessment of the devolved panels, which has also returned positive findings.¹¹⁰

Despite these provisions, respondents to this submission have highlighted that the immigration enforcement focus and hostile rhetoric have resulted in a concerning roll back of children's rights. We have provided further information on the impact of recent legislation on children in [section 3.11.1](#) of this submission.

Evidence provided by respondents to the GRETA questionnaire still shows significant gaps in support and preventative mechanisms to effectively safeguard children from trafficking and exploitation. Organisations have reported significant concerns around the period of transition to adulthood, which we have analysed in [section 4.3.3\(e\)](#) and the impact of failures in the age disputed process, which we have analysed in [section 3.2.3\(b\)](#) of this submission.

3.2.1. Protecting children's rights from attitudes, customs, behaviour and practices that can have an adverse effect (including child, early and forced marriage, and illegal adoption)

Contributors to this submission have consistently drawn attention to the lack of interventions to address specific vulnerabilities affecting children and highlighted barriers to implementing an effective prevention response. For example, ECPAT UK stated that: *"There is a lack of a comprehensive and overarching child exploitation strategy that addresses the gaps in existing legislation, particularly focusing on early identification initiatives.*

*Resources are a significant issue hindering prevention and early identification efforts. Local authorities and police forces face challenges due to reduced budgets and increasing workload, thus resulting in limited capacity for frontline professionals. Analysis of published local authority policy documents demonstrates that child modern slavery and exploitation are most substantially addressed in multi-agency working documents. In these documents, child modern slavery concerns usually shape the whole of the policy and ensure a comprehensive approach from identification to prevention and protection. By contrast, other policy documents either do not engage with child modern slavery or exploitation at all, or peripherally address these practices."*¹¹¹

Expanding on this, BASNET raised the Government's lack of consultation and cooperation with communities to address cultural vulnerabilities, which can lead to trafficking and exploitation, especially in familiar and community environments: *"children in some Black and Ethnic communities can become vulnerable to human trafficking because their home environment is hostile. These hostilities can occur*

¹¹⁰ Home Office. (21 May 2024). [An evaluation of the pilot to devolve decision-making for child victims of modern slavery](#)

¹¹¹ ECPAT UK submission

based on cultural, religious and patriarchal practices that could be harmful to children including domestic violence and harsh physical chastisement.

Children can become exposed to grooming and recruitment into online sexual and criminal exploitation due to absence of protection in their home environments. We note that government efforts to address customs like Female Genital Mutilation has reduced considerably. This is also the case with Forced Marriage and other forms of Honour Based Abuse which can be a driver for child sex trafficking and exploitation.

We are concerned about reduced efforts by the UK government in recent years to tackle these cultural issues that can increase vulnerabilities of children in Black and Ethnic communities to trafficking in human beings. Our opinion is that the lack of leadership by the government to address the cultural drivers of human trafficking and work in partnership with communities at risk has increased vulnerabilities of children to exploitation and trafficking. We therefore call on the government to prioritise efforts to engage with communities to help address these cultural problems.”¹¹²

Some positive steps have been noted with the introduction of additional safeguards in relation to the legal age of marriage: *“The Marriage and Civil Partnership (Minimum Age) Act 2022 changed the law to ensure that 16 and 17 year olds are not able to marry or enter a civil partnership, even if they have parental consent, and made it illegal and a criminal offence to exploit vulnerable children by arranging for them to marry, under any circumstances whether or not force is used. This includes non-legally binding ‘traditional’ ceremonies which would still be viewed as marriages by the parties and their families. Those found guilty of arranging child marriages face sentences of up to 7 years in prison.”^{113 114}*

However, After Exploitation draws attention to the lack of information and awareness raising amongst children, especially in relation to relationships, sex and health education (RSHE). Education around these topics is essential to ensure children become aware of boundaries and abusive behaviour to prevent exploitative adults from targeting them.

“In May 2024, the UK Government signaled an intention to reduce children’s access to some forms of relationships, sex and health education (RSHE) until the age of 13. The measures were introduced by the Department for Education in response to alleged “disturbing materials” being used in RSHE lessons, but further information concerning materials informing the decision was not disclosed by the department as part of Government press releases.”¹¹⁵

According to the Crown Prosecution Service, *“children as young as 6 years of age have been reported as being recruited and groomed” in the UK.*¹¹⁶ 1,119 children were referred as victims of sexual exploitation

¹¹² BASNET submission

¹¹³ Ministry of Justice. (2023). [Legal age of marriage in England and Wales rises to 18](#)

¹¹⁴ ECPAT UK submission

¹¹⁵ The Department for Education. (16 May 2023). [Age limits introduced to protect children in RSHE](#)

¹¹⁶ CPS. (Last updated 26 January 2024). [Modern Slavery and human trafficking: offences and defences, including the section 45 defence](#)

last year,¹¹⁷ with the actual figure likely to be higher due to the many barriers to childhood disclosure of exploitation.¹¹⁸ Alongside charity partners, we explained to the Press Association that exploitative adults leverage children's lack of knowledge in order to set dangerous norms in private, stating: "childhood survivors of sexual abuse routinely attribute their lack of disclosure to their inability to 'understand' the abuse whilst it was taking place."¹¹⁹

In additional testimony provided to After Exploitation, Joanne Phillips of the Independent Inquiry into Telford Child Sexual Exploitation (IITCSE) explained how a lack of standardised education increased her vulnerability to trafficking by allowing abusers to create their own norms without challenge: "I believed girls have to do what the men say, because the men are always in charge and the men are always the boss of everything. I thought this because nobody had educated me. Nobody had said this was wrong, or explained that I could say no. Instead, I was told I 'asked for it', was a 'slag', and I was arrested for being a prostitute."^{120 121}

Draft statutory guidance on RSHE was published on 16th May 2024. A number of charities leading on human rights, violence against women and girls (VAWG) and children's rights warn against the role this could play in increasing vulnerability to abuse and exploitation for children and ask the Government to withdraw the draft guidance.¹²²

3.2.2. Developing children's life skills (including media literacy and online safety skills), knowledge and participation

Recent joint research¹²³ conducted by ECPAT UK and the University of Nottingham Rights Lab reviewed and identified existing interventions and initiatives relevant to early identification and prevention of child modern slavery in the UK. The report found that: "Six key areas of focus emerged across 23 of the interventions reviewed: direct support; safeguarding; education; identification; prevention; and policing. The educational programmes for children and young people aimed to teach new skills whilst developing confidence, building resilience, and raising aspirations for the future; such as the Keeping Our Girls Safe Programmes which are available in Oldham and Greater Manchester."¹²⁴ Several interventions, such as Stop

¹¹⁷ Home Office. (7 March 2024). [Modern Slavery: National referral Mechanism and Duty to Notify statistics UK, end of year summary 2023](#)

¹¹⁸ Independent Inquiry Child Sexual Abuse. (October 2022). [Sexual Abuse Investigation in Custodial Institutions: 2009-2017 Investigation Report](#). C.2 Barriers to Disclosure

¹¹⁹ The Standard. (16 May 2024). [Sex education age limits to ensure children 'not exposed to too much too soon'](#)

¹²⁰ After Exploitation, Dr Ella Cockbain, independent consultants Emily Vaughn and Joanne Phillips (quoted), Stop and Prevent Adolescent Criminal Exploitation (SPACE), and Anti-Slavery International. [Statement on proposed Relationship, Sex and Health Education \(SHRE\) changes: impact on children at risk of trafficking and exploitation](#)

¹²¹ After Exploitation submission

¹²² School week. (20 September 2024). [Labour faces pressure to ditch Tory RSHE reforms](#)

¹²³ University of Nottingham Rights Lab and ECPAT UK. (January 2024). [Prevention and identification of children and young adults experiencing, or at risk of, modern slavery in the UK](#)

¹²⁴ Unwin, P., & Jones, A. (2021). 'Educate, Empower and Inspire': An Evaluation of a Preventative Service for Young People at Risk of Sexual Exploitation. *Child Abuse Review*, 30(1), 62-70

it Now! Wales, provide educational programmes for adults that ensure parents and carers have greater awareness of the signs of exploitation and confidently know how to access support.^{125 126}

The above study, however, found gaps in the protective systems for children and young people, which is having a knock-on effect on access to appropriate support for children and their families and leading to a heightened risk of exploitation. Austerity policies have resulted in the disappearance of crucial services such as youth clubs, activities in streets, and community centers. This has been compounded by limited funding for family support services, parenting programmes and family support models.

ECPAT UK reports the negative impact of these policies: *“an absence of a ‘lower-tier’ approach, wherein staff engage directly and establish relationships within the community, makes it challenging to keep an eye on exploitation cases occurring on the ground. Parental awareness is also highlighted as a crucial factor, with many parents being unaware of what to look for or the vulnerabilities their children may face. Likewise, the public lacks awareness on the exploitation of children and young people and knowledge about where to report suspicions, contributing to gaps in prevention and in the early identification process. The lack of effective communication with children themselves also poses further obstacles to prevention and identification efforts. There is a notable gap in child participation and engaging directly with children to gather their perspectives.”*¹²⁷

3.2.3. Putting in place a system for monitoring and reporting cases of abuse

The UK has specific statutory responsibility in relation to monitoring and reporting child abuse, however these are often fragmented, insufficient or poorly implemented.

In addition to the mechanism outlined in the following section 3.2.3(a), the Government has created specific roles, such as the Independent Anti-Slavery Commissioner (IASC) and the Independent Chief Inspector of Borders and Immigration (ICIBI) to monitor the operational and policy implementation of relevant legislation across the UK.

These offices can conduct inquiries and calls for evidence as well as inspections to immigration detention centers and border force operations to gather evidence and make recommendations to the Government. These mechanisms, however, are dependent on the Home Office publishing their reports, which are often delayed. We have provided further evidence on the role of the IASC in [section 7.3.2](#). Information provided by these independent reports, compounded by evidence shared by contributors to this submission, raises serious concerns about the safeguards mechanism for children and challenges the statutory authorities’ capacity to respond proactively to instances of abuse.

¹²⁵ Hudson, K. (2018). [Preventing child sexual abuse through education: the work of Stop it Now! Wales. The Journal of Sexual Aggression](#), 24(1), 99-113

¹²⁶ ECPAT UK submission

¹²⁷ ECPAT UK submission

We also refer to some of the child and young people content in section [3.1.2\(a\). Children and young people](#) of this submission, where we have highlighted discrepancies in data reporting and issues with identification in relation to children and young people.

3.2.3(a). Statutory responsibilities to monitor and report abuse

ECPAT UK outlines statutory responsibilities towards children who are suffering or at risk of suffer harm in **England and Wales**: *“In England, local authority child protection services have responsibility under Section 47 of the Children Act 1989 to investigate where there are concerns that a child in their local authority area is suffering or is likely to suffer significant harm, and to assess whether protective action is required.”*¹²⁸ Similar provisions are found in other devolved administrations.

Where there are concerns that significant harm is occurring or may occur, the local authority can obtain an emergency protection order or make an application to the court for another order as appropriate to safeguard the child. Section 17 of the Children Act 1989 places a general duty on every local authority to safeguard and promote the welfare of children in need within their area by providing services appropriate to those children’s needs.”^{129 130}

The Department for Education has also issued specific guidance for Local Authorities on unaccompanied migrant children and child victims of modern slavery. This classifies trafficking and exploitation as harm and therefore it falls within the scope of the Children Act 1989 requiring protective action to be taken.¹³¹

However, ECPAT UK highlights some gaps: *“...this system for monitoring and reporting cases of abuse is lacking in its response to child trafficking when it is extrafamilial given its emphasis of protecting children from abuse within the home.”*^{132 133}

In **Scotland**, the National guidance for child protection in Scotland¹³⁴ explains how professionals should act to protect young people from harm in different circumstances.

In **Northern Ireland**, the Northern Ireland Executive, through the Department of Health (DoH), is responsible for child protection. Information on reporting safeguarding concerns is included in the Cooperating to safeguard children and young people in Northern Ireland (2017) guidance.¹³⁵ The Minister for Health in Northern Ireland, commissioned an independent review of the children’s care services and

¹²⁸ Children Act 1989, Section 47

¹²⁹ Children Act 1989, Section 17

¹³⁰ ECPAT UK submission

¹³¹ Department for Education. (2017). [Care of unaccompanied migrant children and child victims of modern slavery. Statutory guidance for local authorities](#)

¹³² Lloyd, J., & Firmin, C. (2020). [No Further Action: Contextualising Social Care Decisions for Children Victimised in Extra-Familial Settings](#). *Youth Justice*, 20(1-2), 79-92.

¹³³ ECPAT UK submission

¹³⁴ Scottish Government. (31 August 2023). [National Guidance for Child Protection in Scotland 2021 - updated 2023](#)

¹³⁵ Department of health. (29 August 2017). [Co-operating to Safeguard Children and Young people in Northern Ireland](#)

the findings were published in June 2023.¹³⁶ The report highlights various failures in the child protection system, including those regarding reporting abuse. Information included in this report is also relevant to the other questions in this section.

Safeguards for children are also embedded in modern slavery support services such as the Modern Slavery Victim Care Contract (MSVCC), where children are supported as dependents of a parent survivor of modern slavery. *“While The Salvation Army (TSA) primarily supports adult survivors of trafficking, there are provisions within some safehouses to offer accommodation to the families of survivors. Within these properties TSA ensures the parents have robust access to support networks and parent groups, working alongside Social Care and the schools their children attend to extend support to keep families safe.*

The process for reporting a safeguarding concern of a child would be to contact the Duty & Advice line. From here, TSA would work with the parents to allocate a social worker to investigate and offer support to the family as required. If there was no immediate concern, early help support could be applied, working with the family to offer guidance. At TSA properties there is only a maximum of 3 parents in service at one time to ensure concerns around children are kept track of. TSA Service Managers also attend serious case reviews meetings to build knowledge and learn from past cases.”¹³⁷

3.2.3(b). Lack of appropriate safeguards and monitoring procedures for age disputed children

Section 51 of the Modern Slavery Act 2015 states that: ‘Until an assessment of the person’s age is carried out by a local authority or the person’s age is otherwise determined, the public authority must assume for the purposes of its functions under relevant arrangements that the person is under 18.’¹³⁸

Similarly, section 12 of the Human Trafficking and Exploitation (Scotland) Act 2015 states that: ‘Until an assessment of the person’s age is carried out by a local authority, or the person’s age is otherwise determined, the relevant authority must assume that the person is a child for the purposes of exercising its functions under the relevant enactments.’¹³⁹

This is also referenced in the Home Office Assessing Age guidance,¹⁴⁰ which confirms that authorities should provide ‘relevant arrangements’, therefore providing assistance and support to children as directed by the modern slavery guidance and relevant acts:

- [the Children Act 1989 in England](#)
- [the Social Services and Well-being \(Wales\) Act 2014 in Wales](#)
- [the Children \(Scotland\) Act 1995 in Scotland](#)
- [the Children \(Northern Ireland\) Order 1995 in Northern Ireland.](#)

¹³⁶ Department of Health. (22 June 2023). [Independent Review of Children’s Social Care Services](#)

¹³⁷ The Salvation Army submission

¹³⁸ [Modern Slavery Act 2015, section 51](#)

¹³⁹ [Human Trafficking and Exploitation \(Scotland\) Act 2015, section 12](#)

¹⁴⁰ Home Office. (24 May 2024). [Assessing Age, version 7.0](#)

Nevertheless, evidence, shared by organisations, shows that age dispute processes and mechanisms are failing children, hindering their access to appropriate identification and support, increasing their risk of exploitation and re-trafficking.

I. Home Office

The British Red Cross draws attention to the increasing reports of age disputed cases raised by the Home Office in the last 3 years, which amounted to a 450% increase.¹⁴¹ When children's age is disputed they are at heightened risk of abuse and have limited access to appropriate safeguarding and protection mechanisms often for long periods of time.

The age dispute processes are often found to be lacking important safeguards and often heavily rely on 'visual assessment of appearance and demeanor'.

*"Reports from the Independent Chief Inspector of Borders and Immigration (ICIBI) and UNHCR included concerning details about visual assessments conducted by Immigration Officers. They were described as brief, without conversation and with no interpreters present in an environment that was not conducive to the disclosure of vulnerability issues that may place an individual at particular risk of harm."*¹⁴²

Additionally, ICIBI inspectors observed that Home Office staff at border entry points were mainly reliant on migrants proactively engaging staff about their vulnerabilities and missed opportunities to engage with indirect and nonverbal indicators of vulnerability and trafficking. According to Home Office statistics, around 45% of age disputed young people are later found to be children when they have a full age assessment by a Local Authority.

*Figures in the Helen Bamber Foundation and Humans for Rights Network's report, 'Disbelieved and denied', showed that in 2022 over 1,300 young people who had been sent to adult asylum accommodation or detention were referred to local authority children's services departments.¹⁴³ Of those, almost two-thirds were found to be children, equating to over 850 children incorrectly put into the adult asylum system."*¹⁴⁴

Adult asylum accommodations as well as detention settings are often inadequate to meet adult survivors' needs, so it is extremely concerning that children are often placed in those settings and substantiates the lack and inadequacy of monitoring mechanisms to safeguard children from harm, including exploitation and re-trafficking.

¹⁴¹ Humans for Rights Network, Helen Bamber Foundation, Asylum Aid. (April 2023). ['Disbelieved and denied Children seeking asylum wrongly treated as adults by the Home Office'](#)

¹⁴² Independent Chief Inspector of Borders and Immigration. (July 2022). [An inspection of the initial processing of migrants arriving via small boats at Tug Haven and Western Jet Foil December 2021 – January 2022](#); UNHCR. (26 May 2023). [Asylum screening in the UK. An audit of the UK's asylum intake, registration and screening procedures and recommendations for change](#)

¹⁴³ Humans for Rights Network, Helen Bamber Foundation, Asylum Aid. (April 2023). [Disbelieved and denied Children seeking asylum wrongly treated as adults by the Home Office](#)

¹⁴⁴ British Red Cross submission

“Based on data recorded by the British Red Cross concerning our work with people in asylum accommodation, we have observed that a larger proportion of age-disputed young people in hotels require emotional support from our caseworkers compared to non-age disputed service users. The children we have worked with have experienced room-sharing with unknown adults, abuse (including emotional, physical, and sexual), neglect, social isolation, hate crimes, and have witnessed traumatic events in hotels.

Given the prevalence of these negative and unsafe experiences in asylum hotels, instances of young people going missing and being lured into exploitative situations are expected. Based on our experience with trafficked young people and asylum-seeking young people at risk of exploitation, we are concerned that interactions with public bodies including the Home Office, social services, and police often fail to reduce their vulnerability. Reports from other organisations and our own insights demonstrate an unwillingness from some statutory bodies to work with non-statutory bodies to appropriately respond to concerns about age disputed young people, leaving gaps that increase the risk of exploitation.”¹⁴⁵

ii. Local Authorities

Findings from a recent report by JustRight Scotland uncovered a concerning pattern across Local Authorities in **Scotland**, which are refusing or significantly delaying processing referrals and meeting age disputed young people, even after serious safeguarding concerns were flagged.¹⁴⁶

“Additionally, British Red Cross data shows that in 2023, it took an average of 60 weeks for age-disputed young people in the Scotland Young Refugee service to have a full Merton-compliant age assessment from their date of entry into the UK. We have concerns that being disbelieved about their age and having to interact with a drawn out, non-child centered process to determine their age can impact young people’s relationship with all public authorities.

We have observed some young people engage in high-risk and unsafe relationships to cultivate alternative ways to support themselves should they decide to disengage with all processes, including age assessment, asylum claim and NRM. We are concerned about how these vulnerabilities can, and are, taken advantage of by those seeking to exploit young people.”¹⁴⁷

iii. Police

The British Red Cross submission also highlights concerns in relation to the Operation Innerste, which began in 2016 and ‘was developed as a multi-agency response to the complex issues surrounding unaccompanied migrant children going missing.’¹⁴⁸ However, this consisted in children having to present themselves to the police station to have their fingerprints taken and their information checked on Home

¹⁴⁵ British Red Cross submission

¹⁴⁶ JustRightScotland. (2024). [Unlocking Support: age disputed young people in Scotland](#)

¹⁴⁷ British Red Cross submission

¹⁴⁸ Home Office. (last updated 26 October 2023). [Operation Innerstee process guidance](#)

Office systems. This resulted in thousands of unaccompanied children being subjected to this immigration enforcement operation soon after arriving in the UK.¹⁴⁹

“In some instances, local authority child social care teams require young people to report to a police station prior to accepting a referral. We know that engaging with the police can cause significant fear and distress for some people in the asylum process, particularly for those who have experienced trafficking. As such, any requirement to interact with the police can act as a barrier to being referred to the appropriate children services.

In our experience, we have seen police accept the Home Office given age after a live scan and not make an onward referral to social services, despite the young person reporting to be under 18 and presenting potential risks of harm to themselves. Please refer to the case study below as example.

The British Red Cross recommends Operation Innerste is evaluated “...specifically, with regard to how it is performing against its primary objective of safeguarding unaccompanied children and reducing children going missing, and any negative consequences that need to be mitigated.

Regarding the age disputed processes, they recommend that: “...public authorities, and those contracted by the government to provide services, reduce the risk of exploitation by sharing information relating to decisions around age and movement of individuals around the UK. A lack of data capture and sharing creates a void of information relating to age disputed individuals, which can be easily capitalised on by those seeking to exploit.”¹⁵⁰

The British Red Cross provided the below case study to show the real impact of statutory agencies refusing to take appropriate actions and to address significant risks for vulnerable children. This also reveals a lack of monitoring mechanisms to protect children from abuse and exploitation.

Case study 6 – Jawid story*

Jawid presented to British Red Cross Glasgow office as street homeless and age disputed. British Red Cross accompanied him to police station 1 requesting a live scan and referral to Social Services. Police station 1 refused to undertake the live scan as the client “had not committed a crime”. Jawid remained street homeless that night. As the British Red Cross understood that Social Services would not engage with a referral until a live scan had been done, they accompanied Jawid to police station 2. They advised that whilst they could do the live scan, there was no availability for anyone to do it that day. Officers at police station 2 eventually undertook the live scan but when it came back with a date of birth showing the client to be older than 18, they refused to make a referral to Social Services and Jawid remained street homeless.

***This is not his real name**

¹⁴⁹ The Guardian. (3 October 2022). [Police taking photos and fingerprints of lone children arriving in UK](#)

¹⁵⁰ British Red Cross submission

3.2.4. Providing training to childcare professionals, legal guardians, education professionals

Contributors have reported a lack of standardised and consistent training amongst these categories with Unseen reporting that providing training to these categories *“is currently not a requirement of standard social care degree.”*¹⁵¹

As noted by The Salvation Army, some research is underway to identify survivor’s mother’s needs, which should result in the development of best practices and an increased awareness amongst mothers and those providing support during maternity: *“Around three in every ten women survivors of modern slavery are pregnant while being trafficked. TSA is a funder and a member of the advisory group for the University of Nottingham and Causeway research project into optimising maternity care and support for survivor mothers and their babies, to establish a protective environment for the children of survivors.*

*This project will develop awareness of survivor mothers’ needs and how to meet these and create best practice resources to support women’s decision-making and guide those providing care and support during maternity. This will be followed by the integration of resources into existing platforms and training. The project has been developed jointly by maternity, mental health and modern slavery researchers, survivor mothers and a service supporting survivors of modern slavery.”*¹⁵²

3.2.5. Access to education and health care for vulnerable children, including from minority groups, unaccompanied migrant children, and children of migrant workers

The Children Act 1989, imposes a duty on Local Authorities in **England** to safeguard and promote the welfare of children who are in need within their area. This also applies to **Wales**. Unaccompanied children, who are accommodated for at least 24 hours by the children’s services department of a local authority under section 20 of the Children Act 1989, fall within the definition of a ‘looked after’ child.

Section 22 of the 1989 Act sets out the general duty of the local authority looking after a child to safeguard and promote the welfare of that child, which includes support with accessing education and health services.

Local Authorities in **Scotland** and **Northern Ireland** have similar duties under the Children (Northern Ireland) Order 1995 and the Children (Scotland) Act 1995.

Despite what is written in the legislation and related guidance, ECPAT UK reports that access to essential services such as health care and education, especially for unaccompanied children, are not always guaranteed or provided in a timely manner.

“Unaccompanied children in the United Kingdom face numerous challenges in accessing education. Legally, these children have the right to attend school and receive an education equivalent to that of UK-

¹⁵¹ UNSEEN submission

¹⁵² The Salvation Army submission

born children. Local authorities are responsible for ensuring that unaccompanied children are enrolled in educational institutions, which can include mainstream schools or specialized educational programs such as English as a Second Language provision within a college. However, structural barriers such as the availability of resources and support services which vary across different regions has left many children waiting for significant periods of time to access education.

Access to healthcare for unaccompanied children in the UK is also a right, with the National Health Service (NHS) providing medical services, including mental health support. Local authorities, acting as corporate parents for these children, are tasked with ensuring their access to healthcare services. However, the system faces challenges in adequately meeting the complex needs of these children. Language barriers, cultural differences, and the potential stigma around mental health can hinder the effective use of healthcare services. Furthermore, unaccompanied children experience significant delays in accessing specialized services, such as mental health care or trauma support, due to limited availability and long waiting times.”¹⁵³

3.2.6. Birth registration for all children born in the country.

ECPAT UK outlines the process of registration for children born in the UK: *“The births of all children born in the UK must be registered with the register officer in the district where the child was born within 21 days of the birth in Scotland, or 42 days of the birth in England, Wales and Northern Ireland. The birth certificate or birth record will show: the life event; the name and surname of the child; the date and place of birth; the district where the birth registration took place; the customer’s parents (a full birth certificate only); if the birth has been re-registered.*

Parents who apply for a passport for a child where the child’s birth has not been registered will be sent a letter informing them that it is a requirement to register the birth and that they may face difficulties in future if they fail to do so. If the parents are unable or unwilling to register the birth, the case will be referred to an Operational Team Leader who may refer on to the Child Protection and Safeguarding Team. The Operational Team Leader must consider why the child’s birth has not been registered, and official guidance states that this should include consideration of whether they have been a victim of child trafficking.”^{154 155}

3.3. What measures are taken in your country to address vulnerabilities related to the gender dimension of human trafficking?

Contributors to this submission, emphasised a lack of gender perspective on modern slavery and human trafficking in the UK preventative response, which in turn affects individuals' access to appropriate identification and support mechanisms. Issues have been reported for both male and females, but we

¹⁵³ ECPAT UK submission

¹⁵⁴ HM Passport Office. (2024). [Guidance Birth Registration](#)

¹⁵⁵ ECPAT UK submission

acknowledge the lack of more comprehensive information around the unique experiences and vulnerabilities of LGBTQI+ individuals, which we touch upon in [section 4.1](#) of this submission.

3.3.1. Women and girls

Most organisations described the current measures to tackle vulnerabilities to trafficking and exploitation in women and girls insufficient and inadequate.

BASNET denotes the presence of some available services which provide specialist support for women and girls, while acknowledging their often limited remit and resources: *“we note the vulnerabilities of young women and girls to sexual and criminal exploitation based on ongoing work by AFRUCA Safeguarding Children and other BASNET members like [Blossom Foundation](#) both in Manchester. There are very few interventions to tackle young women and girls’ vulnerability to human trafficking across the UK and even fewer government programmes doing so. An example is [AFRUCA’s Phoenix Project](#) which supports young girls at risk of exploitation in Manchester with funding from the Home Office via Manchester City Council. However, this is a very short-term project with funding ending in March 2025.*

BASNET goes on to share a provision specifically set up to support women subjected to domestic violence: *“Migrant women trafficked to the UK, particularly those subjected to domestic violence, often face complex and intersecting vulnerabilities that are insufficiently addressed by current UK policies. The [Migrant Victims of Domestic Abuse Concession \(MVDAC\)](#), formerly the Destitution Domestic Violence Concession (DDVC), provides temporary access to public funds for partners of individuals with leave to remain, following the breakdown of a relationship due to domestic abuse. As many individuals on a partner visa have “no recourse to public funds” (NRPF), this concession enables access to essential benefits and local authority housing assistance, offering a lifeline to victims of domestic abuse who would otherwise be left without accommodation or means to meet basic living needs.*

However, this concession is limited in scope and duration, offering support for only three months. At the end of this period, migrant women are often left with the untenable choice of either returning to their country of origin or remaining in the UK without support, which may force them to return to their abuser or trafficker. This policy fails to provide adequate protection and does not fully address the long-term needs of migrant women facing exploitation.”¹⁵⁶

ECPAT UK draws attention to the gaps in the UK VAWG strategy: *“The UK has a cross-government strategy, ‘Tackling Violence Against Women and Girls’, but this includes limited references to trafficking and modern slavery and how female victims will be supported.”¹⁵⁷ In practice, the risk of criminal exploitation of girls is often not considered due to the focus on sexual exploitation, therefore they may be offered inadequate or*

¹⁵⁶ BASNET submission

¹⁵⁷ HM Government. (2021). [Tackling Violence Against Women and Girls](#)

inappropriate protection for their exploitation type.¹⁵⁸ There is currently no statutory definition of child criminal exploitation.”^{159 160}

Similarly, BASNET reports that: *“In our view, there are many factors responsible for the reduced focus on the trafficking of young women and girls by the UK government. A key factor could be the high focus placed on child criminal exploitation – known as “county lines child trafficking” in the UK due to the over-representation of boys and young men and the huge impact of this form of trafficking on victims which is also linked to serious youth violence among males. However, girls and young women are also involved in child criminal exploitation as victims although not much work has been done to address this. Girls are coerced, deceived or forced into county lines trafficking and traffickers do so under the veil of “invisibility” of girls as victims. It is clear to us that a lot more intervention is required to help tackle girl-child trafficking and exploitation in the UK and provide more services to help meet needs.”¹⁶¹*

3.3.2. Boys and men

ECPAT UK also notes serious shortcomings in relation to the identification of men and boys: *“There is no UK-wide strategy for addressing specific forms of violence against men and boys. Further, information on supporting male victims of many of these crimes is addressed in guidance ‘Supporting male victims of crimes considered violence against women and girls.’ This is an unhelpful framing which risks further stigmatising men and boys’ experiences of violence linked to human trafficking.*

There is evidence that the vulnerability of men and boys to human trafficking and re-trafficking is not adequately understood by the UK authorities, particularly when making decisions with regards to asylum and protection claims. The Country Policy and Information Note on human trafficking for Albania, for example, directs asylum decision makers to certify the asylum claims of trafficked Albanian men as ‘clearly unfounded’ and to refuse them with no right to appeal.”^{162 163}

Similarly to other contributors, Unseen notes that Violence Against Women and Girls awareness is stronger, but it’s less linked to Modern Slavery and Human Trafficking. They also report concerns in relation to a *“large stigma/unawareness for male victims.”¹⁶⁴*

¹⁵⁸ Jump, D. et al. (2023). [Keeping Girls and Young Women Safe Protecting and supporting the girls and young women at risk of exploitation, violence, gangs and harm](#)

¹⁵⁹ ECPAT UK submission

¹⁶⁰ The government intends to create an offence of child criminal exploitation which is a commitment in their manifesto, but at present it is unclear as to what this will consist of and there are concerns in respect of the continuum of exploitation into adulthood as well as ensuring that it is targeted at organized criminals and doesn't have unintended consequences of further criminalizing children and young adults who are being exploited. There has been some informal consultation on this, but organisations recommend that a new offence is put out to consultation and there is a focus on rectifying some of the gaps in the existing modern slavery offences that relate to trafficking for the purposes of criminal exploitation

¹⁶¹ BASNET submission

¹⁶² Home Office. (2024). [Country policy and information note: human trafficking, Albania, July 2024](#)

¹⁶³ ECPAT UK submission

¹⁶⁴ UNSEEN submission

3.3.3. The specific case of migrant women and female migrant workers

On the 7th of March 2022, the UK ratified the International Labour Exploitation Organisation (ILO) Violence and Harassment Convention (known as C190), which requires member states to implement much broader protection for all workers including those in the formal and informal economy and concepts of violence and harassment are widely defined within the convention as follows:

‘(a) the term “violence and harassment” in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment;

(b) the term “gender-based violence and harassment” means violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately and includes sexual harassment.’¹⁶⁵

However, it is not clear how the Convention is being implemented in the UK and contributors to this submission have shared information, which demonstrates the ongoing widespread abuse and harassment of female migrant workers. We have also provided evidence on the unique vulnerabilities of female migrant workers in [section 3.1.2\(f\)](#) of this submission. The agreed view is that this cohort continues to be at a high risk of exploitation and cultural and familiar vulnerabilities are often exacerbated by systemic issues especially in relation to their immigration status.

LAWRS draws particular attention to the situation of women migrant workers in specific sectors: *“UK anti-trafficking enforcement efforts often fail to address the full gendered dimensions of exploitation and trafficking, largely focusing on visible, high-profile sectors such as nail salons, yet consistently overlooking other feminised and less visible sectors where migrant women are largely employed. Sectors like cleaning, domestic work, and hospitality are rife with exploitation,¹⁶⁶ but the isolation and informality of these environments make them difficult to monitor. In settings like private homes or late-night cleaning shifts, this isolation can become a tool of control. Employers and traffickers exploit the invisibility and conditions of these roles to impose abusive conditions without fear of scrutiny.*

As highlighted in our research on the experiences of Latin American domestic workers,¹⁶⁷ UK labour legislation¹⁶⁸ and context facilitates exploitation and abuse of domestic workers. Many migrant women working in domestic roles are subjected to isolation, long hours, unpaid wages, degrading treatment,

¹⁶⁵ [C190 - Violence and Harassment Convention, 2019 \(No. 190\)](#)

¹⁶⁶ LAWRS. (19 July 2019). [The Unheard Workforce: Experiences of Latin American Migrant Women in Cleaning, Hospitality and Domestic Work, outlines the ways in which intersectional barriers make migrant women workers vulnerable to exploitation](#)

¹⁶⁷ LAWRS. (August 2023). [Behind Closed Doors](#)

¹⁶⁸ The UK has not ratified the Domestic Workers Convention no.189 of the International Labour Organisation (ILO) which seeks to guarantee that domestic workers have the right to protection from the excessively long hours, low wages, and informal contracts that ridden the sector.

coercive control, abuse and exploitation,¹⁶⁹ yet this is frequently downplayed as contractual disputes or employment issues.”¹⁷⁰

Similarly to above, FLEX highlights that: *“In sectors traditionally dominated by women workers, such as cleaning, hospitality, care and domestic work,¹⁷¹ it is important to understand both women’s experiences in the workplace and the particular risks of abuse and exploitation that affect women workers. Care and domestic work, particularly in private households, is often isolated and hidden.*

Additionally, for live-in workers, there may be unclear boundaries between work and ‘free time.’ Workers may be expected to be permanently on call, including sharing a room with the person they care for, or to sleep in a multi-purpose room in the house, such as the kitchen or living room, resulting in little or no personal space or time off. Voice of Domestic Workers in London conducted a survey with 539 migrant domestic workers in 2018, many of whom entered the UK on the the ODW Visa, and the survey revealed that 76.5% of respondents had experienced abuse at work, including verbal (54.4%) physical (18.9%) and sexual (11.7%) abuse.”^{172 173}

The absence of a gender sensitive-lense has real life impact on women’s workers as evidenced in LAWRS submission: *“The absence of a gender-sensitive lens in policymaking leads to weak enforcement, inadequate victim identification, and limited access to justice for those who suffer from this type of exploitation. The failure to prioritise these sectors leaves significant blind spots in anti-trafficking strategies, enabling exploiters to operate with impunity and further marginalising vulnerable migrant women.*

The disconnect between strategies to tackle gender-based violence (GBV) and anti-trafficking initiatives in the UK leaves significant gaps in protection and fragmented support systems that are ill-equipped to respond to the intersectional nature of the exploitation and violence that some migrant women face.”¹⁷⁴

The below case study provided by LAWRS highlights the intersecting vulnerabilities affecting migrant women, showing how the gender dimension plays a crucial role starting from the recruitment process and through access to identification and support.

¹⁶⁹ In addition to the evidence in our report, Behind Closed Doors, A detailed description of the conditions that Latin American domestic workers are subject to can also be found here: [Evidence submission by LAWRS: Low Pay Commission’s Consultation on April 2022 National Minimum Wage rates](#)

¹⁷⁰ LAWRS submission

¹⁷¹ FLEX. (2018). [Women in the workplace: FLEX’s five-point plan to combat exploitation](#), p.1.

¹⁷² Voice of Domestic Workers (VODW). (2018). [Employer Mapping 2018: Emerging finding](#), p.6

¹⁷³ FLEX submission

¹⁷⁴ LAWRS submission

Case study 7: Simone's story*

Simone was brought to the UK by a British citizen under the pretense that she was being employed as an escort. They agreed that he would pay her £1000 per month, and he paid for her ticket to the UK, which she entered as a visitor. However, since arriving she did not receive the payments they had agreed to, and the perpetrator began abusing Simone physically and sexually. She was also suffering emotional, psychological, financial and immigration abuse. She did not report him to the police due to the language barrier and fear because of her immigration status.

When she contacted LAWRS, she was still living with the perpetrator as she had no other place to go, and her insecure immigration status was an obstacle to her finding alternative accommodation. Simone felt that to avoid further violence and to get money for food and transport she had to have sex with him.

LAWRS attempted a referral to a First Responder, but it was refused on the grounds that her case would not meet the threshold and that she needed to leave the perpetrators' house and make herself destitute or call the police and ask them to extract her. Simone is afraid of reporting to the police due to her immigration status. Finally, after a new referral to Camden Adult Safeguarding was done, an NRM referral was completed."

***This is not her real name**

Similarly to the case study above, FLEX highlights the recurring financial exploitation in feminised industries: *"Commonly, in feminised industries workers are often paid below the national minimum wage when you consider the actual time worked. Within the hospitality sector, workers are frequently not paid for 'extra' time worked, including time spent completing assigned duties (such as a set number of rooms per shift), waiting to begin work, or joining staff meetings."*^{175 176}

The Passage provides examples of measures taken to address vulnerabilities related to the gender dimension.

"Modern slavery sits, since August 2024 and the new Labour government, under the Minister for Safeguarding and Violence against Women and Girls. [Parliamentary Under-Secretary of State \(Minister for Safeguarding and Violence Against Women and Girls\) - GOV.UK \(www.gov.uk\)](#).

The Department for International Development's (DFID) has a programme, Work and Opportunities for Women (WOW), which aims to economically empower women, reducing their vulnerability to modern slavery. [Modern slavery and womens economic empowerment: discussion document \(publishing.service.gov.uk\)](#), 2018. However, the scale and reach of this programme need to be expanded to have a more significant impact.

¹⁷⁵ Focus on Labour Exploitation. (FLEX). (2017). [Risky Business: Tackling Exploitation in the UK Labour Market](#), p.10

¹⁷⁶ FLEX submission

*The TILI project (2020) (Tackling Homelessness for Women Survivors of Modern Slavery Project (Project TILI – Train, Identify, Learn, Intelligence) was a two-year project funded by the Tampon Tax Fund. The project was delivered by a partnership of Crisis (UK), Hestia (England), BAWSO (Wales), [Women's Aid](#) (Northern Ireland) and [Shared Lives Plus](#) (UK). Project TILI aimed to gather evidence to understand the links between homelessness and modern slavery to develop a model for the identification, support, recovery, accommodation and integration of women who have escaped modern slavery and who are homeless or at risk of homelessness.*¹⁷⁷

The current system, however, continues to lack the necessary mechanisms to comprehensively and effectively safeguard migrant workers, especially in feminised industries.

*FLEX reports that: “The primary inspectorate for modern slavery, the GLAA (then the GLA) was established in legislation in 2004 to safeguard the welfare and interests of workers in agriculture, horticulture, shellfish gathering and any associated processing and packaging. However, in 2016, the Immigration Act 2016 expanded the role and remit of the GLAA to cover labour exploitation. As the GLAA’s responsibilities have expanded to include investigating labour market violations in fields like cleaning, care, and hospitality (which are mostly occupied by female workers) it will increasingly come up against a broad range of gender-based discrimination. It is important that the GLAA, or any future Single Enforcement Body is resourced to develop its expertise and experience in this specialist area and is properly funded in line with its enlarged responsibilities.*¹⁷⁸

*FLEX have called for the Fair Work Agency to embed gender responsiveness into its operation¹⁷⁹ – enforcement strategies and responses must recognise that gender inequalities significantly affect the experiences of people in the labour market, both in terms of the types and levels of abuse and discrimination.*¹⁸⁰

3.4. What specific measures are taken to reduce the vulnerability to trafficking of persons from disadvantaged minorities? Please provide information on policies and measures in the following areas:

Contributors to this submission reported several gaps and shortcomings in relation to all areas mentioned in the GRETA questionnaire concerning both children and adults. The current systems have been found culturally, racially and trauma-informed inappropriate and not actively anti-discriminatory and anti-racist. In this context, it is paramount to acknowledge the adultification of children, which is rooted in racial and gender bias.¹⁸¹ More needs to be done to ensure survivors are truly safeguarded and protected by the heightened risk of trafficking and exploitation.

¹⁷⁷ The Passage submission

¹⁷⁸ FLEX. (2023). [A Single Enforcement Body: What an effective Single Enforcement Body looks like](#), p.2.

¹⁷⁹ FLEX. (July 2024). [Caring about workers’ rights: How a well-designed ‘Fair Work Agency’ could benefit care workers](#), p.3

¹⁸⁰ FLEX submission

¹⁸¹ HMPPS. (June 2022). [Adultification bias within child protection and safeguarding](#)

We have summarised below some of the measures to mitigate the vulnerability of disadvantaged minorities to trafficking as recommended in the BASNET's 2021 Race Equality, Diversity, and Inclusion (EDI) Action Plan:

- **“Culturally Sensitive Support Services:** *Support services for Black and Ethnic survivors must be tailored to meet the cultural and linguistic needs of different ethnic and racial groups. This includes comprehensive training for support workers in cultural awareness and trauma-informed care to ensure services are delivered effectively.*
- **Awareness Campaigns:** *BASNET calls for targeted awareness-raising campaigns within Black and Ethnic communities to inform at-risk individuals about human trafficking and the support systems available to them. These campaigns should be designed to resonate with the specific challenges faced by minority groups.*
- **Legal Protections:** *Strengthening legal protections for Black and Ethnic survivors, particularly those with uncertain immigration status, is essential for reducing their vulnerability to exploitation. Ensuring access to legal recourse and support is critical in safeguarding disadvantaged minorities from trafficking.*
- **Community Engagement:** *Our call for policy inclusion of Black and Ethnic led community organisations working on the ground in their various communities has not been taken on board. Yet these are the entities that can further provide the right insights and intelligence to inform government intervention.”¹⁸²*

BASNET reported that since the launch of their action plan in 2021, there has been little interest by the Government to engage and work with them and communities towards implementing some of the above recommendations. *“The government does not engage with affected ethnic communities or actively seek to bring them on board in efforts to address human trafficking. The government’s approach to reducing vulnerabilities of minority communities to trafficking has therefore been very abysmal.”¹⁸³*

3.4.1. Research gaps

The Arts and Humanities Research Council (AHRC) funds some research through the Modern Slavery Policy & Evidence Centre (MSPEC), which brings together academics, policy makers, businesses, civil society and Lived experience experts to produce research on modern slavery.¹⁸⁴

However, information shared by organisations shows that research, especially in relation to disadvantaged minorities, is often not comprehensive or fully reflective of their experiences. Extensive research needs to be conducted on the intersectional issues affecting minorities if we want to develop a strong and effective prevention response that really tackles modern slavery for everyone.

¹⁸² BASNET submission

¹⁸³ BASNET submission

¹⁸⁴ For more information see: <https://www.modernslaverypec.org/>

ECPAT UK for example reports that: *“While the government funds some research on human trafficking, it often falls short in comprehensively addressing the specific experiences of children from disadvantaged minorities. Research tends to be fragmented, with limited focus on how structural inequalities like race, socio-economic status, and immigration status exacerbate vulnerability. Additionally, there is a lack of robust data collection and analysis on the outcomes of trafficking interventions on children. Without adequately considering these factors, research efforts risk overlooking the unique challenges faced by minority children, resulting in policies that may not fully address the root causes of their vulnerability”*.¹⁸⁵

A similar situation has been reported in relation to homelessness. The Passage flags the upcoming publication (at some point in 2024) of a research project conducted by MSPEC, examining the links between homelessness and modern slavery in the UK.¹⁸⁶

However, research on homelessness has been fragmented and insufficient so far: *“There are just a few pieces of research on the intersection between THB and homelessness and they are not centralised. None was commissioned by the Government. There is no national database which collects data on this intersection (i.e. housing status at the time of recruitment and at the time of identification)”*.¹⁸⁷

3.4.2. Information, awareness-raising and education campaigns

Contributors to this submission reported that most of the information sharing and awareness raising in relation to trafficking and modern slavery heavily relies on third sector organisations. At the same time, there is also an acknowledgement that not enough resources are allocated to train statutory organisations, schools, social workers and community organisations, which often have limited understanding of the experiences of disadvantaged communities and at-risk children, therefore lacking the adequate preparedness to act on information provided by these campaigns.¹⁸⁸

Crucial reflections were offered around the effectiveness of awareness raising campaigns, within a hostile environment focused on securitisation and immigration enforcement (we have provided additional information on this topic in [section 4.4.1](#) and where these are not accompanied by a clear pathway to implementing adequate support mechanisms.

As noted by ECPAT UK: *“Awareness-raising campaigns led by the UK Government aimed at tackling human trafficking have been less about protecting children and more about bolstering anti-migration efforts. The narrative around these campaigns often conflates trafficking with irregular migration and is used to justify restrictive border policies and stricter immigration controls, purportedly to protect children but ultimately serving to deter migration. By prioritizing law enforcement and border security, these efforts risk criminalizing and detaining child migrants rather than providing them with the support and protection they need.*

¹⁸⁵ ECPAT UK submission

¹⁸⁶ For more information see: [Modern Slavery PEC | Homelessness and modern slavery in the UK](#)

¹⁸⁷ The Passage submission

¹⁸⁸ ECPAT UK and Unseen submissions

Additionally, awareness campaigns stop at raising awareness and do not go far enough in providing actionable steps or support mechanisms. Knowing the signs of trafficking is vital, but without a clear pathway for intervention or support, awareness alone does little to mitigate the risks or provide immediate assistance.”¹⁸⁹

Contributors have provided some examples of third-sector organisations cooperation with government departments and other statutory agencies to implement awareness raising campaigns.

“TSA is engaged in targeted awareness raising to mitigate risks of trafficking in vulnerable communities. For example, TSA worked in partnership with AFRUCA and the Home Office on an awareness raising campaign for Nigerian women at risk of domestic servitude and TSA’s Children and Youth and ATMS departments develop materials and education campaigns on county lines awareness to reduce vulnerability to child criminal exploitation (CCE).”¹⁹⁰

“The Passage has an online [toolkit](#) which was endorsed by the Home Office in November 2022. This toolkit is a comprehensive resource designed to assist organisations in identifying and supporting victims of modern slavery, particularly within the context of homelessness. It provides practical tools and guidance for frontline workers, local authorities, and other stakeholders to effectively address and combat modern slavery.”¹⁹¹

Organisations also mentioned the following relevant work in relation to reduce vulnerabilities to trafficking:

“Each territory of TSA has a mandate to raise awareness of modern slavery. The International Team works collaboratively with source countries to reduce vulnerabilities to trafficking. For example, in the Philippines TSA supports existing community networks to build awareness of the trafficking risks to the UK and supports with identifying alternative safe work streams.”¹⁹²

“The organisations that include training on the intersection between homelessness and THB are: The Passage, Homeless Link and Hestia.

MS-COP¹⁹³ and The Passage organised a [forum on securing long-term and safe accommodation for survivors of THB](#) in March 2024.

The University of Nottingham and The Passage delivered a webinar on modern slavery and homelessness also in March 2024.”¹⁹⁴

¹⁸⁹ ECPAT UK submission

¹⁹⁰ The Salvation Army submission

¹⁹¹ The Passage submission

¹⁹² The Salvation Army submission

¹⁹³ MSCOS Community of Practice

¹⁹⁴ The Passage submission

3.4.3. Socio-economic initiatives targeting underlying and structural causes

Respondents to the questionnaire have highlighted the lack and inadequacy of appropriate socio-economic initiatives and noted that the actions taken by the government in the past few years have actively heightened vulnerabilities of disadvantaged minorities and worsened existing structural issues.

BANSET expands on this noting that: *“The measures taken by the UK government to reduce the vulnerability of disadvantaged minorities to trafficking have been very inadequate. People seeking asylum or who are in the UK immigration system experience the “hostile environment”, depriving them access to appropriate support, intervention and a usual long delay in having their immigration status regularised. Black, Asian, and Ethnic communities in the UK face institutional discrimination in employment and housing, which place them at an economic disadvantage. These factors can force individuals into precarious or informal sectors of the economy, where they are more susceptible to trafficking and exploitation.*

Many migrants in the UK (including international students and labour migrants) are subject to the “No Recourse to Public Funds” (NRPF) policy, which prevents them from accessing vital public support while seeking employment. The financial pressure created by this policy leaves many migrants in vulnerable situations, further increasing their risk of falling prey to traffickers.

Many labour migrants on special sponsorship visas are prone to labour and financial exploitation because of lapses in government policies and implementation of work visa schemes. Despite many calls by charities and [efforts](#) by our network BASNET, the government has not made the necessary changes to tighten implementation of the visa schemes in order to reduce exposure to exploitation and harm.”¹⁹⁵

Some of the above concerns are also reported by ECPAT UK in relation to **children**: *“The UK government’s socio-economic initiatives are failing to address the deeper, structural causes of vulnerability, such as systemic poverty, housing insecurity, and discrimination faced by children. Funding cuts and austerity measures have significantly limited the capacity of local services to meet demand. Additionally, the government’s broader social policies have been accused of exacerbating inequalities, which, in turn, increase the vulnerability of children to trafficking.”¹⁹⁶ This lack of a holistic approach means that socio-economic interventions do not adequately mitigate the underlying risk factors for exploitation.”¹⁹⁷*

In line with the above, The Passage states that: *“The UK government has a series of housing initiatives, but none targeting long-term suitable accommodation for survivors of THB.”¹⁹⁸*

Concerns were also flagged around public procurement in the intersection between modern slavery and climate change. This briefing, which Unseen has contributed to and funded by the Modern Slavery Policy and Research Centre, outlines concerning findings, including that public sector organisations are

¹⁹⁵ BASNET submission

¹⁹⁶ Child Poverty Action Group. (2024). [Causes of child poverty](#)

¹⁹⁷ ECPAT UK submission

¹⁹⁸ The Passage submission

encountering potential cases of modern slavery and do not know how best to protect vulnerable individuals in those situations.¹⁹⁹

3.4.4. Education, vocational training and job placement programmes

Information shared by organisations confirms that survivors are still facing significant gaps accessing appropriate resources and pathways to education and employment, which leaves individuals susceptible to exploitation.

Unseen notes the existence of the Bright Futures programmes, which offers paid work placements and jobs for survivors of modern slavery.²⁰⁰ The programme was launched in 2017 and has been renewed again this year, however Unseen identified some potential risks: *“...desire appears to be there from business side, however our work with businesses indicates that a lot of work needs to be done on trauma-informed approaches first to prevent a danger of ‘tokenistic’ approaches to this, e.g ‘we are a great business because we employ survivors of MS’. Risks of exploitation in supply chains are still incredibly high, without the relevant support structures in place, there is a chance employability programmes could be re-exploitative.”*²⁰¹

ECPAT UK reveals barriers to **children** accessing education and training: *“Although the government provides educational support and vocational training to vulnerable children, these initiatives often suffer from a lack of funding and comprehensive implementation. Children from minority backgrounds, especially those in the care system or with precarious immigration status, frequently face barriers to accessing these programs. Support for care leavers inconsistent, with many young people struggling to secure stable employment or further education opportunities.”*²⁰² *The lack of a concerted effort to ensure equitable access to quality education and training means that many disadvantaged children remain susceptible to exploitation, as they have limited pathways to economic independence.”*²⁰³

3.5. What specific measures are taken to reduce the vulnerability to THB of persons with disabilities? Please provide information in the following areas:

In recent years, there has been some research analysing the intersection between disabilities and modern slavery, which shows concerning gaps in safeguarding measures and prevention for people with disabilities in relation to trafficking and slavery. Research on interplay between exploitation and cognitive impairment shows that despite an acknowledgement that learning disabilities constitute a potential risk factor of modern slavery, there are little to no interventions to reduce those vulnerabilities.²⁰⁴

¹⁹⁹ MSPEC. (January 2024). [Climate change and modern slavery in public procurement](#)

²⁰⁰ Co-op. (8 January 2024). [Bright Future co-op launches strategy for work with modern slavery survivors](#)

²⁰¹ Unseen submission

²⁰² Hynes, P. et al. (2022). [Creating Stable Futures: Human Trafficking, Participation and Outcomes for Children](#)

²⁰³ ECPAT UK submission

²⁰⁴ The Human Trafficking Foundation. (2022). [Learning Disabilities and Modern Slavery](#); University of Nottingham Rights Lab. (2022). [Intersections between exploitation and cognitive impairment: An exploratory study in Nottingham, UK](#)

ECPAT UK draws attention to findings from a recent report analysing the intersection between trafficking and exploitation of children and young people with special educational needs and disabilities (SEND):

“Over 1.5m children in England and 75,000 in Wales have a recognised special educational need – with the vast majority of these children in mainstream education. The study found many are waiting years for recognition of their needs, diagnosis and the right support, despite concerns raised by parents.²⁰⁵ This leads to increased levels of isolation, segregation within school and periods of missing, or being excluded from, school, according to the study - exposing children to greater risks of grooming and exploitation, leading to high levels of harm.²⁰⁶ Despite children and young people with special educational needs and disabilities (SEND)/additional learning needs being at increased risk of exploitation and trafficking, there is inadequate attention to the specific needs of young people with SEND in national safeguarding or modern slavery policy.”²⁰⁷

3.5.1. Deinstitutionalisation, including community and family-based services for children and support for independent living

We refer to the Unseen report, which analyses the increasing number of individuals exploited in the care sector.²⁰⁸

3.5.2. Monitoring institutions and foster families accommodating persons with disabilities

In March 2023, the Department for Education published a new guidance which sets out the quality standards that all supported accommodation for children and young people should meet, which includes the requirement for all accommodations to be registered with Ofsted to make sure they are under its inspection regime.²⁰⁹

Nevertheless, ECPAT UK raises some concerns and potential risks in relation to supported accommodations for children: *“Despite the presence of regulatory bodies like the Care Quality Commission (CQC) and Ofsted, there are significant gaps in the monitoring of institutions and foster care arrangements for children with disabilities. Inspections are often infrequent and fail to capture ongoing day-to-day issues, allowing poor care and potential abuse to go unnoticed. Furthermore, resource constraints and understaffing within local authorities mean that social services may not conduct thorough or regular checks on foster families, putting children at risk of neglect, exploitation, or trafficking.”²¹⁰*

²⁰⁵ Franklin, A. et al. (2024). [Internal trafficking and exploitation of children and young people with special educational needs and disabilities \(SEND\) within England and Wales](#)

²⁰⁶ *Ibid*

²⁰⁷ ECPAT UK submission

²⁰⁸ Unseen. (November 2023). [Who cares?](#)

²⁰⁹ Department for Education. (23 March 2023). [Guidance. Providing supported accommodation for children and young people](#)

²¹⁰ ECPAT UK submission

3.5.3. Procedure for the selection and appointment of legal guardians and monitoring of their work

None of the respondents have provided an answer to this question. It is important to note that ICTGs do not act as legal guardians for children and do not have parental responsibilities for them.

3.5.4. Access to adequate accommodation, education and work

The Equality Act 2010 requires education and training providers to make reasonable adjustments to ensure students with disabilities are not at a disadvantage.

Nonetheless, information shared by contributors shows a lack of adequate support to access basic needs for **children** with disabilities, especially for those in the care system. This prevents children from developing those independent skills necessary to thrive when they leave the care system.

“Access to adequate accommodation, education, and vocational training for children with disabilities is inconsistent and often insufficient. The availability of safe, adapted housing varies widely across regions, with some areas having long waiting lists and limited options. In education, despite legal entitlements, children with disabilities frequently face barriers to accessing tailored support due to funding cuts and an overburdened special education system.

Engagement with education services is one of the most significant factors in keeping children with SEND safe from exploitation. Practitioners and parents were very clear that the most significant factor in keeping children and young people safe from modern slavery was their engagement within an education system that met their SEND needs.²¹¹ These shortcomings leave children with disabilities without the necessary tools for independence, increasing their susceptibility to trafficking and exploitation as they age out of care systems.”²¹²

In relation to **adult** survivors supported under the MSVCC, The Salvation army outlines the procedures they follow to ensure they meet the basic needs of survivors entering MSVCC support. However, significant concerns remain for those survivors who are not able to access MSVCC support either because they have not yet received a positive Reasonable Ground Decision (RGD) or because they may be entitled to alternative forms of support from other agencies. The tension between MSVCC services and alternatives support often creates confusion about what service should step in to offer support and may lead to significant gaps in support for people, which in turn may lead to heightened risk of exploitation.

“TSA completes a risk assessment at an early stage once a National Referral Mechanism (NRM) referral is received, which is designed to capture what support needs the survivor has. Once their vulnerabilities are

²¹¹ Franklin, A. et al. (2024). [Internal trafficking and exploitation of children and young people with special educational needs and disabilities \(SEND\) within England and Wales](#)

²¹² ECPAT UK submission

understood, TSA considers how to establish additional support through social services and other specialist charities. Some safehouses are wheelchair friendly and can accommodate mobility issues.

Depending on what the need is, TSA can work with the Home Office and the local authority if there is no suitable accommodation within the Modern Slavery Victim Care Contract (MSVCC), and the Home Office may pay for specialist accommodation. It is important to apply for a proactive Care Act Assessment in cases of survivors with disabilities, as entitlements can be provided regardless of immigration status. There are challenges if a local authority assumes that it is the responsibility of the MSVCC to house a survivor with disabilities, and support workers must advocate for survivors with disabilities or care needs to facilitate access to support they require from other services.

There can also be challenges before a Reasonable Grounds decision has been made in cases where the survivor has a disability and there are risks of re-trafficking as entitlements under the MSVCC can only be accessed once the survivor is in receipt of a positive Reasonable Grounds decision. If there are re-trafficking risks, TSA works to bring the survivor into support before the Reasonable Grounds decision is made.”²¹³

3.5.5. Access to information and reporting/complaints mechanisms which are accessible to persons with disabilities

“While the UK has reporting mechanisms, their accessibility for children with disabilities is often lacking. Information about these services is not always provided in accessible formats, and there is limited outreach to ensure that children with disabilities are aware of their rights and how to report abuse.

Additionally, the complaint mechanisms are often bureaucratic and challenging to navigate, especially for those with cognitive or communication disabilities, leaving many children without a practical means to voice concerns or seek help when they are at risk of exploitation. The government’s efforts in this area are insufficient and fail to provide the comprehensive support needed to protect this vulnerable group effectively.”²¹⁴

In relation to services provided under the MSVCC, The Salvation Army outlines their complaints procedure: *“TSA has a complaints mechanism in place for all service users which is responsive to individual needs. If a service user has an accessibility need the process for complaints is adjusted to ensure they are able to voice their concerns.”²¹⁵*

3.6 How do you ensure in practice that an assessment of the vulnerability and special needs of asylum seekers is carried out at an early stage? What procedures are followed when vulnerability to THB is detected? Please provide information on policies and measures in the following areas:

²¹³ The Salvation Army submission

²¹⁴ ECPAT UK submission

²¹⁵ The Salvation Army submission

3.6.1. Provision of comprehensive and accessible information, in a range of relevant languages, on the rights of asylum seekers, indicators of THB, rights of victims of THB, and contacts of relevant organisations

3.6.1(a). Identification failures in the asylum screening process

Government departments within the Home Office such as UK Border Force and UKVI are the main agencies registering asylum claims for individuals seeking safety in the UK. As part of this process, government officials conduct screening interviews, following a questionnaire (different for children and adults) which includes questions about modern slavery. However, evidence provided by organisations identifies various concerns in how these interviews are conducted, which often leads to officials missing trafficking indicators, therefore failing to identify survivors of modern slavery.

This is supported by the British Red Cross: *“From our experience, assessment of the vulnerability and special needs of asylum-seekers is not systematically carried out at an early stage, including on arrival and at screening and substantive interviews. We have seen an over-reliance on self-identification by victims of THB in the assessments and limited, if any, consideration of vulnerabilities to exploitation.”*

The asylum application form and decision-making process does not currently consider vulnerabilities to exploitation unless the person self-identifies as a victim of modern slavery. Research participants in our 2022 report ‘At Risk’²¹⁶ described how answering ‘no’ to questions about modern slavery resulted in the Home Office ruling out the possibility of exploitation, despite the presence of other indicators of exploitation in the screening interview.”²¹⁷

It is crucial to acknowledge the physical and mental state of an individual at the time of the interview, because it may prevent them from disclosing their story in full or assimilate complex information. This is compounded by fear of authorities and language and cultural barriers. A lack of trauma informed approach from authorities is common in this context and organisations report this is often the result of a lack of training and awareness around modern slavery, but also of the focus on immigration enforcement.

This is in line with the experience of the British Red Cross: *“Our research also highlights how questions relating to exploitation are often not asked in a way that facilitates disclosure, while a lack of confidence among Home Office staff means that opportunities to identify victims are missed.”²¹⁸*

Similarly, this has been noted by ECPAT UK in relation to **children**: *“The UK government’s approach to assessing the vulnerability and special needs of child asylum seekers at an early stage is inconsistent and inadequately implemented. While mechanisms theoretically exist to identify and support vulnerable children, their practical application reveals numerous shortcomings.”*

The initial screening interview conducted by the UK Home Office is intended to identify vulnerabilities, but in practice, this process is conducted by officials who may lack adequate training to handle the complexities

²¹⁶ British Red Cross and UNHCR. (2022). [At Risk: exploitation and the UK asylum system](#)

²¹⁷ British Red Cross submission

²¹⁸ British Red Cross submission

of children’s trauma and mental health issues. As a result, children who have experienced significant distress, exploitation, or abuse often have their vulnerabilities overlooked or not adequately documented.”²¹⁹

The British Red Cross goes on to state: *“Furthermore, we have seen how, due to the focus on immigration enforcement, vulnerability factors are not sufficiently factored into asylum and migration procedures and systems more generally, meaning opportunities to identify and address risks are missed. For example, in our research conducted in 2022, focus groups and interview participants shared examples of risks associated with having to travel to the Asylum Intake Unit in Croydon from other parts of the UK to register their claim for asylum.”²²⁰*

The below case study shows how: *“the period immediately prior to someone entering the asylum system is a time involving a high risk of exploitation, as those with vulnerabilities can be left without appropriate information, advice and support.”*

Case study 8

A woman was required to take a long journey that involved changing trains on the way to Croydon. Upon disembarking at the train station, she did not know where she was or how to ask for help as she did not speak English. She was subsequently approached by someone offering help who went on to imprison her and force her into labour exploitation in the agricultural industry. Later on, the woman struggled to re-engage with the asylum system because she was classed as an “immigration absconder” after failing to attend her screening appointment.

The British Red Cross research provides additional examples of people targeted by traffickers just before claiming asylum and falling into exploitation due to the lack of information and support. *“For example, focus group participants in Wales described supporting a group of Albanian women who had been severely abused before entering the UK and after arrival were approached by someone from their community offering to provide housing and support. They accepted this offer, but it quickly became clear that the offer of help was false, and they were forced into modern slavery.”²²¹*

3.6.1(b). Inconsistent and inadequate information sharing is preventing access to appropriate support and protection

²¹⁹ ECPAT UK submission

²²⁰ We understand that regional intake units are now operational and have appointments available geographically closer to where the asylum seeker is in the UK. Unfortunately, capacity fluctuates at regional intake units and those who are street homeless and destitute may still need to attend the walk-in centre in Croydon in order to access their entitlement to accommodation as soon as possible.

²²¹ British Red Cross submission

Organisations raised significant concerns in relation to the quality and the extent to which information is shared with individuals. Unseen and the Salvation Army draw attention to gaps in information received by individuals referred into the NRM.

Unseen: *“Often those who enter NRM support report not understanding the process or complete unawareness of the support they are receiving and why indicating information is not clear enough. For potential victims we identify as a First Responder often many do not consent to the NRM, either through fear, misunderstanding, false information they have received on it previously. More training should be available to First Responder organisations on how to talk about NRM fully. Statutory agencies often do not have the level of knowledge MSHT NGOs do because they aren’t faced with it as often - additional support should be made available to those orgs to ensure information provided to victims is trauma informed, accessible and understood.”*²²²

The Salvation Army reports a lack of trauma-informed practice from authorities and outlines how their First Responder’s team shares information before referring someone to the NRM: *“...TSA sees challenges once an NRM has been completed by Immigration Enforcement on the behalf of a survivor using extracted information from their asylum interview as survivors are not always aware that this process has been undergone. This can be owing to the trauma the survivor may be experiencing.*

*When TSA First Responders (FR) work with an asylum seeker to complete an NRM referral, the FR will explain the NRM process and their rights and entitlements under ECAT and provide leaflets for the survivor to take away with them, which are translated in 20 different languages. FRs will use an interpreting service to ensure that information is accessible to the survivor. First Responders are conscious that engagement depends on the state the survivor may be in, and the impact of trauma means it can be difficult to gauge how much is understood during a referral.”*²²³

ECPAT UK found that information received by **children** significantly varies depending on where they are in the country and what type of support they have access to.

“Children seeking asylum are not uniformly informed of their rights and entitlements by officials. Most children receive information once taken into care by local authorities and they meet their social workers. Significant variations exist between different Local Authority practices, reduced funding for Local Authorities and lack of training for social workers on child trafficking means many children are not informed of their rights or referred for legal advice regarding the trafficking decision-making process.

*If the child is identified as a potential victim in an area currently covered by the Independent Child Trafficking Guardian (‘ICTG’) service in England and Wales and they are a child for whom no one has parental responsibility for, there is a duty for the ICTG Direct Worker to make contact within a maximum of 24 hours with the child.”*²²⁴ *This provision is not available to all unaccompanied children in migration as it is in Scotland. The provisions have been amended in Northern Ireland to provide support to only*

²²² Unseen submission

²²³ The Salvation Army submission

²²⁴ Home Office. (2024). [Interim guidance for independent child trafficking guardians](#)

separated children with an identified ‘risk of harm’, a process which may leave children without an independent guardian in the absence of the risk identified.²²⁵

The ICTG is meant to inform the child of their rights and support access to justice. Recent changes to the model in England and Wales, introduced in early 2024, set out that direct support consists of a combination of face-to-face and remote support to be delivered flexibly. This has led to children supported by a guardian with less face-to-face support and limiting the information and support they receive. The Home Office has also terminated the pilot to support young people as they turn 18 despite a significantly positive evaluation.”^{226 227}

3.6.2. Access to legal assistance and representation

Notwithstanding the progressive dismantling of the legal aid sector, exacerbated by the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) of 2012, which has effectively narrowed access to justice for many vulnerable groups, asylum remains within the scope of legal aid. Therefore, individuals seeking asylum are entitled to access legal aid, subject to a means and merit test. However, the process of accessing a legal aid representative is fraught with challenges, which creates delays and barriers to access specialist, timely and quality legal advice.

In this section, we have provided a brief outline of barriers to accessing legal representations for individuals seeking asylum. Please refer to [section 6.1](#) of this submission, where we have provided extensive evidence on the structural issues affecting the capacity of legal firms to offer timely and specialist legal representation.

3.6.2(a). Legal aid desert and challenges to access legal representation

Respondents to the GRETA questionnaire have reported increasing challenges to secure timely legal representation as well as concerns in relation to the quality of support and the scarcity of solicitors specialised in trafficking and exploitation. Not all immigration solicitors are familiar with the NRM process and its intersection with other immigration/welfare and criminal justice procedures. Even if survivors have access to a legal representative, they may require independent advocacy and support to understand their rights and to engage and continue to engage with legal representation.

The so-called ‘legal aid desert’ creates great inconsistency regarding the ability of individuals to access legal representation on the basis of where they live. The Law Society produces a heat map showing the presence of legal aid providers across the UK. According to this data, in February 2024, there was a shortage of providers across the country for:

²²⁵ Department of Health. (2023). [Guidance on Section 21 of Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015](#)

²²⁶ ECPAT UK. (2024). [Evaluation of the expanded Independent Child Trafficking Guardians \(ICTG\) roles published by the Home Office](#) and Shrimpton, H. et al. (2024). [Independent Child Trafficking Guardian \(ICTG\) MSA evaluation](#)

²²⁷ ECPAT UK submission

- community care – 71% of people do not have access to a local provider
- education – nine in 10 people do not have access to a local provider
- housing – 44% do not have access to a local provider
- immigration and asylum – 63% do not have access to a local provider
- welfare benefits – 85% do not have access to a local provider.²²⁸

Survivors can often require advice on many of these areas and without early advice this can create risks of destitution, homelessness and deportation later down the line.

We have provided additional data and further information in relation to structural issues affecting the legal aid sector in [section 6.1](#).

The postcode lottery created by the uneven distribution of legal aid representatives is supported by evidence provided by the British Red Cross: *“Women that we worked with noted the difference in the availability of legal aid providers depending on where they were living, noting that people living in cities like London or Birmingham might have better access to legal advice. Women living in areas with limited or no legal aid providers reflected on the serious challenges they faced.”*^{229 230}

The above is exacerbated by dispersal policies, which have created a postcode lottery in relation to access and quality of the legal representation individuals have access to, if any at all: *“Impact of dispersal policies, the ‘no-choice basis’ policy of asylum accommodation and NRM safehouse provision also creates barriers to accessing high quality legal aid. People are not given any direction or guidance on how to ‘choose’ a provider, but often just look for the provider closest to their accommodation.*

*This creates a system where some people are ‘lucky’, and some are ‘unlucky’, dependent on the capacity and availability specific to their dispersal area.”*²³¹ *Being moved multiple times between different types of Home Office accommodation, with little or no explanation or notice, is a feature of the asylum process which can actively erode people’s networks, making them more vulnerable to destitution and making it more challenging to develop and maintain relationships with legal aid practitioners. There is very little support in the asylum process to access a legal advisor on arrival in a new location, and even when provided with a list, people are not given any direction or guidance on how to ‘choose’. Instead, they often just look for the provider closest to their accommodation.”*^{232 233}

Unseen reports a similar experience stating that there is *“limited number of solicitor firms able to take on clients, those that do have been seen top take the ‘easier’ cases or, if the solicitor firm wishes to challenge decision in high courts, they may take on cases on mass to highlight an issue. Those that fall out of these categories are often overlooked.”*²³⁴

²²⁸ The Law Society. (21 February 2024). [The Legal Aid deserts](#)

²²⁹ British Red Cross (2023). [We want to be strong, but we don’t have the chance: Women’s experiences of seeking asylum in the UK](#)

²³⁰ British Red Cross submission

²³¹ British Red Cross (2021). [How will we survive? Steps to preventing destitution in the asylum system](#)

²³² *Ibid*

²³³ British Red Cross submission

²³⁴ Unseen submission

3.6.2(b). Impact of lack of legal representation for children

ECPAT UK outlines multiple barriers to access specialist and timely legal representation for children: *“Local Authorities social workers often fail to secure adequate (or any) legal advice for children with regards to their trafficking claims, or additional issues such as immigration and asylum, criminal matters, public law and community care issues, and/or seeking compensation. The current civil legal aid landscape for child victims of human trafficking in England is dire, with children unable to find a legal representative to support them in their cases and sometimes waiting years while their claims are on hold in order to have legal representation - particularly for immigration and asylum matters.”*²³⁵

*Research from ECPAT UK, the University of Bedfordshire and Sheffield Hallam University found that young people survivors of child trafficking emphasised their relationships with solicitors as key to obtaining good outcomes and highlighted the need for good quality legal advice, with some stating they could see the value of repeat appointments to ensure their cases were prepared well.*²³⁶ *The emphasis for most young people was on their solicitor ‘doing a good job’ with their case.*

With some who had damaged cases and faced precarity, the discussions of quality solicitor representation evoked significant emotion. The importance of high-quality legal advice for children affected by trafficking was also highlighted in multiple submissions to the global call, with some addressing this need not solely in the realm of immigration but also in public law, community care and the criminal justice system regarding their trafficking determinations, criminal offences, and age assessments. Young people placed a significant emphasis on the need for good quality, well-trained interpreters and, where possible, interpreters with child protection training.

*Child victims who apply for asylum are entitled to a legal representative in order to assist them in making their claim for protection.*²³⁷ *They may be referred to an immigration legal advisor through a variety of means such as through Refugee Council Children’s Project or by their Local Authority social worker, personal advisor, support worker or foster carer as well as other NGO’s.*²³⁸

3.6.3. Access to decent accommodation, health (including psychological) care, work and education

Information provided by organisations highlights multiple barriers to accessing specialist support services for survivors with alternative forms of support, which includes those going through the asylum process.

As reported by After Exploitation: *“Access to entitlements under the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT) for victims of modern slavery remain inconsistent. Survivors’ access to this form of assistance is delivered via the Modern Slavery Victim Care Contract*

²³⁵ The Law Society. (2024). [Civil legal aid: millions still without access to justice](#)

²³⁶ Hynes, P. et al. (2022). [Creating Stable Futures: Human Trafficking, Participation and Outcomes for Children](#)

²³⁷ Home Office. (last updated 10 September 2024). [Immigration Rules](#)

²³⁸ ECPAT UK submission

(MSVCC) in the UK, via charity contractors, funded centrally by the Home Office.²³⁹ However, victims' eligibility for access to the MSVCC is not automatic upon receipt of a positive Reasonable Grounds (RG) decision via the NRM. In practice, this means potential victims are at risk of missing out on counselling, safe and secure housing, or caseworker support provided through this channel.

There is little publicly available data on victims' access to support entitlements and much ambiguity surrounds why decisions are made by the Home Office or contractors to turn victims away from support within the NRM and post-NRM. Unlike statistics on domestic abuse services in the UK, which are quality-assured and jointly released by the Office of National Statistics inclusive of helpline figures, caseworker access, and shelter capacity,²⁴⁰ official modern slavery statistics do not contain any information on survivor support services or access.²⁴¹

Some limited information on MSVCC access is provided online on a discretionary basis by the MSVCC's primary contractor, a charity, The Salvation Army. However, this information does not include breakdowns of how many survivors can access which ECAT entitlements (such as counselling, safe housing, caseworker support, or legal aid) nor reasons why victims were deemed ineligible for certain forms of assistance."²⁴²
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Additionally, the lack of data and monitoring regarding access to support for survivors leaves consistent gaps in our understanding of what services they are accessing, for how long and the impact this has on their recovery. After Exploitation expands on this: "The sector remains concerned about the quality of data and monitoring regarding survivor support. As part of a scoping exercise with more than 50 practitioners dependent on modern slavery data for their day-to-day work, we interviewed civil society, lawyers, and lived experience experts on their access to modern slavery evidence."²⁴⁴

The most frequently occurring topic practitioners called for more evidence on (n=41) was survivors' access to ECAT entitlements. In particular, frontline practitioners raised concerns with a lack of transparency surrounding how decisions to house or not house survivors was being made: "There should be better information about why survivors are turned away, because often the reasons given are not valid." "When I was a case worker, I can't tell you the number of times I've had to threaten legal action before they would accept [a survivor] into support when they were absolutely entitled to it." "It's such a huge proportion of people who just never make it into support. What is happening to those people?" Access to emergency or temporary accommodation, such as safe housing, can play an important role in preventing homelessness and other forms of vulnerability that can be leveraged by traffickers to facilitate repeat exploitation.²⁴⁵ 246

²³⁹ The Salvation Army. [New 2021 Victim Care Contract](#)

²⁴⁰ Office for National Statistics. (24 November 2023). [Domestic Abuse victim services, England and Wales: 2023](#)

²⁴¹ Home Office. (8 August 2024). [Modern slavery: National Referral Mechanism and Duty to Notify statistics UK, quarter 2 2024 - April to June](#)

²⁴² The Salvation Army. [Modern slavery latest reports](#)

²⁴³ After Exploitation submission

²⁴⁴ After Exploitation. (May 2024). [A can of worms](#), pp. 9-18

²⁴⁵ Commonweal Housing and Human Trafficking Foundation. (2023). [The Key Issue: Housing for Survivors of Modern Slavery](#). p.14

²⁴⁶ After Exploitation submission

3.6.3(a). Accommodation

I. Accommodation for children

There are ongoing gaps in the accommodation provisions for unaccompanied children going through the asylum system. Despite some recent improvement, which has seen the discontinuation of the use of asylum hotels, concerns remain in relation to the support provided within supported accommodations. ECPAT UK provides relevant evidence:

“In recent years, unaccompanied children arriving in the UK, traumatised, having faced abuse or mistreatment in their country of origin or during their journey to the UK, were placed in Home Office hotels outside of the care of children’s services. As a cohort, they are especially vulnerable and in need of immediate support and protection.

The systematic use of hotels to accommodate unaccompanied children began in June 2021 when Kent County Council (Kent CC) declared it had reached capacity and would stop caring for these children. In response to Kent CC’s derogation to fulfil its statutory duties, the Home Secretary arranged for hotels to accommodate unaccompanied children, bypassing the local care system.²⁴⁷ This practice persisted until the last hotel closed in January 2024, following ECPAT UK’s legal challenge, with over 5,400 children having been housed in 7 hotels in Hove, Kent, East Sussex, Oxfordshire, and Warwickshire.²⁴⁸ These children did not receive care from children’s services and remained in hotels until suitable placements were arranged.

Additionally, there is still no central funding for child victims of trafficking in the UK, unlike the central government contract for adult provision. Accommodation provision for trafficked children who become looked after varies significantly across the UK – from residential care homes, shared flats and houses, bedsits, bed and breakfast emergency housing, and foster care. Many of these are unsafe and unsuitable for children who are victims or are at risk of trafficking and can contribute to them going missing.

There is a government ban on looked after children under 16 placed in unregulated accommodation and some new standards introduced in October 2023²⁴⁹ to bring in some regulation for accommodations provisions for 16 and 17 year old’s (including unaccompanied and trafficked children) yet these remain as placements without care.²⁵⁰

There is no requirement in these standards for children to have someone on-site 24 hours a day and in some premises children live alongside adult strangers. The new standards even allow ‘mobile or non-permanent settings’ – so local authorities can place children in caravans, boats and even tents. The registered managers of these forms of accommodation are not required to have any prior experience of working with children and inspection arrangements are substantially weaker than for children’s homes. The government has effectively created a two-tier system of care for looked after children which is further

²⁴⁷ BBC News. (2021). [Kent to turn away lone child migrants from Monday due to "extreme pressure"](#)

²⁴⁸ [R \(ECPAT UK\) v Kent CC, SSHD \[2023\] EWHC 1953 \(Admin\)](#)

²⁴⁹ Department for Education. (2023). [Government bans unregulated accommodation for young people in care](#)

²⁵⁰ Article 39. (2023). [Supported accommodation is now an official part of the children’s care system in England](#)

entrenched rather than improved by these changes with unaccompanied children disproportionately accommodated in these kinds of premises.

*It is well-established that trafficked and unaccompanied children are particularly at risk of going missing within the first week of placement, and many within the first 48 hours. During accommodating decisions, there is minimal consideration of the appropriateness of the placement and the risk of re-trafficking in these cases. Rather, the current financial limitation of local authority children's services and current lack of accommodation capacity will likely determine the placement."*²⁵¹

ii. Accommodation under MSVCC support

The modern slavery statutory guidance states that MSVCC provision should not prevent a person from receiving statutory support 'they would otherwise be entitled to receive'.²⁵² This means that individuals who have access to alternative types of accommodation, including those seeking asylum and those with recourse to public funds are, in the majority of cases, not offered a safe home.

"The Salvation Army's end-of-year report shows that in 2023/24, 57% of adult potential victims were unable to access safe housing as they were deemed 'ineligible' or logged as 'no further contact' by contractors."^{253 254}

Additional clarification on eligibility criteria has been provided through the Home Office Modern Slavery Victim Care Contract Assessing Destitution Guidance, which includes a table listing those categories who would not usually be considered destitute and therefore, don't qualify for accommodation under the MSVCC services.²⁵⁵

The Salvation Army as the main provider of the MSVCC service have outlined their assessment and safeguarding processes in relation to individuals seeking asylum: *"Once TSA completes a risk assessment with a survivor, a needs assessment is undergone which looks at the longer term support an individual might need. A support plan is created, whereby a survivor and their case worker can monitor the progress on support needs. TSA works closely with the Home Office to ensure that modern slavery survivors who are living in National Asylum Support Service (NASS) accommodation provided by the Home Office are given appropriate housing. For example, this might mean ensuring they are not sharing with other people or in mixed gender accommodation. When TSA hears that a survivor of modern slavery is not in appropriate accommodation, the team immediately alerts the safeguarding department within the asylum services to ensure the survivor is moved without delay."*²⁵⁶

²⁵¹ ECPAT UK submission

²⁵² Home Office. (October 2024). [Modern Slavery: statutory guidance for England and Wales \(under s49 of the Modern Slavery Act 2015\) and non-statutory guidance for Scotland and Northern Ireland, version 3.11](#)

²⁵³ Salvation Army UK. (2024). [The Salvation Army Modern Slavery Report 2023](#), p. 12

²⁵⁴ The Salvation Army submission

²⁵⁵ Home Office. (28 May 2024). [Modern Slavery Victim Care Contract Assessing Destitution Guidance](#)

²⁵⁶ The Salvation Army submission

Nevertheless, the British Red Cross reported serious safeguarding failures for survivors accessing alternative accommodation: *“According to our research, most asylum-seekers who have been trafficked are automatically routed into asylum support accommodation. This accommodation can often be inappropriate for victims of trafficking and can increase the risk of exploitation. For example, interview participants in our research gave accounts of victims of modern slavery being placed into mixed-sex hostel type accommodation or in inappropriate locations, such as areas close to where they had been trafficked. One interview participant shared an example of a Vietnamese man who had been kidnapped out of asylum support accommodation and trafficked. Despite his recent and clear vulnerabilities, he was not accommodated in a safe house but was returned to asylum support accommodation where he was then re-trafficked.”*^{257 258}

iii. Access to social housing for those with recourse to public funds

Under Article 12 ECAT, the UK Government has a responsibility to provide appropriate and secure accommodation to survivors of modern slavery. What constitutes appropriate and secure accommodation should be interpreted in line with the Modern Slavery Core Outcome Set (MSCOS)²⁵⁹ and in consultation with the interested survivor.

Additionally, domestic legislation puts a duty on the UK Government and devolved administrations to prevent homelessness, specifically [the 1996 Housing Act in England](#) and subsequent legislation, [the Housing \(Scotland\) Act 1987 and subsequent legislation](#), [Housing \(Wales\) Act 2014](#) and [Housing Order \(Northern Ireland\) 1988](#).

Despite the above provisions, UK NGOs have reported significant systemic failures often resulting in the inability of modern slavery survivors to access appropriate and safe housing. This is resulting in survivors becoming destitute and homeless or having to rely on short-term/temporary housing arrangements, which is turning survivors into easier targets for traffickers, heightening their vulnerability to re-trafficking and exploitation.

A recent ATMG and Hope at Home briefing analyses the impact of housing insecurity on survivors evicted from asylum accommodations following a grant of asylum leave. The briefing found that many survivors facing housing insecurity are exposed to the risk of re-trafficking and potential life-threatening situations.²⁶⁰

²⁵⁷ British Red Cross and UNHCR. (2022). [At Risk: exploitation and the UK asylum system](#)

²⁵⁸ British Red Cross submission

²⁵⁹ Human Trafficking Foundation. (2018). [The Slavery and Trafficking Survivor Care Standards](#)

²⁶⁰ ATMG & Hope at Home. (2024). [Safe Homes: Ensuring access to safe accommodation for survivors of modern slavery](#)

Case study 9

In January 2024, Hope at Home received a referral for a survivor of modern slavery with a positive Reasonable Ground Decision, who was sleeping rough. The referral confirmed that this was the result of receiving refugee status and being evicted from NASS accommodation. This individual was due to have surgery at the beginning of May as a result of an injury encountered in their country of origin, which resulted in the man developing serious health conditions. However, the hospital said they can't operate if he is homeless as he will be more prone to infection. Despite this, the individual was not considered in priority need by the Local Authority and became homeless as a result.

The modern slavery statutory guidance for **England and Wales** as well as the Homelessness Code of Guidance for Local Authorities²⁶¹ only states that a victim of trafficking MAY have a priority need for accommodation if they are assessed as being vulnerable according to section 188(1)(c) of the Housing Act 1996.

The ATMG & Hope at Home briefing found multiple failures in the homelessness assessment conducted by Local Authorities, which is leading to many survivors of modern slavery not being identified as vulnerable for the purpose of being considered in priority need for housing. This further step, forcing survivors of modern slavery to prove their vulnerability, rather than just being automatically considered in priority need, constitutes a further barrier to accessing a safe and stable home.

Similarly, modern slavery survivors in **Northern Ireland and Scotland** are not automatically considered in priority needs. While in **Scotland**, the situation is very similar to England and Wales and survivors are struggling to access social housing, in **Northern Ireland**, survivors are usually found a placement by Northern Ireland Housing Executive, which is responsible for administering all social housing. Nonetheless the process is re-traumatising as the allocation of temporary accommodation is made that same day but can be late in the day and sometimes after working hours.

An ATMG member which provides services for survivors of modern slavery in Northern Ireland, reported that they have not seen a proper house used as temporary accommodation in a long time and individuals are more routinely placed in bed and breakfasts, hostels and hotels. These arrangements are very inappropriate and heighten the risk of trafficking and exploitation.

iv. Safeguarding failures in the allocation of asylum accommodations

Data shows that many survivors live in asylum accommodations, which is also confirmed by contributors to this submission. For example, one of the ATMG members, the Helen Bamber Foundation reports that 93% of their clients who are survivors of trafficking are in both the NRM and asylum system and as a result, most are housed in asylum accommodation, including hotels, for prolonged periods. Nearly 30,000 people

²⁶¹ Home Office. (10 June 2024). [Homelessness Code of Guidance for Local Authorities](#)

seeking asylum are currently forced to live in hotel accommodation, which is damaging to their health and well-being, causing depression and suicidal ideation.²⁶²

Respondents to the questionnaire describe a pattern of systemic failures in the assessment of welfare needs and vulnerabilities to exploitation from survivors' first point of contact with officials and through their permanence in the asylum support system.

This is evidenced by the British Red Cross:

"The asylum support application form (ASF1) includes no references to risks or vulnerabilities other than a list of tick boxes, and there are no other opportunities to identify vulnerabilities. Participants in our 'At Risk' research highlighted that indicators of exploitation or types of exploitation were often overlooked or misunderstood by asylum support decision-makers. This meant that connections between different forms of abuse were often missed, such as victims of domestic abuse who were also in situations of exploitation and trafficking.

*Our research also highlighted the lack of welfare and vulnerability assessments involved in the allocation of accommodation for people with protected characteristics and others vulnerable to exploitation. Instead, a reactive approach is taken, with the Home Office relying on vulnerable asylum-seekers to make a complaint if instances of harassment or abuse occur in provided accommodation, as opposed to assessing vulnerability before allocating accommodation."*²⁶³

As found by the British Red Cross multiple research projects, asylum hotels, have been repeatedly found to be incompatible with the recovery needs of survivors of modern slavery. Nevertheless, the modern slavery guidance has recently been changed to define large sites (e.g military sites and barges) suitable placements to accommodate survivors of modern slavery prior to receiving a positive reasonable ground decision.

The Helen Bamber Foundation has worked with a number of people accommodated in RAF Wethersfield, including survivors of trafficking, and this form of 'quasi-detention' in ex-military sites has been widely condemned as 'prison-like' and highly re-traumatising for survivors of torture, trafficking or other serious forms of violence.²⁶⁴ Inappropriate accommodation increases the risk of (re)exploitation - research has found evidence of visible, large-scale accommodation in hostels, hotels and houses of multiple occupancy being targeted by traffickers.²⁶⁵

The spike in negative Reasonable Ground decisions, the decision-making delays and the barriers to submit reconsideration requests (which we have analysed further in [section 4.3.4](#) of this submission) means that individuals will spend significant amounts of time in these unsuitable sites.

²⁶² Helen Bamber Foundation. (June 2024). [Suffering and Squalor: The impact on mental health of living in hotel asylum accommodation](#)

²⁶³ British Red Cross submission

²⁶⁴ Helen Bamber Foundation and Humans for Rights Network. (June 2024). [At What Cost? The ongoing harm caused to men seeking asylum held in Wethersfield](#); Helen Bamber Foundation and Humans for Rights Network. (December 2023). [Ghettoised and Traumatized: The experiences of men held in quasi-detention in Wethersfield](#)

²⁶⁵ UNHCR and British Red Cross. (2022). [At risk: exploitation and the UK asylum system](#)

V. Safeguarding failures in asylum accommodations

While individuals seeking asylum continue to be accommodated in large sites and asylum hotels, evidence gathered by the British Red Cross provides striking evidence on the safeguarding failures within these accommodations.

Research found that contractors who run these placements apply their own safeguarding reporting system, including processes, training, standards and assurance.

The British Red Cross learnt that health staff working in large scale accommodation sites believed that *“...safeguarding issues were shared across teams - however, as there was no data sharing agreement in place there was no standardised way of sharing residents’ information with other teams operating on site.”*

This is further compounded by evidence, which led the British Red Cross to state: *“We are concerned that there are no appropriate referral pathways in place, or a limited awareness of pathways by staff operating on site, should a trafficking survivor disclose and seek support. From our interactions with staff working on such sites, we understand that some health and housing staff wrongly assumed that survivors of torture or trafficking were moved to other sites, or this was ‘screened out’ earlier in the process.”*²⁶⁶

Individuals have also reported other worrying practices such as the use of other residents to act as interpreters when communicating information with no regard to how this information could be used to exploit or to disclose exploitation.

Participants to the British Red Cross research also reported instances where residents would inform their accommodation welfare officer they were “going for a job” the following day, and no safeguarding actions were taken to mitigate risks.

This is supported by further research conducted by the UNHCR, which found that indicators and disclosures are often missed or not acted upon by Home Office staff.²⁶⁷

The British Red Cross experience is that these settings and the staff employed to provide support lack the necessary safeguarding structures and knowledge to provide the required level of safeguarding and support for survivors of modern slavery and as a result, they recommend: *“...we would expect to see awareness materials in appropriate languages; a good level of understanding across all frontline workers and designated focal points to respond to trafficking concerns and other protection issues such as sexual and gender-based violence, with referral pathways into local authorities and specialist services in place.”*

They also draw attention to the failures in the asylum accommodation allocation, which can lead to exploitation: *“We have seen how refusals of asylum support also fail to take vulnerability factors into consideration, resulting in a heightened risk of exploitation. One interview participant in our research was aware of a number of cases whereby female asylum-seekers had been exploited after being made*

²⁶⁶ British Red Cross submission

²⁶⁷ UNHCR (2023). [Asylum Screening in the UK: An audit of the UK’s asylum intake, registration and screening procedures and recommendations for change](#)

homeless due to a refusal of Section 98 support. Traffickers then offered them accommodation in exchange for sex. These women were moved between the trafficker's network of friends on the promise that they would receive accommodation, but in each case were sexually exploited.”²⁶⁸

3.6.3(b). Access to health services

Research from the British Red Cross found systematic issues in the asylum support mechanisms to facilitate access to health services for individuals seeking asylum. This in turn may prevent survivors from meeting professionals who could spot indicators of trafficking and act upon them swiftly.

The British Red Cross provides evidence on the negative impact of living in hotels and large sites: *“In our 2021 report, ‘Far from a Home’, we highlighted that doctors and medical organisations attending the accommodation sites in former military barracks are supporting people with serious health conditions and vulnerabilities and have reported witnessing deteriorating mental and physical health.”²⁶⁹*

The Home Office has stated that all residents at these sites are screened for vulnerability, modern slavery or exploitation. However, most people that Red Cross teams supported at Penally Barracks in Wales reported having no health screening before or immediately after arriving. Health screening is a critical opportunity to identify vulnerabilities for individuals and indicators of exploitation, both physical and psychological, and where experiences of trafficking may be disclosed.

In our report, ‘Delivery with Dignity: A framework for strengthening commissioning and provision of healthcare services for people seeking asylum’,²⁷⁰ asylum seekers and professionals identified the negative health effects of living in temporary accommodation for extended periods.

Survivors who informed the British Red Cross research highlighted issues with communication amongst their support network, often preventing them access to services they are entitled to: *“roundtable attendees underscored the importance of cross-sector collaboration and improved data sharing. Given that the responsibility for supporting health services for asylum-seekers spans a wide range of sectors and levels, attendees stressed the need to improve coordination to reduce duplication of effort and importantly, to reduce the need for multiple disclosures by survivors of traumatic experiences.*

The frequent relocation of people seeking asylum poses a real risk that they may fall through the gaps in the health system, especially when they lack an understanding of the system or the language skills to correct this. Professionals in the health sector also hold an important role in identification of trafficking indicators and onward referrals for support.”²⁷¹

3.6.3(c). Access to mental health support

Information included in this reply applies to all survivors with or without an asylum claim.

²⁶⁸ British Red Cross submission

²⁶⁹ British Red Cross. (2021). [Far from a home](#)

²⁷⁰ British Red Cross. (2024). [Delivering with dignity](#)

²⁷¹ British Red Cross submission

Effective medical care for survivors of trafficking requires consistent, trauma informed methods, proactive health screening and a careful balance between medication and therapy. Some people with severe symptoms and/or comorbid problems, such as substance misuse and suicidal thoughts or behaviour, may require multidisciplinary community-based mental health care.

This can help them manage and reduce their risk as well as access interventions to improve their mental state. Therapeutic treatments, which must be evidence-based, can include cognitive-behavioural therapy (CBT) (for PTSD, depression and anxiety disorders) and more specialist treatments such as Narrative Exposure Therapy and Eye Movement Desensitisation and Reprocessing (EMDR) (for PTSD and Complex PTSD).²⁷²

However, contributors to this submission identified significant barriers preventing survivors of modern slavery from accessing adequate mental health support.

“Mental health support remains difficult for survivors of trafficking to access. Experts with lived experience of modern slavery, supporting After Exploitation’s research, disclosed years-long waits for counselling on the National Health Service (NHS) with no clarification as to why they were not eligible for counselling funded privately for victims under the MSVCC.”²⁷³

“When you’re referred into the NHS, it’s a long waiting list. If you have someone like me who’s been trafficked for 11 years, it’s a long-term trauma. I can’t just wait three years. I’ve not even had my counselling yet”

“When I talk about my mental health [to NRM caseworkers], nobody wants to know” “Where talking therapy isn’t enough [for survivors’ needs they just dump you into a struggling NHS”

Survivors denied counselling under the MSVCC sit alongside the wider population waiting for mental health services via the NHS, which are stretched due to staffing levels which cannot keep pace with demand. The British Medical Association highlights a vacancy rate of 13.6% for mental health professionals within the NHS, with 1.2 million members of the public on waiting lists for mental health support as of 2023.”²⁷⁴

Whilst the Government does not publish data on survivors’ access to counselling under the MSVCC, data made available via Freedom of Information requests (FOIs) documented that, in the last year on record, only 272 modern slavery cases resulted in counselling compared to a total 10,627 modern slavery referrals during the same year.”²⁷⁵ Regularly accessible evidence on survivors’ access to counselling and other ECAT entitlements has been requested by ourselves, academics and NGOs in correspondence to the UK’s Office for Statistics Regulation (OSR).”^{276 277}

²⁷² Helen Bamber Foundation. (August 2023). [Leave in Limbo](#)

²⁷³ After Exploitation. (May 2024). [A can of worms](#), p.14

²⁷⁴ British Medical Association. (13 August 2014). [Mental health pressures in England](#)

²⁷⁵ After Exploitation. (May 2024). [A can of worms](#), p.14

²⁷⁶ After Exploitation. (14 June 2024). [Letter to the Office for Statistics Regulation](#)

²⁷⁷ After exploitation submission

The identified barriers to accessing mental health support are compounded by the fact that many survivors of trafficking struggle to engage in trauma-focused therapy if they remain preoccupied with other problems in their lives, such as with accommodation or uncertainty about their immigration status. Individuals may feel too unsafe to disclose the full details of the events they have experienced, which can, in turn, lead to them not receiving the optimal benefit from therapy. This is substantiated by a recent report from Hestia, which found that some of the most common mental health stressors include, but are not limited to: fear of being ‘sent back’, poor living conditions, being isolated and feeling overwhelmed and confused by the NRM.²⁷⁸

Moreover, trauma-focused therapy can be temporarily de-stabilising: symptoms may get worse before they get better. It is therefore recommended that therapy be offered when the person is in a position of relative stability and perceived safety.²⁷⁹ The inability to access therapeutic support can in turn hinder a person’s ability to recover from their experiences. Without treatment, there is a low recovery rate for Post-Traumatic Stress Disorder (PTSD); where PTSD is first assessed five months after the trauma, approximately 36.9% of people recover without treatment.²⁸⁰

Crucially, there is a lack of alternative mental health services which may be more appropriate to meet survivors’ specific needs. Many survivors may not be ready or able to engage in talking therapy and may need access to alternative types of therapy, including well-being activities such as mindfulness or yoga.

Some organisations offer alternative mental health services, but these are often oversubscribed or only limited to a specific geographical area. Information shared by one of the ATMG members, the Snowdrop Project, evidences the benefits of creating accessible mental health pathways for survivors. The Snowdrop project, which provides free independent therapeutic support to modern slavery survivors in the county of South Yorkshire, received 80 counselling referrals between January to September 2024.

Snowdrop’s model of therapeutic support has proven to be highly effective with survivors who present with complex trauma symptoms. Adopting a “bottom up” approach, survivors are assessed and offered an appropriate pathway of support,²⁸¹ enabling individuals to manage the symptoms of their trauma at a time where their situation may be too unstable to engage in talk therapy, for example.

The case study below provided by the Snowdrop project highlights the benefits of alternative forms of therapy.

²⁷⁸ Hestia. (October 2024). [Underground Lives: Mental Health Support for Survivors of Modern Slavery](#)

²⁷⁹ National Institute for Health and Care Excellence (NICE). (2018). [Guidelines on Post-Traumatic Stress Disorder](#)

²⁸⁰ Morina N, Wicherts JM, Lobrecht J, Priebe S. (April 2014). [Remission from post-traumatic stress disorder in adults: a systematic review and meta-analysis of long term outcome studies](#). Clin Psychol Rev. 2014 Apr; 34(3):249-55. doi: 10.1016/j.cpr.2014.03.002

²⁸¹ The Snowdrop project. [The Four Counselling Pathways](#)

Case study 10

When John began counselling, he suffered debilitating trauma symptoms including nightmares and panic attacks, often triggered by everyday events. Snowdrop helped John understand his symptoms and learn effective coping techniques. John is now able to travel independently and calm himself when he needs to. He feels hopeful about the future and confident that he can rebuild his life.

**This is not his real name*

3.6.3(d). Right to work

Individuals seeking asylum in the UK do not have the right to work. There is a narrow exception which allows individuals seeking asylum to work if they have been waiting to receive a decision on their claim for over 12 months. However, the only jobs available to them are the ones included in the Immigration salary List (ISL), which usually require specific skills and qualifications. Even those who are qualified for one of the jobs included in the list may face barriers such as the need to re-train or have limited language skills.

Furthermore, survivors in the NRM do not have the right to work. The Modern Slavery Statutory Guidance states that victims are entitled to access to the labour market providing they have the immigration status that allows them to. Therefore, the right to work is based on an individual's immigration status and not their status as a recognised survivor.

In practice, even when a survivor receives a positive Conclusive Ground Decision, there is no automatic grant of leave to remain (as we have explained in [section 4.8](#) of this submission) and therefore some survivors may still not have access to employment.

The lack of right to work for survivors and those in the asylum system, exacerbates individuals' vulnerability, trapping them into a circle of financial dependency, while having to rely on a very limited amount of money to cover their expenses. This can have dangerous consequences as observed by The Salvation Army: *"Asylum seekers do not have the right to work in the UK and this is a precarity to trafficking as often basic needs are not met and asylum seekers are pushed to desperate measures to support themselves."*²⁸²

A report from Hestia shows the benefit of allowing survivors to work while waiting for a decision and mitigates those risks which could lead to trafficking and exploitation.²⁸³ Importantly, the right to work supports survivors' recovery by building their independence and providing a pathway to sustainable personal and financial freedom.²⁸⁴

²⁸² The Salvation Army submission

²⁸³ Hestia. (2022). [Underground lives: Aspirational Britain: survivors of modern slavery want to work too](#)

²⁸⁴ Coalition Access to work. (March 2021). [Access to work for survivors of slavery to enable independence and sustainable freedom](#)

One of the ATMG members, Kalayaan, is producing a series of mini reports looking at the benefits of allowing survivors in the NRM (who currently do not have the right) to work. The first report looks at the current state of play and highlights the importance of allowing individuals to work.²⁸⁵

3.6.3(e). Post NRM support and the Recovery Needs Assessment (RNA)

Survivors of modern slavery who receive a positive Conclusive Ground decision are entitled to a 45-days move on period in **England and Wales**. After this initial period, survivors who require longer-term support have to submit further applications to continue receiving support as part of the Recovery Needs Assessment.²⁸⁶

An ATMG report, *‘One day at a time’*,²⁸⁷ provided the first independent assessment of the RNA process, which found it to be too complex, bureaucratic and highly re-traumatising, hence failing to meet survivors’ needs. This is compounded by evidence shared by the Snowdrop project, which provides reach-in support to survivors of modern slavery.

The Snowdrop Project has provided long-term post-NRM support for survivors since 2012 and has repeatedly received referrals of survivors who have been exited from the NRM support without their needs fully met. Examples include survivors living in a tent at the roadside and survivors with unsupported learning difficulties.²⁸⁸ The creation of the RNA process has not removed the need for long-term support, with Snowdrop’s post-NRM clients often presenting with complex needs and receiving support for an average of two and a half years.

This is in line with concerns shared by After Exploitation: *“...experts with lived experience interviewed by After Exploitation struggled to identify the point at which they were exited from the NRM due to a lack of communication and poor transparency within the RNA process.”*²⁸⁹

*“My lawyer had to renew my Recovery Needs Assessment. I didn’t even receive one [a meeting].”
“I don’t know who’s completed them [my RNA].”*

I don’t know what [support request] has been put in them.”

Home Office guidance explicitly states that support workers should take the victims’ “views and preferences into account where possible” but the final recommendations on support made to the Home Office are at the “discretion” of the support worker.²⁹⁰ In cases where financial subsistence is needed, the Home Office makes decisions on continued payments “holistically”, considering whether the survivor has “sufficient financial income, support, or disposable capital” on a case-by-case basis.²⁹¹

²⁸⁵ Kalayaan. (October 2024). [Ready, willing & able](#)

²⁸⁶ Home Office. (last updated 31 May 2024). [Modern Slavery: statutory guidance for England and Wales \(under s49 of the Modern Slavery Act 2015\) and non-statutory guidance for Scotland and Northern Ireland](#), p.70

²⁸⁷ ATMG. (April 2022). [One day at a time](#)

²⁸⁸ Snowdrop Project. (2023). [Written evidence for Home Affairs Inquiry into Human Trafficking](#)

²⁸⁹ After Exploitation. (May 2024). [A can of worms](#), p.16

²⁹⁰ UK Government. (2023). [Recovery Needs Assessment: Single Competent Authority guidance](#). p. 12

²⁹¹ *Ibid.* p. 13

Case-by-case decision-making creates an unequivocal disadvantage for victims. In 2021, year-end data shows that the Home Office fully agreed with support workers' RNA recommendations in only 21% of cases, with the rest partially or completely rejected.²⁹² Further details, such as which forms of support correspond to which outcomes, are not provided. Subsequent annual modern slavery reports have not been released by the Secretary of State for three years at the time of writing.²⁹³

Research by anti-trafficking organisations highlights the need for long-term support to ensure that survivors can recover and regain control over their lives.²⁹⁴ However, evidence provided by organisations shows the RNA system does not provide adequate long-term support. Organisations have been calling for guaranteed long-term support²⁹⁵ and for a residence permit lasting for a period of at least 30 months²⁹⁶ to mitigate insecurity caused by insecure immigration status and the bureaucratic process to request further support.

However, “after concerns were raised by more than 50 NGOs, law firms and survivor led organisations about the current ‘lottery of support’ facing victims in the UK,²⁹⁷ the (former) safeguarding minister confirmed that case-by-case decision making would continue, as the Government “does not believe victims should automatically” be granted short-term leave or access to the MSVCC.”²⁹⁸

3.7 What specific measures are taken to reduce the vulnerability to THB of migrant workers (including seasonal workers, seconded/posted workers, domestic workers, diplomatic household employees)? Please provide information on policies and measures in the following areas:

The prevailing view of contributors to this submission is that the Government has not taken enough steps to address the exploitation of migrant workers. The increasing numbers of migrant workers exploited in this sector corroborates the lack of an effective response.

This is in line with the experience of BASNET: “We are concerned that the UK government has not taken adequate steps to reduce the vulnerability of seasonal workers and others who have come to work in the UK under various government visa schemes. The vulnerability of migrant workers, particularly those in sectors like domestic work, health and social care, stems from several systemic issues that expose them to exploitation and human trafficking. Migrant workers coming to the UK under various visa schemes, such as those for agriculture, health, and social care, are often dependent on their employers for their immigration status, creating a power imbalance that can be exploited.

²⁹² UK Government. (2021). [2021 UK Annual Report on Modern Slavery](#), p. 37

²⁹³ After Exploitation submission

²⁹⁴ Human Trafficking Foundation. (2015). [Life beyond the safe house](#)

²⁹⁵ Politics Home. (6 October 2020). [The Government must protect victims of modern slavery after Brexit](#)

²⁹⁶ Helen Bamber Foundation. (August 2023). [Leave in limbo](#)

²⁹⁷ After Exploitation. (17 October 2020). [Anti Slavery Day: 50+ experts call for end to harms facing survivors](#)

²⁹⁸ After Exploitation. (January 2021). [Campaign news: Government “does not back” end to detention of trafficking victims. Rejects calls for 12 months’ victim support](#)

From our work, these vulnerabilities arise due to factors such as:

1. **Immigration Dependency:** Workers are tied to their employers for visa sponsorship, which limits their ability to leave exploitative work environments. The fear of losing their immigration status makes it difficult for them to report abuse or seek better employment.
2. **Exploitation and Deceptive Practices:** Some workers are victims of fraud, often falling prey to unscrupulous agents who charge them for fake sponsorships, only for the worker to arrive in the UK with no job or support. This leaves them vulnerable, stranded, and at risk of further exploitation, as highlighted by BASNET's concerns regarding fraud by representation.
3. **Poor Working Conditions:** Migrant workers often face long hours, low wages, and inadequate working conditions that violate UK regulations. They may also be subjected to racism and discriminatory practices. These forms of exploitation can lead to debt bondage, wage theft, and other abuses."²⁹⁹

Contributors to this submission have offered many recommendations on how to develop a strong prevention response and what measures should be taken to implement appropriate safeguards. We refer to [section 3.1.3\(e\)](#) for FLEX recommendations.

BASNET also refers to the recommendations shared in their letter³⁰⁰ addresses to the former Secretary for the Home State Department – James Cleverly MP, which include:

- **Stronger Legal Protections:** Migrant workers should have the ability to change employers without jeopardizing their immigration status. This would help prevent employers from exploiting workers by using visa sponsorship as a form of control.
- **Improved Vetting of Agencies:** There is a need for more stringent vetting of recruitment and care agencies to prevent fraud and exploitation. Ensuring that agencies meet specific standards would help reduce the power imbalance and protect workers from abuse
- **Comprehensive Pre-arrival Support:** Workers should receive detailed information about their rights and entitlements under UK labour laws, in their native languages, before arrival. This would empower them with the knowledge needed to navigate the system and report exploitative practices.
- **Support Systems for Victims:** BASNET calls for the establishment of legal, financial, and counselling services for victims of fraud and exploitation, ensuring they have access to justice and compensation.
- **Transitional Support:** When agencies have their licenses revoked for exploiting workers, it is essential to provide transitional support to those affected to prevent them from falling into further vulnerability."³⁰¹

²⁹⁹ BASNET submission

³⁰⁰ BASNET. (9 February 2024). [Exploitation in the Health and social care sector as a race issue](#)

³⁰¹ BASNET submission

FLEX provides further recommendations looking at structural issues: *“It’s vital the UK government take action to address the dependencies on employers which prevent workers challenging exploitation. Action should include establishing secure reporting pathways so that personal data is not shared with immigration enforcement without carefully informed consent and coordination between agencies to allow for bridging visas and the ability to prevent cancellation of visas in the event of employment issues so that workers can access rights without compromising their immigration status. Visa conditions which restrict workers to one employer, who could be their exploiter and which prohibit access to public funds, creating multiple dependencies, need to be reconsidered, as does the availability of specialist legal advice.”*³⁰²

3.7.1. Provision of comprehensive and accessible information, in a range of relevant languages, on migration and labour laws, worker protection and contacts of relevant organisations

Organisations recognise that information is not often accessible, unless individuals approach specialist organisations which receive relevant training and offer services for workers in this category.³⁰³ Nevertheless, even when agencies develop targeted programmes to provide information to workers, these may only be relevant for a specific sector or have geographical restrictions. IOM UK provides their experience of delivering programmes to support safe migration for seasonal workers coming to the UK from Central Asia.

*“Since October 2022, IOM has received funding from the Foreign, Commonwealth and Development Office (FCDO) to deliver programming to support the safe migration of seasonal workers to the UK in Central Asia (Kazakhstan, Uzbekistan, Kyrgyzstan and Tajikistan), which is where the majority of migrant workers on the seasonal worker visa route now come from.”*³⁰⁴

As part of this programme, IOM developed Pre-Departure Orientation (PDO) materials to be used by the government agencies responsible for labour migration in all four countries during preparation sessions with the workers coming to the UK. In the process of developing the PDO content, it became clear that information about the seasonal worker visa route is both difficult to access and highly fragmented, with no dedicated pages on the gov.uk site containing essential information about the scheme, including, for example, the names of all the operators.

It took IOM researchers time to gather information from many different sources and on multiple occasions resulted in contradictory information or significant information gaps, some of which continue to be problematic (such as how the rule guaranteeing 32 hours of work per week applies in practice). IOM also found that there is very little public information about the operators in terms of the countries they are recruiting from and their specific modes of recruitment (such as whether they open an office in a

³⁰² FLEX submission

³⁰³ Unseen submission

³⁰⁴ 78% of Seasonal Worker visas issued in the first six months of 2024 were for workers from Kazakhstan, Uzbekistan, Kyrgyzstan and Tajikistan. Source, [Home Office Immigration Statistics Quarterly Release, June 2024](#).

recruitment country, work with a sub-contractor, engage with a government agency or recruit online) and the extent and effectiveness of the information they provide to workers they are recruiting.

This means that it is difficult for workers to understand the realities of working on the Seasonal Worker Scheme and make informed decisions before they make an application. While IOM's programme has partly addressed this gap for some workers in Central Asia, it is important to note that not all workers are offered a PDO session by the respective governments (a minority of workers are reached)³⁰⁵ and this offering is only available in the four countries covered by the programme and not in other countries of recruitment."³⁰⁶

3.7.2. Provision of clear employment contracts

The provision of clear contracts to workers is not guaranteed as supported by FLEX evidence: *"While all workers in the UK should be protected by employment law, in practice immigration enforcement, combined with immigration rules which create multiple dependencies on employers, undermines this. For example, migrant workers may indeed have a written contract, which may have been submitted as part of a visa application.*

However, the worker may also not have a copy of that contract or be able to read it. Or the worker may have been told that the contract is only for the application and is not what they will be paid. Deductions for accommodation and other factors such as productivity targets might make it very hard without legal advice to understand if the contract is being complied with and, even if it is not, a worker whose visa is restricted and dependent on their employer is likely to be cautious of questioning underpayment, or making use of a complaints mechanism run by their employer or which is likely to end up with their sponsor having the ability to sponsor their visa removed or taking action against them."³⁰⁷

3.7.3. Access to decent work and housing, health care, social services and education

Evidence shared in sections [3.1.2\(c\)](#), [3.1.3](#) and [3.3.3](#) is also relevant to this section and shows that migrant workers often face poor living and working conditions, further exacerbating those vulnerabilities that trap them in exploitation. Additionally, when migrant workers are referred to the NRM face similar barriers as the one affecting other cohorts of survivors as analysed in sections [3.6.3 \(a-c\)](#).

3.7.4. Possibility to change employers

According to government guidance, seasonal workers can request to change employer, but this may be refused, as outlined by IOM UK: *"The UK government's guidance for those sponsoring workers on the*

³⁰⁵ IOM's programme on the SWS in central Asia estimated that between 5-20% of the seasonal workers in Kyrgyzstan, Uzbekistan and Tajikistan would have attended a PDO session

³⁰⁶ IOM UK submission

³⁰⁷ FLEX submission

seasonal worker visa route acknowledges that workers can be prevented from changing employer. The guidance explains, “You must not normally refuse requests from participating workers to change employers. Participating workers can change employers if they wish and must normally be allowed to do so, unless there are significant reasons not to permit this.”³⁰⁸

Additional information provided by IOM UK shows that nearly half of the requests to change employer are rejected: “...the UK government’s own data collected from seasonal workers through Defra’s survey of seasonal workers suggests that nearly half are denied the ability to change employer.”

“Of the 211 returnee Kyrgyz workers who responded to IOM’s survey question about their experience of changing employer while in the UK, 50% had their applications rejected, indicating that they were either left without work earlier than expected or had to remain with employers that they had requested to be transferred from.

A larger survey of seasonal workers conducted by the Department for Environment, Food and Rural Affairs (Defra) conducted in 2022 provides data on 873 seasonal workers who requested a transfer to a new employer; 44% of workers reported that their request to transfer to a new employer was not accepted.”³⁰⁹

However, even when requests to change employer are granted, issues persists: “Even when a worker is permitted to change employer and transfer to another farm they are usually required to pay for the costs of transport, including in cases where the transfer was requested solely as a result of work running out on the farm where they were initially employed, sometimes after a period of just a few weeks. The travel costs to change employers may be very high given the potential large distances between farms and their rural settings which are not well serviced by public transport.”³¹⁰

3.7.5. Access to confidential complaints mechanisms

The information shared by participants shows that despite the presence of grievances and complaints procedures, these are often inadequate and don’t offer appropriate resolution. IOM UK provides a comprehensive analysis of the situation faced by seasonal workers:

“IOM understands that if a worker has a grievance, they first report this to the farm they are working on. They are also then able to report an issue to the Scheme Operator who recruited them, although the way in which this happens is unclear (for example, how easy it is to complain, if the issue can be reported in different languages and with support of cultural mediators) and the procedures for resolving and responding to complaints are also unclear (such as how they are investigated, timelines, and how

³⁰⁸ Home Office. (Updated 4 April 2024). [Workers and Temporary Workers: guidance for sponsors: sponsor a seasonal worker](#)

³⁰⁹ Department for Environment Food & Rural Affairs and Home Office. (Updated 25 January 2024). [Seasonal workers survey results 2022](#)

³¹⁰ IOM UK submission

responses are given). Defra's analysis of the responses to the 2022 survey shows that nearly a third of respondents (29%) reported that they did not know how to raise a complaint.³¹¹

Some of the workers IOM spoke to in the context of the Central Asian programme said that in times of need, including when complaints had been made, they felt there was lack of support and communication from the Scheme Operator who had sponsored their visa. Furthermore, the Defra surveys of returnee workers show an increasing proportion of workers reporting that it was not easy to complain – in 2019, 20% of workers said it was not easy to file a complaint, in 2020 this had increased to 39%, and in 2021, to 40%.

Among workers who did file a complaint, 41% felt their complaint was followed up in 2019 and 2020, rising slightly to 44% in 2021. In 2022, 55% of survey respondents who reported that they had raised a complaint (and answered whether this was followed up) said this was followed up.³¹²

This means that for the first four years of the Seasonal Worker visa, half of workers who made a complaint felt that it had not been followed up.

It is also important to note that there is no independent complaints mechanism for seasonal workers. If they are not happy with how a complaint has been handled by the farm or Scheme Operator, they have the option of contacting the Home Office (one of the government agencies responsible for the scheme) but the advice they have provided is that grievances should be raised through the Report an immigration or border crime route, which seems neither appropriate or likely to result in worker reports.

The Gangmaster and Labour Abuse Authority (GLAA) website lists eight different entities where workers can report issues, depending on the nature of the issue, showing that the government mechanisms are highly fragmented. Two non-governmental organisations (NGOs) provide multi-lingual advice and case management services for seasonal workers: the Work Rights Centre and Worker Support Centre (Scotland) but ensuring workers are aware of their services is challenging since their services are not integrated into the scheme.³¹³

3.7.6. Right to join trade unions and to engage in collective bargaining

None of the respondents have provided an answer to this question.

3.7.7. Legal avenues for regularising their stay in the country

Survivors of modern slavery who received a positive Conclusive Ground Decision are referred to the relevant Home Office department to be considered for Temporary Permission to Stay as a Victim of

³¹¹ Department for Environment Food & Rural Affairs and Home Office. (Updated 25 January 2024). [Seasonal workers survey results 2022](#)

³¹² *Ibid*

³¹³ IOM UK submission

Trafficking and modern slavery. However, evidence shows that a very low number of survivors are actually granted this leave and usually for very short periods. Furthermore, this route does not constitute a route to settlement and therefore at the end of the leave survivors are plunged back into vulnerability and risk. We have provided extensive information on this topic in [section 4.8](#) of this submission.

3.8. Do labour inspectorates and other authorities checking workplace conditions possess a comprehensive mandate, and adequate human, financial and technical resources, to conduct regular, proactive workplace inspections in all economic sectors, with a particular emphasis on high-risk sectors prone to exploitation? How do labour inspectors co-operate with other authorities and trade unions? Is there a separation between labour inspection and immigration control functions?

Evidence shared by organisations reveals that the current labour market enforcement is weak and fragmented, leaving significant gaps in the protections for workers and therefore is ineffective in preventing exploitation. While the Gangmaster & Labour Abuse Authority (GLAA) was set up to conduct inspection and investigate cases of abuse and exploitation by employers, this is significantly under-resourced, affecting its efficacy.

This is supported by Unseen: *“The Gangmasters Labour Abuse Authority seeks to do this work, however we often found that their resources mean this isn’t possible on a large scale. They may attend to carry out inspections following intel on potential issues, however businesses that we have worked with have reported that this has not identified concerns (e.g visit to agriculture industry taken place, nothing found), however when larger supermarkets who wish to do more to respond to THB carry out their own checks they have found risks.*

Not all businesses have in their contracts with suppliers/supply chain partners - a provision that allows audits/checks to take place. This means that if a business wants to make a visit to carry out checks, they are unable to do so unless this was agreed in the original contract, this means the partner can turn down such requests and risks of THB go undetected. A requirement for this be in all contracts would allow more scope to respond to risks that become apparent throughout the duration of the contract requirement.

From the training and partnership work we do across all sectors, we continue to see a lack of awareness of THB in all spaces, this means that Local Authority, private and public sector bodies who are required to carry out inspections and audits often do not have the relevant training on modern slavery and human trafficking to know how to effectively identify, respond and report it. Many organisations who are first responders to the NRM do not know they are, this concern only grows for those who are not registered first responders.”³¹⁴

³¹⁴ Unseen submission

FLEX recommends creating an effective labour market enforcement mechanism through the creation of a Single Enforcement Body: *“Labour market enforcement in the UK is incredibly fragmented, with six different labour market enforcement authorities, each with different remits.*

The 2019 Conservative Party manifesto committed the government to establishing a Single Enforcement Body (SEB). These plans were confirmed to have been scrapped in December 2022. The current, disjointed system is difficult for workers to navigate, and difficult for authorities to manage efficiently. This means that workers often fall through the gaps. A well-designed Single Enforcement Body could establish end-to-end protection for workers, meaning that no one is left behind and workers see the difference in practice.

The UK’s labour market enforcement system must be accessible to workers in practice and provided with robust enforcement powers. These reforms, which may take the form of a Single Enforcement Body, must be grounded in the principles of protected reporting, evidence-based resourcing, compliance with international standards at a minimum, fair and efficient remediation, gender sensitivity, and meaningful worker participation.

Resourcing of UK labour market inspection authorities should be greatly increased, at minimum exceeding the ILO target of one inspector for every 10,000 workers in the short term. They must have effective enforcement powers. In contrast, it is concerning to see that the GLAA’s 2024-25 budget (£6.26 million) has been cut since 2023-24 (£7.77M), despite the evidence of need for increasing levels of proactive Labour Market Enforcement work, especially in light of the UK’s increased reliance on restrictive work visas, leaving workers less able to leave exploitative employment and, without secure reporting pathways, fearful of coming forward to the authorities.”³¹⁵

3.9. How are employment and recruitment agencies regulated and monitored? Are all stages of the recruitment process, including advertisements, selection, transport, and placement, subject to regulation? Are recruitment fees and related costs prohibited from being borne by workers or jobseekers?

Contributors to this submission acknowledge the existence of multiple mechanisms to regulate and monitor employment and recruitment agencies, nonetheless, the evidence provided shows that these are often not effective.

3.9.1. Lack of awareness and gaps in training

In Unseen experience, the identified failings in the recruitment process are the result of a lack of awareness and training around modern slavery: *“An example of this is related to the care sector, the Care Quality Commission as an independent body have the ability to look into THB in the care industry however staff training is not comprehensive in this area, and they also do not carry out checks in all care industries/organisations.*

³¹⁵ FLEX submission

Other sectors may have audits/inspections in other areas which could indicate THB risks, however if those inspectors/auditors have not had relevant THB training they may not identify how the main area of inspection feeds into THB e.g health and safety checks which may indicate possible signs of exploitation such as lack of PPE, could be identified, but not looked into further.

Employment Agency Standards and Recruitment and Employment confederation also adds a level of oversight/requirement in this area. We have routes of referral from EAS to the helpline, however we have noted that many of the businesses we are working with have not disclosed that they are being regulated.

We have seen an uptick in businesses approaching us for THB training and procedures checks since the Centre for Social Justice report ‘What next for the business response to modern slavery in supply chains?’³¹⁶ was published as people become more aware of what they need to do to be compliant and concerns over bigger financial impacts have been a factor in that. As consumer awareness of sustainability and human rights-based issues grows, more businesses are taking steps to respond, however there is still some way to go to enforce this.”³¹⁷

3.9.2. The Health and Social Care visa recruitment

FLEX identified specific issues in the Health and Social Care visa process, which is operated through a direct recruitment model:

“Many migrant care workers are being required to pay large sums to recruitment agencies in their countries of origin. Such recruitment fees would be illegal in the UK and are in breach of international labour standards. It has been reported that these illegal recruitment fees may then be split with the care operator in the UK.”³¹⁸ These illegal fees can be significant, such as amounts up to £18,000 being reported in the media.³¹⁹

The Anti Trafficking & Labour Exploitation Unit (ATLEU) have had one client charged as much as £28,000. In 2023, based on information gathered through Unseen’s modern slavery helpline on the debt relating to 109 care workers, the average amount of debt was £11,800.

There have also been instances of UK-registered agencies charging illegal fees such as the Certificate of Sponsorship, as well as for ‘visa application support’ which only lawyers and registered immigration advisers can legally charge for. Workers have also reported to ATLEU that when seeking an extension of their visas once in the UK, the sponsoring agencies would again charge them large fees for ‘visa paperwork’ costs including, for example, renewing a Certificate of Sponsorship to issue another job contract.”³²⁰

³¹⁶ The Centre for Social Justice. (2 August 2023). [What next for the business response to modern slavery in supply chains?](#)

³¹⁷ Unseen submission

³¹⁸ The Guardian. (10 July 2023). [UK care operators accused of ‘shocking abuse’ of migrant workers](#)

³¹⁹ The Guardian. (18 June 2024). [Migrant care workers came to help the UK. Now they’re trapped in debt bondage](#)

³²⁰ FLEX submission

3.9.3. The Horticultural Seasonal Worker visa recruitment

Organisations have also noted various issues in the seasonal worker visa recruitment process, which is operated through a licensed Scheme Operator sponsor model. FLEX and IOM UK raise concerns in relation to the migration costs incurred by migrant workers, which ties them into debt bondage, heightening their vulnerabilities to exploitation.

In relation to this, IOM UK expands on the provisions included in international law: *“The seasonal worker visa route does not adhere to international standards on the fair and ethical recruitment of migrant workers. At present, workers are required to pay for their visa and flights to the UK. International standards state that recruitment fees and related costs should not be paid by the worker, rather they should be paid by the employer (the Employer Pays Principle, EPP).”*³²¹

The ILO General Principles and Operational Guidelines for Fair Recruitment states that “No recruitment fees or related costs be charged to, or otherwise borne by, workers or jobseekers”.³²² This includes all costs detailed in its definition of recruitment fees and related costs, which specifies travel and administrative costs (such as visa fees). Similarly, the first principle within the IRIS Standard,³²³ developed by IOM, is the prohibition of recruitment fees and related costs to migrant workers, with related costs covering expenses such as flights and visas.

The average costs for a worker coming to the UK from Central Asia ranges can reach £1800 or more. This includes the visa fee of £298 and visa processing costs (£30-£90), travel and subsistence to attend interviews with Scheme Operators and to attend visa appointments (£100 - £300), travel to and from the UK (£500 to £1000), and travel from the airport of arrival in the UK to the farm (up to £100). Alongside the permitted fees and related costs that are borne by the worker some workers are paying irregular fees.

Defra’s survey found that 9% of workers paid a “recruitment agent or job finding fee” before they arrived in the UK.³²⁴ IOM surveyed workers from central Asia and found that the total fees and costs they paid had come to between £600 and £1,800. Defra’s 2022 survey results show that one in five workers paid more than £1,000. In 2022, 62% of Indonesian respondents to the survey reported having paid fees of at least £3,000 before they came to the UK. (Indonesians were the 8th most common nationality that used the seasonal worker visa route in 2022).”^{325 326}

Similarly to the above, FLEX agrees that migration costs faced by workers go against international law and puts people at risk of debt bondage: *“Workers on this visa can be recruited from anywhere in the world*

³²¹ IRIS ethical recruitment. [Frequently asked questions](#)

³²² ILO. (2019). [General principles and operational guidelines for fair recruitment and Definition of recruitment fees and related costs](#)

³²³ IRIS ethical recruitment. [Frequently asked questions](#)

³²⁴ Department for Environment Food & Rural Affairs and Home Office. (Updated 25 January 2024). [Seasonal workers survey results 2022](#)

³²⁵ *Ibid*

³²⁶ IOM UK submission

and generally pay their migration costs, which may be significant, contributing to concerns about debt bondage. FLEX and others have been advocating for some time that these costs should not sit with migrant workers who should not be paying to work and that to reduce risks of debt bondage these costs are distributed elsewhere throughout the supply chain. On 10 September 2024, the auditing body SEDEX introduced new auditing methodology, SMETA 7.0.

SMETA 7.0 aligns with the ILO position that the costs of recruitment should not be borne by workers, and their definition of recruitment fees which includes travel amongst other costs. Therefore, if workers have paid the costs of their travel, this will be raised as a finding. This has been fiercely opposed by industry as imposing a new cost on them. However, from FLEX perspective it is a welcome first step in addressing migration and recruitment costs which contribute to the risks experienced by workers on the scheme and is a move towards standards which are already accepted internationally. The impact of SMETA 7.0 needs to be monitored.”³²⁷

3.10. How do you prevent and sanction abuses of legal constructions such as self-employment, letter-box companies, sub-contracting, and posting of workers, which may be used to commit THB?

Unseen states that the Modern Slavery Act and the EU Directive constitute a basis to prevent these abuses. However, in Unseen experience: *“many companies are still not complying with a Modern Slavery Statement and those that do have one are often found to not be implementing the steps needed to properly prevent, identify and respond to THB risks found within their supply chains.”³²⁸*

3.11. How do your country’s migration legislation and policies seek to prevent THB by enabling lawful migration and legal employment opportunities accompanied by decent work conditions?

Many organisations report that migration legislation in the UK is exacerbating vulnerabilities to trafficking and exploitation rather than embedding protections and prevention mechanisms. This is demonstrated by the spike in potential survivors of modern slavery who have been prevented or were delayed access to identification and support since the commencement of NABA 2022.³²⁹ Additionally, the introduction of the IMA 2023 has exacerbated the situation by heightening the fear of detention and removal.³³⁰

We have provided further information on the impact of this legislation on children below and a more comprehensive analysis in [section 4.3.4](#). Relevant information to this question is also included in section 3.9 above.

3.11.1. Impact of recent immigration legislation on children

³²⁷ FLEX submission

³²⁸ Unseen submission

³²⁹ ATMG, BIICL and HTF. (25 June 2024). [Assessing the Modern Slavery Impacts of the Nationality and Borders Act: One Year On](#)

³³⁰ Unseen submission

ECPAT UK expands on the changes introduced by NABA 2022 and how this has impacted on children: *“Migration legislation in the United Kingdom has not enabled prevention of human trafficking but contributed to an increase in vulnerability of victims and hindering the identification process. Provisions now in force as part of the Nationality and Borders Act 2022 (NABA) have had a significant impact in the support child victims of trafficking receive as they prevent them from accessing the NRM at the reasonable grounds stage in the absence of ‘objective factors’, they face disqualification from protection and render them unable to access a secure immigration status as a victim.*

The changes recently implemented in the Modern Slavery Statutory Guidance related to the evidential threshold at the reasonable grounds stage have meant that many children’s referrals are dismissed. In most cases at this early stage, children are too traumatised or unwilling to provide details of their exploitation, and there are rarely any objective factors beyond trafficking indicators which rely on first responder training to observe and report on.

Children at this stage rarely, if ever, receive access to legal advice to provide a witness statement nor to access expert reports. Rejections at this early stage of identification lead to significant safeguarding failings and child protection risks. Consideration of the exploitation of a child within safeguarding arrangements should be informed by the reasonable grounds decision, consideration of the risks of re-trafficking and any criminalisation for offences committed as a result of their exploitation. These changes will have an impact on all victims, including British national children as well as children seeking asylum or with irregular immigration status.

The public order disqualification as defined in Section 63 of the Nationality and Borders Act 2022 remains extremely troubling for children, particularly those who are victims of child criminal exploitation (CCE) given that it is the most commonly reported form of child trafficking in the NRM. We continue to urge the government to abide by the standards set out in international law that no child victim should be disqualified from accessing protection and children who are victims of exploitation and abuse should be protected.

Additionally, UK’s overly stringent asylum procedure creates an environment ripe for exploitation, particularly as unaccompanied children and children in families have spent recent years in limbo without an asylum determination as a result of legislating the Illegal Migration Act 2023 (IMA) and the Safety of Rwanda Act 2023. The new government has committed to abandoning the policy to remove people to Rwanda, yet it is unclear what, if any of the provisions of the IMA will be brought into force, with many sections being particularly damaging to the welfare of children. These legislative efforts have led children seeking asylum in precarious situations where they become highly vulnerable to traffickers. The narrow and rigid criteria for legal migration routes often push children into irregular routes with many crossing over the English Channel in unsafe dinghies that expose them to significant harm and death.

Additionally, both the NABA and the IMA contain new age determination procedures which frequently result in children being misclassified as adults and have added additional bureaucratic hurdles to the

*process, leaving children at risk, with some facing custodial sentences in adult prisons.³³¹ The UK's focus on stringent border control and enforcement measures often prioritises immigration restrictions over the protection of individuals. This enforcement-driven approach can lead to the criminalisation of migration, driving vulnerable migrants into the hands of traffickers who offer alternative means of entry or survival and result in exploitation.*³³²

3.11.2. Intersection between migration legislation and migrant workers

FLEX and IOM UK explain how migration legislation contributes to creating those vulnerabilities which may lead to the exploitation of migrant workers. *"...the UK's use of restrictive and time limited visas actively exacerbates exploitation through creating multiple dependencies on employers and giving employers who are also visa sponsors considerable power over workers' ability to be in the UK at all, allowing them to weaponise the immigration rules and preventing workers from challenging exploitation, so driving down standards more generally.*

*Labour market enforcement cannot wait for workers to come to them to report exploitation, especially if the outcome for workers of reporting is likely to worsen their situation. Instead, labour market enforcement needs sufficient resourcing and powers to be able to act proactively and independently of immigration enforcement, targeting sectors known to be high risk, with powers to secure redress for worker and the ability to support reactivation permits or bridging visas so workers can secure decent work, as well as redress, elsewhere.*³³³

IOM provides information specifically on the seasonal worker visa stating that it creates specific conditions for the exploitation of migrant workers: *"...the visa does not adhere to the EPP, migrant workers using the route, usually from lower-income countries, are often required to raise the funds for visas and flights through borrowing from family members, selling assets or borrowing from formal or informal lenders. For example, in an IOM survey of seventy-seven returnee Tajik workers, 48% said they had taken loans to fund their travel to the UK. As a result, workers are often in debt before they come to the UK which can increase risks of exploitation. Technically the seasonal worker visa route permits migrant workers to work in the UK for a maximum of 6 months.*

However, in reality, migrant workers may experience a significantly shorter period of employment while in the UK. For example, of the respondents to the IOM survey of returnee workers from Tajikistan, the average duration of employment was 3.8 months. A short duration of employment can have an extremely negative impact on the workers. In the worst-case scenario, the duration of employment is so short, with no further employment available via transfers that the workers cannot recoup the costs that they invested in coming to the UK and they make an overall financial loss, pushing them further into debt, as also

³³¹ Coldwell, W. (2024). [A teenaged migrant piloted a dinghy that sank in the Channel. Then he was charged with manslaughter](#)

³³² ECPAT UK submission

³³³ FLEX submission

highlighted in media articles in 2024.^{334 335} The present situation where workers are not given sufficient employment to repay their costs and save money and have no guarantee of being able to change employer creates risks that workers will have to seek irregular employment and may be vulnerable to exploitation, as they become increasingly desperate to earn money while they are in the UK.”³³⁶

3.12. How do your country’s law and policies to discourage demand that leads to THB address particular vulnerabilities and groups at risk of THB?

The evidence we have provided over the course of this submission, specifically in [section 3.7](#) and 3.11.2 above on migrant workers demonstrates the UK migration policies exacerbate risk of re-trafficking by proactively creating conditions that heightens vulnerabilities of specific groups.

3.13. How do your country’s legislation and practice ensure that there is an individual assessment of protection needs at the borders prior to any refusals of entry or expulsions?

The evidence provided in [section 3.6](#) in relation to individuals seeking asylum includes information in relation to screening procedures conducted by Border Force.

3.14. What measures are taken to prevent THB in sports? What sectors and categories/groups of people have been identified as being at risk?

None of the contributors to this submission have provided an answer to this question.

3.15. Have you identified online practices that may increase the risk of becoming a victim of THB for different forms of exploitation? What mechanisms have been developed to prevent the misuse of information and communication technology for THB purposes? What is the practical effect of their implementation?

The Salvation Army offers examples of initiatives they have developed to prevent the misuse of information and communication technology for the purpose of trafficking: “responding to the number of Polish nationals who move to the UK for work, TSA established a free job verification service in Poland which put online job adverts through an algorithm to detect risks of exploitation. This service also looked at job contracts and offered guidance on questions to ask a potential employer before moving overseas for work. TSA also raises awareness of the Just Good Work App across all territories to equip individuals with knowledge on their rights and entitlements to mitigate vulnerabilities to trafficking. TSA also works

³³⁴ The Guardian. (21 July 2024). [Indonesians who paid thousands to work on UK farm sacked within weeks](#)

³³⁵ The Guardian. (8 September 2024). [Number of seasonal workers seeking help after being sacked by UK farms doubles in past years](#)

³³⁶ IOM UK submission

with STOP THE TRAFFIK in their preventative work on the misuse of information online for trafficking purposes.”³³⁷

3.16. What measures are taken to raise awareness of the risks of technology-facilitated THB, including among children, parents, teachers, child care professionals and social workers? What technology-based initiatives exist in your country to disseminate information to groups/communities at risk of THB?

Organisations agree that awareness of the risks of technology remains insufficient and fragmented.

“Very minimal provisions are available to prepare young people, parents and teachers for tech facilitated trafficking. There are very minimal provisions available to disseminate information to vulnerable groups. Apps are available for download on how to spot the signs of exploitation and report concerns; however, those who access these, need to first have awareness of the issue in order to use them.”³³⁸

The above is compounded by gaps in training for professionals: *“Training for social workers and child care professionals differs across local authorities and is dependent on the professional development offered within each local authority. There is no statutory duty for professionals working with children to receive training in identifying the risks of online child exploitation or technology assisted human trafficking.”³³⁹*

ECPAT UK goes on to explain about some initiatives to support children awareness: *“Child Exploitation and Online Protection (CEOP) is a law enforcement agency working to keep children safe from online abuse and grooming.”³⁴⁰ Children can contact CEOP directly to report online sexual abuse or anything that may have happened online which made them feel unsafe or uncomfortable. Reports are held by CEOP Child Protection Advisors who will contact the child to gather information and discuss what happens next. The CEOP education team provides training and information sessions for children, parents/carers, and professionals to raise awareness and increase confidence in identifying and reporting online sexual abuse.”³⁴¹*

As part of the ‘What Works Fund’, within the Tackling Violence Against Women and Girls strategy, the Home Office committed to providing £1.36m over three years to Changing Lives for their Net-Reach project, which aims to tackle violence against women and girls online, providing early intervention and targeted support for women and girls at high-risk of commercial online exploitation and the risk on online sexual harm.”^{342 343}

³³⁷ The Salvation Army submission

³³⁸ Unseen submission

³³⁹ ECPAT UK submission

³⁴⁰ Child Exploitation and Online Protection. (2024). [Are you worried about online sexual abuse or the way someone has been communicating with you online?](#)

³⁴¹ Child Exploitation and Online Protection. (2024). [CEOP Education](#)

³⁴² Home Affairs Committee. (2024). [Human Trafficking: Government Response to the Committee’s First Report](#)

³⁴³ ECPAT UK submission

3.17. How do you cooperate with ICT companies and Internet service providers, including content hosts and social media, in preventing THB?

The Salvation Army and Unseen reported their efforts to work with tech companies to flag concerns and strengthen the prevention of slavery online, however they have also highlighted the need for increased cooperation from tech companies.

Unseen: *“Tech Against Trafficking initiatives are exploring improvements in this area and partnering with organisations working to respond to the issue. Some business partners we are working with are tech companies, partnership opportunities are continually explored to improve this space however again awareness of THB is lacking and as such not all tech firms are onboard with this, mainly those with human rights-based interests and allocated internal resources for it.”*³⁴⁴

Then The Salvation Army: *“TSA always reports concerns to META in cases where information is shared on social media which could put survivors or a safehouse location at risk. While TSA has established a direct link to the Social Impact Team within META that deals with safeguarding concerns, often when issues are reported there is no response from META. Better cooperation is needed to keep survivors safe from re-trafficking and ensure survivor anonymity from their traffickers.”*³⁴⁵

Furthermore, Hope for Justice has a partnership with Intel in respect of the role confidential computing could play in enabling better data understanding and data sharing which is compliant with confidentiality and data responsibilities. They have engaged with the UK government on this project.³⁴⁶

3.18. How are policies and practices aimed at preventing THB informed by the experiences of victims and at-risk individuals?

Organisations reported that consultation on policies and practices with those affected by modern slavery remains very limited. Over the past few years, the anti-trafficking sector started to acknowledge the lack of meaningful consultation and engagement with survivors of modern slavery. While some steps have been taken to rectify the situation, these remain insufficient, and they often risk perpetuating tokenistic practices. The ATMG Agents for Change report co-produced with lived experience peer researchers analysed challenges and opportunities of co-production work and made important recommendations for stakeholders approaching survivors’ inclusion in their work.³⁴⁷

3.18.1. Consultation with Lived Experience experts and the risk of tokenism

The Human Trafficking Foundation and their Lived Experience Advisory Panel, as well as Unseen recognise limitations around current participation practices and highlight the risk of tokenism.

³⁴⁴ Unseen submission

³⁴⁵ The Salvation Army submission

³⁴⁶ Hope for Justice. (26 April 2024). [Hope for Justice and Intel seeking partners for private Data Exchange project](#)

³⁴⁷ ATMG. (2020). [Agents for Change](#)

The Human Trafficking Foundation & Lived Experience Panel:

“The Anti-Slavery sector is taking important steps towards meaningful co-working between lived and learnt experience. However, there is still significant progress that needs to be made. It is important that the involvement of those with lived experience is systematic and meaningful. This means consultation with survivors must be included at all stages of discussion when it comes to policy and practice, rather than be seen as a ‘tick box’ exercise at the end of a decision-making process. It is important that survivors are properly credited for their work and given equal consideration alongside the more established organisations within the sector.”³⁴⁸

Unseen:

“Another factor to consider is how these contributions are used, one person’s perspective may be vastly different to someone else’s and many people who have exploited will be exploited in different ways. Exploitation and how perpetrators exploit individuals changes all the time, legislation and government responses need to be reactive of this need however those who have the knowledge and experience to share this information may require years of recovery before they are able to do so meaningfully. The risk of tokenistic style lived experience is prevalent when not managed effectively.”³⁴⁹

It is also important that organisations are aware of the specific needs of lived experience professionals during recruitment and employment processes to prevent the risk of perpetrating exploitative practices. Unseen provides some examples: *“Lived experience initiatives have recently become more developed across the anti-slavery sector however regulations around people’s right to work and income status as well as readiness and trauma recovery needs means the push for it is often met with difficulties for organisations who do not have the resources to handle it in a meaningful way.*

Examples of this link to variations in the safeguarding oversight, risk management and support provisions available to the survivors who are taking part in policy influencing tasks. For those with right to work and receiving payment for policy contribution may have tax or benefit implications as a result of their ad hoc involvement, those without right to work may be volunteering their time doing things others are paid to do and those who do volunteer may do so out of a feeling of obligation/giving back/something to do while in ‘limbo’ awaiting a Conclusive Grounds decision instead of a genuine desire to take part.”³⁵⁰

More recently, the Modern Slavery Unit has taken some initiatives to start consultation with individuals with lived experience of modern slavery. This is a step in the right direction, however so far consultation remains limited to a specific phase of the project rather than embedded as a practice across all relevant government processes and policies:

“In March 2024, the Home Office engaged in survivor engagement in the early stages of designing the next iteration of the government-funded Modern Slavery Victim Care Contract (MSVCC). The consultation was

³⁴⁸ The Human Trafficking Foundation & Lived Experience Advisory Panel submission

³⁴⁹ Unseen submission

³⁵⁰ Unseen submission

coordinated by the Human Trafficking Foundation on behalf of the Home Office and enabled 35 survivors to share what support works well within the current contract and advise on what support is required for the future contract.³⁵¹ The process itself suggests a willingness to incorporate the experiences of survivors of modern slavery into the assessment and design of the primary support structure for adult survivors of modern slavery.

However, this level of engagement must be systematic and embedded in the Government's, and the sector's, response to modern slavery.

The Independent Anti-Slavery Commissioner (IASC) has expressed an intention to create a UK Survivor Advisory Council. While this plan is still at an early stage of development and is dependent on the Home Office agreeing to fund the project, the plan is indicative of a desire to formalise the process of consultation with those with lived experience as part of a systematic approach within the IASC's office.

More opportunities need to be given to survivors to directly express their opinion to decision makers, and to be a part of the anti-slavery movement within the UK. Support systems for survivors should not be created without people with lived experience of the crime having an input into what works and what is required. It is the responsibility of the anti-slavery sector, the UK government and statutory bodies to ensure those opportunities are available.”³⁵²

3.18.2. Lack of meaningful consultation with children

ECPAT UK provides important reflections in relation to the lack of consultation with children, how this should be rectified and why this is essential to ensure policies aimed at children are effective.

“The UK government's efforts to combat child trafficking lack any provision of child participation in the development of policies and practices.³⁵³ The voices of children, especially those who have been trafficked or are at risk, are often marginalised in the decision-making process. This oversight raises concerns about the effectiveness of current strategies and whether they truly address the needs and realities faced by vulnerable children.

Although policymakers occasionally consult survivors, meaningful engagement with children is noticeably absent. Children's perspectives are often filtered through adult intermediaries, such as NGOs and social workers, rather than sought directly. This indirect approach fails to capture the nuanced experiences of children who have been trafficked, ultimately leading to policies that may not align with their needs. Without direct input from children, interventions risk being misguided or superficial, addressing symptoms rather than root causes.

Current policies demonstrate a failure to consider the specific needs of trafficked children. The lack of child participation in policy development means that essential aspects like immigration leave, legal advice,

³⁵¹ Human Trafficking Foundation, Victim Support 2025 (VS25). [Consultation with Survivors of Modern Slavery](#)

³⁵² Human Trafficking Foundation & Lived Experience Advisory Panel submission

³⁵³ Hynes, P. et al. (2022). [Creating Stable Futures: Human Trafficking, Participation and Outcomes for Children](#)

mental health support, safe accommodation, and access to education are not adequately addressed. Without children informing these policies, support services may be inappropriate or inaccessible, leading to further trauma and vulnerability to re-trafficking.

For children to meaningfully participate, they need safe and supportive environments where they can share their views without fear of stigma, retribution, or mistrust. The current system does not prioritize the creation of such spaces, resulting in missed opportunities to gather crucial insights from trafficked children. The government's failure to implement mechanisms that genuinely protect and empower child voices means that policy development remains detached from the lived realities of the most affected individuals.

Many policies are informed by research and reports conducted by adult-focused organisations, with limited involvement of children in shaping research questions or interpreting findings. While these reports provide valuable insights, they lack the depth that could be gained from directly including children in research processes. Without a commitment to child-centered research, policy interventions risk being too generalized and ineffective in addressing the specific challenges faced by trafficked children.”³⁵⁴

³⁵⁴ ECPAT UK submission

4. Identification of victims and protection of their rights (Articles 10, 11, 12, 14 and 16)

4.1. Among the victims of THB identified, were any subjected to exploitation on the basis of their sexual orientation and/or gender identity (LGBTI+: lesbian, gay, bisexual, transgender or intersex), especially teenagers and young adults? If yes, did any of them report on police misconduct?

Organisations report the presence of institutionalised discrimination, compounded by a lack of understanding and an unwillingness to further investigate the experiences and vulnerabilities of the LGBTQI+ community: *“LGBTI+ individuals, particularly young people, can be particularly vulnerable to trafficking and exploitation due to various intersecting factors, such as discrimination, family rejection, homelessness, and a lack of access to appropriate support services.*

Despite the recognition of LGBTI+ young peoples' heightened vulnerability, there is a significant gap in specific data on the number of LGBTI+ trafficking victims in the UK. This lack of data is partly due to the stigma and discrimination that LGBTI+ individuals often face, making them less likely to disclose their sexual orientation or gender identity when seeking help. Consequently, many cases of trafficking and exploitation of LGBTI+ individuals remain under-reported and poorly understood.”³⁵⁵

The Passage provides a case study showing how the lack of awareness around the experiences of the LGBTQI community and the presence of institutionalised discriminatory practices can heighten their risk of exploitation and re-trafficking.

Case study 11

“The Passage has anecdotal evidence that shows that when a transgender survivor escaped her traffickers and reported to the police, she was dismissed as a sex worker with drug addictions and mental health problems. This individual was not believed by the police. The police did not refer her to the NRM, and the survivor ended up calling her trafficker to pay the flight back to her country of origin. This transgender lady was 19 years’ old at the time and, allegedly, she had been trafficked since she was 16 years’ old.”³⁵⁶

4.2 What specific measures are taken to ensure that trafficked persons who are migrant workers, including in an irregular situation, are identified as victims of THB and have access to the rights provided for in the Convention? Is there cooperation with specialised NGOs, trade unions, and employers to enhance the identification and protection of potential victims within these at-risk groups?

³⁵⁵ ECPAT UK submission

³⁵⁶ The Passage submission

4.2.1. Cooperation between NGOs and statutory bodies/businesses

Organisations have provided examples of initiatives in cooperation with businesses or statutory agencies, which have proved to be beneficial in enhancing identification and support for migrant workers.

Unseen states: *“We work with businesses to improve co-operation in this area providing training as well as referral routes direct to the Modern Slavery helpline. We also review business policies on how to respond to risks, help the creation and implementation of modern slavery statements and conduct worker voice checks. These initiatives prove effective however there are still large numbers of businesses who are not accessing this initiative and/or are reluctant to allocate the required resources to do so well.”*³⁵⁷

Similarly, Hope for Justice through its partner organisation Slave Free Alliance have worked with both businesses and government agencies to improve their efforts to prevent and address risks of exploitation in their supply chains. This has included working with businesses to develop specific collaborative groups such as Utilities Against Trafficking.³⁵⁸

Additionally, the government has recently set up a forced labour working group to consult with various stakeholders working in this space.

“The Passage has a [joint working protocol with Westminster City Council](#) (our local authority) to provide immediate support to survivors (including migrant workers) identified by any organisation in the borough. This protocol is also known as Multi-Agency Case Conference (MACC) Model. The MACC approach ensures the survivor is offered emergency accommodation in hostels or hotels (if suitable and appropriate) and all primary needs are addressed. The Passage holds a MACC within 48 hours after identification with Westminster Council Rough Sleeping Team and Adult Social Services to discuss the case and agree on a collaborative action plan that includes referral to the NRM. While the Council does the referral, The Passage provides care and assistance until the person enters the NRM and receives support from the Government.

*In the first five years of the Modern Slavery Service, The Passage held MACCs for 74 individuals. 61 survivors (83% of the cases) were placed in emergency accommodation (i.e. B&B and hotels, hostels and council temporary accommodation). 73% (54 cases) led to an NRM referral from which 93% (50 cases) received positive Reasonable Grounds decision. This demonstrates that the MACC approach results in high quality NRM referrals. In addition, it ensures a person-centred, holistic and tighter support to survivors, reducing the risk of re-trafficking and providing immediate homelessness relief.”*³⁵⁹

4.2.2. Inspections in the workplace

³⁵⁷ Unseen submission

³⁵⁸ Slave Free Alliance. [Collaborative Groups](#)

³⁵⁹ The Passage submission

LAWRS provides evidence in relation to inspections in the workplace highlighting serious gaps in how they are conducted, which in turn affects disclosure and identification of potential victims.

“In LAWRS’ experience, migrant women workers are unaware of the existence or role of each labour enforcement body. They do not generally know who they are or how to contact them for support or to report abuse and exploitation. When advice is sought, it is generally with unions or specialist voluntary organisations which will provide holistic support and respect confidentiality, and which can provide linguistic and culturally appropriate assistance to workers. It is typically at this point that migrant women who have suffered exploitation are confronted with this reality, as self-identification can prove difficult for victims.

The lack of inspections by these bodies - in part due to lack of funding - puts the burden on workers to report violations to their employment rights or exploitation, while providing little, unclear and often inaccessible information on the type of support that workers could expect from each agency.

When inspections do take place in the workplace, it is not uncommon for them to be done in collaboration with Immigration Enforcement.³⁶⁰ As information flows swiftly through migrant communities, it only takes one migrant worker to be reported to Immigration Enforcement by the police or to see an inspection carried out in collaboration with Immigration Enforcement for the whole community to find out. Sadly, without safe reporting mechanisms in place, for undocumented workers fear of immigration consequences will continue to act as a major barrier to reporting exploitation and seeking help even when they have the opportunity.”^{361 362}

4.2.3. Lack of secure reporting for migrant workers

Following its second-round evaluation of the UK, GRETA has recommended the implementation of secure reporting mechanisms, however this recommendation has not yet been fulfilled.³⁶³ Secure reporting mechanisms are essential to differentiate identification and immigration pathways to enhance potential victims’ trust and mitigate conditions which may refrain people from reporting abuse and exploitation. These mechanisms are increasingly important as a result of recent immigration legislation, which are directly impacting survivors’ access to identification and support.

Evidence by After Exploitation shows the detrimental impact of the failures in implementing these safeguards: *“The practice of data sharing between the police and immigration enforcement continues in the UK, with victims of violent crime including modern slavery at risk of reprisals due to their status. Research by the Joint Council for the Welfare of Immigrants (JCWI) found that 669 victims of human*

³⁶⁰ LEAG. (2020). [Opportunity knocks: improving responses to labour exploitation with secure reporting](#)

³⁶¹ For more information on how secure reporting mechanisms can work in practice, please see our guide: [Preventing and addressing abuse and exploitation FINAL.pdf \(lawrs.org.uk\)](#)

³⁶² LAWRS submission

³⁶³ GRETA. (2016). [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom - Second Evaluation Round](#), p.26

*trafficking and 796 victims of modern-day slavery had their details passed on to immigration enforcement by the police in a two-year period between May 2020 and 2022.*³⁶⁴

It is important to note that broader policies in which the right to work is restricted by lines of marriage or employment also serve to prevent victims of exploitation from reporting abuse.³⁶⁵ In particular, workers on visas tied to their employer are put at risk of deportation by disclosing abusive work practices to the authorities. Unlike in countries such as Australia, the UK government may cancel the visas of seasonal workers who report exploitative employers, on the grounds that conditions have been breached, leaving exploited workers at risk of deportation.³⁶⁶

Meanwhile, those domestic workers employed under the Overseas Domestic Worker Visa are unlikely to be able to change employer once in-country, even if the opportunity is not what was promised.³⁶⁷ Exploited workers under this visa can principally change employer, but only if they find work within another private household and do so within six months as per their visa's expiry.³⁶⁸ The threat of immigration enforcement significantly deters many survivors from coming forward and reporting abuse.^{369 370}

When replying to this question, organisations have also identified the lack of pre-NRM support, and the inconsistent or lack of information shared upon referring potential survivors to the NRM as obstacles to migrant workers reporting their trafficking and exploitative experiences and accessing identification and support. Please refer to the following section (4.3) for additional information on these topics and secure reporting.

4.3 What measures are in place to encourage victims of THB to report their situation to the authorities and/or civil society organisations?

Organisations have provided a wealth of information in relation to this question, with evidence showing a significant deterioration of the identification and support systems for survivors of modern slavery in the UK. The roll back in survivors' rights is the result of recent immigration legislation introduced by the previous government. The Nationality and Borders Act 2022 (see further information in [section 4.3.4](#) of this submission) is still preventing access to the NRM for many survivors, which compounded by the hostile rhetoric based on securitisation and immigration enforcement (see more information in [section 4.4.1](#) of this submission), is exacerbating distrust in authorities and therefore may prevent people from disclosing their experiences and seeking help, trapping them in a circle of exploitation.

³⁶⁴ New Statesman. (June 2022). [Police refer crime victims for deportation, Home Office says](#)

³⁶⁵ Natalie Sedacca. (13 January 2024). [Migrant Work, Gender and the Hostile Environment: A Human Rights Analysis](#)

³⁶⁶ Work Rights Centre. (November 2023). [Systemic drivers of migrant worker exploitation in the UK](#)

³⁶⁷ House of Commons Library. (May 2016). [Modern slavery: Briefing paper](#)

³⁶⁸ Kalayaan. (2024). [Letter to Felicity Buchan](#)

³⁶⁹ ECPAT, University of Nottingham Rights Lab (2024). [Prevention and identification of children and young adults experiencing, or at risk of experiencing, modern slavery in the UK](#)

³⁷⁰ After Exploitation submission

While organisations have flagged a number of interventions to ensure potential victims have access to information and advice in relation to the NRM and support provision, the immigration enforcement-based legislation as well as other obstacles to disclosure which we will analyse in the next sections, are affecting the effectiveness of these measures. The Salvation Army offers a brief overview of the different obstacles to disclosure and identification for survivors.

“Duty to Notify statistics show that the number of adults who did not consent to enter the NRM is at its highest level since records began in 2015 which indicate that survivors may be too afraid to get help even when indicators of trafficking are observed by authorities.”³⁷¹

These numbers also suggest that survivors are not always equipped with knowledge on the support entitlements that come from reporting to authorities and consenting to navigate the NRM process. Survivors without status in the UK can be fearful of reporting and engaging with authorities owing to the real threat of detention and deportation. If forced criminality was an aspect of a survivor’s experience of trafficking, fear of criminal prosecution often discourages survivors from coming forward. TSA believes there are not enough measures in place to encourage survivors to come forward and there is a need to get the Unseen helpline more visible so disclosures can be made.

TSA has concerns that the statutory first responder organisations (FROs) have the responsibility for identifying potential victims of modern slavery, gathering information relating to their experiences and referring potential victims into the NRM are often ill-equipped to carry out this role. Training is not mandatory and is irregular for statutory FROs, there are limited resources in place to support FRs in their role and many do not know that they have statutory duties to identify survivors. Without improvements to the first responder system at the point of entry to the NRM, we risk pushing genuine potential victims away from support and back into positions of vulnerability.”^{372 373}

4.3.1 Helplines and information on how to access services

To ensure survivors of modern slavery as well as members of public and professionals can access advice on and report instances of modern slavery, the government funds a modern slavery helpline run by Unseen: *“The confidential MS helpline is accessible to all and support/encouragement to report to the authorities is provide via this, however the helpline runs with a person’s-centred approach that takes the individual’s wishes into account. Information, signposting and guidance is provided however this is not pushed.”³⁷⁴*

The Passage also mentions the Crimestoppers hotline, where people can ask advice and report crimes in confidence.

³⁷¹ Home Office. (7 March 2024). [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2023](#)

³⁷² The Salvation Army. [Listening with intent](#)

³⁷³ The Salvation Army submission

³⁷⁴ Unseen submission

The Salvation Army, who is the primary contractor for the MSVCC stated that: *“All external TSA communications convey the benefits of receiving support through the MSVCC. TSA ensures that awareness raising materials are shared throughout their networks, and staff in other areas are trained to identify modern slavery, for example within homelessness services. TSA invests in training and awareness raising amongst statutory first responders to facilitate better reporting to authorities and has delivered training to 130 local authorities.”*³⁷⁵

Additionally, the Passage explains how one of their services also supports potential survivors to report their situation: *“At The Passage, the Modern Slavery Navigator acts as an independent advocate who works in partnership with our local authority. As we represent our service users through a formal protocol, they don’t need to have direct contact with authorities or to repeat their account of their exploitative experiences until receiving a positive Reasonable Grounds decision. Justice and Care has also a Modern Slavery Navigator programme which supports survivors who want to work with the police.*

*Various national awareness raising campaigns and multi-disciplinary approaches have led to an increased reporting. However, there is a lack of comprehensive evaluations on the effectiveness of these approaches.”*³⁷⁶

4.3.2. First Responder Organisations

Survivors of modern slavery cannot self-refer into the NRM. The Home Office appoints designated statutory and non-statutory organisations, known as First Responders, which have the responsibility to refer potential survivors of trafficking and modern slavery into the NRM.

Statutory First Responders include organisations such as Local Authorities, police and Home Office departments, and third sector organisations make up the non-statutory First Responders. A full list of First Responder organisations in England and Wales can be found in the NRM guidance, with a separate list for Scotland and Northern Ireland.³⁷⁷

Section 52 of the Modern Slavery Act 2015 provides that Statutory bodies have a duty to carry out a referral to the NRM or undertake a duty to notify if an adult potential victim does not consent to enter the NRM. It is important to note that First Responder Organisations do not make decisions whether the individual they are referring to the NRM is a survivor of modern slavery. Their duty is to gather and share information with the relevant competent authority (either the Single Competent Authority or the Immigration Enforcement Competent Authority), who will then decide whether or not to grant a positive or negative Reasonable Grounds (RG) decision.³⁷⁸

³⁷⁵ The Salvation Army submission

³⁷⁶ The Passage submission

³⁷⁷ Home Office. (October 2024). [Modern Slavery: statutory guidance for England and Wales \(under section 49 of the Modern Slavery Act 2015\) and non-statutory guidance for Scotland and Northern Ireland, version 3.11](#)

³⁷⁸ *Ibid*

Furthermore, as noted in the Human Trafficking Foundation and LEAP submission, *“It is also important to note that an individual is not required to report to police to access support via a referral, ensuring there is some protection against fear of law enforcement authorities.”*³⁷⁹

Many organisations raised concerns in relation to obstacles faced by First Responders to carry out their responsibilities, which include:

- Lack of capacity affecting non-statutory First Responders.³⁸⁰
- *“A lack of awareness within FROs of their statutory responsibilities.”*
- *A lack of training within FROs to carry out the role.*
- *An inability to provide trauma informed care or carry out interviews within a trauma informed manner.*
- *Misunderstandings of the NRM processes and structure.”*³⁸¹

4.3.2(a). Capacity issues affecting non-statutory First Responders

A recent briefing published by the ATMG,³⁸² building on the two reports written by Kalayaan³⁸³ gives an update on the situation faced by non-statutory First Responders, highlighting ongoing capacity issues affecting potential victims timely access to identification and support.

As noted by contributors, First Responders work within a complex system which requires specific knowledge and skills to carry out this role at high standards. Research from the British Red Cross highlights why this role is important and its challenges: *“...on reception centres for potential victims of trafficking identified as part of large-scale police operations, statutory First Responders play an important role in providing information about the NRM and other relevant options in order to support potential survivors making disclosures.”*³⁸⁴ Interviewees consulted for the research noted that the low frequency and high complexity of NRM referrals in their work made them challenging for many staff to undertake.

In practice, the NRM is a complex process, and anyone helping a person decide whether to enter it needs a sound level of knowledge about its timings, limitations, and interactions with other systems (e.g. the asylum system). In addition to an understanding of the NRM and exploitation related offences, First

³⁷⁹ Human Trafficking Foundation & Lived Experience Advisory Panel submission

³⁸⁰ Anti-Trafficking Monitoring Group. (August 2024). [Non-Statutory First Responder Capacity: 2024 Briefing and Analysis.](#)

³⁸¹ Human Trafficking Foundation & British Institute of International and Comparative Law. (February 2024). [Identification of Adults with Lived Experience of Modern Slavery in the UK](#)

³⁸² Anti-Trafficking Monitoring Group. (August 2024). [Non-Statutory First Responder Capacity: 2024 Briefing and Analysis](#)

³⁸³ Kalayaan. (February 2024). [The National Referral Mechanism at breaking point. Progress report: 2024 One Year on.](#) Kalayaan. (February 2023). [The National Referral Mechanism near breaking point](#)

³⁸⁴ British Red Cross. (2020). [Early support for survivors of trafficking](#)

Responders need competent assessment skills and the ability to explain all of the consequences of an NRM referral to the person in question.”³⁸⁵

It is also important to understand that access to First Responders is crucial because “...many survivors are unwilling to present themselves to statutory bodies, especially law and immigration enforcement bodies due to fear of not being believed and even fear of repercussions, such as being arrested or deported. Meaning they are more willing to communicate with non-statutory FROs, however the register of non-statutory FROs has not been revised or updated and there is no transparency on how the current list of non-statutory FROs was created. This, combined with the preference from victims to be supported by non-statutory agencies, means that these non-statutory FROs are often inundated with requests for support during the referrals process.”^{386 387}

This case study provided by LAWRS evidences many of the intersecting issues faced by survivors when trying to access identification and support mechanisms and how these can lead to re-trafficking and exploitation.

Case study 12 - Teresa’s story*

Teresa arrived in the UK on a tourist visa with her child. They were fleeing persecution in their home country and arrived in the UK with very limited funds. In trying to seek help, Teresa was introduced to a family that offered them a room in exchange for taking care of the family’s children, cooking and cleaning the house. With no other options available to her, Teresa accepted the offer. Teresa worked 18 hours a day, from 7 am to 1 am. She was not able to take breaks and had to cook and clean even on weekends. Teresa was not allowed to leave the house, apart from when taking the kids to school. She was threatened with being arrested whenever she tried to leave.

Teresa and her child became overstayers during her exploitation and Teresa was repeatedly told by her employers that she would not be able to find a job or receive any help because of her immigration status. She was told that if she did not follow orders, she would be deported and have her child taken away from her.

Teresa was also told she was not allowed to register with GP because she was undocumented, despite needing medication for a thyroid condition. Only when Teresa met another woman who invited her and her child to come and live with her were they able to finally leave. They moved in with this woman, and both slept on sofas in her living room.

Teresa was given LAWRS’ number by someone at a food bank who explained to her that she had been a victim of modern slavery.

³⁸⁵ British Red Cross submission

³⁸⁶ Kalayaan. (February 2024). [The National Referral Mechanism: Near Breaking Point](#)

³⁸⁷ Human Trafficking Foundation & Lived Experience Advisory Panel submission

The host then asked Teresa and her child to leave as she did not want any trouble. With Teresa and her daughter at risk of destitution, LAWRS referred them to Children Social Services (CSS) under section 17 of the Children's Act, but CSS did not respond to the referral.

LAWRS helped Teresa get a referral into the National Referral Mechanism (NRM) but faced a huge backlog from First Responders. Whilst LAWRS was trying to secure support for Teresa, a tenant at the host's house tried to rape Teresa in front of her child. Teresa was told by her host not to report the assault to the police as she was undocumented, and they would deport her. For this reason, Teresa was afraid of any engagement with the police, including for a referral to the NRM. CSS were notified that Teresa was a victim of modern slavery, but they did not make a referral to the NRM.

NRM referral requests sent to the local authority also went unanswered. During this time, the person that had introduced Teresa to the family that exploited her got in touch to say he knew someone else that could help her. Teresa knew she could not trust this person but was also facing limited options. An NRM referral was finally submitted two months after LAWRS began searching for a first responder to support Teresa. She received a positive Reasonable Grounds decision and was finally able to access safety.

Three weeks later, Teresa was rushed to hospital with symptoms of cardiac arrest, having still not been supported to register with a GP. The difficulties and delays Teresa faced in accessing the support she is entitled to as a victim of modern slavery put her at severe risk of destitution and re-exploitation and exposed her and her young daughter to gender-based violence. It also delayed the support she required to register with a GP which led to health complications which put her life at risk.

****This is not her real name***

Non-Statutory First Responders have recently published a joint statement³⁸⁸ providing the following recommendations on how to tackle some of the issues they are facing:

- Provide funding for organisations to carry out their First Responder roles
- Consider and decide on existing applications from specialist front-line organisations to become non-statutory First Responders
- Establish a recruitment process without further delay for prospective organisations to apply
- Develop and maintain a nationwide training programme with minimum standards for both statutory and non-statutory First Responders
- Revise the digital NRM referral form in consultation with First Responders to enable a more efficient referral pathway.

4.3.2(b). A lack of resources, awareness and training amongst First Responders to carry out their role

³⁸⁸ Kalayaan et. al. (15 August 2024). [Joint Statement: Non-Statutory First Responder Capacity and Resources](#)

Contributors have reported that the lack of resources is one of the main barriers preventing First Responder Organisations from recruiting enough staff to complete NRM referrals and ensuring consistent training is provided amongst First Responders. This situation reflects in the awareness gaps and inconsistent practices across Local Authorities, which is affecting their ability to identify and support potential victims.

“There is a clear issue of training within the FRO system. At present, FROs are not required to undergo any regulated training to carry out their statutory duties, despite the definition of First Responder in the Statutory Guidance being someone ‘who has been trained to discharge those [FRO] functions’.³⁸⁹ The e-learning for First Responders, created by the Home Office, has not been updated since the introduction of the Nationality and Borders Act.

Greater understanding is needed within statutory FROs of their responsibilities and the impact that duty can have on an individual’s circumstances. Trauma informed practice must be at the heart of FRO policy and practice, and a greater understanding of the role, its subsequent duties and how best to carry these out is a crucial first step towards improving the referral process.³⁹⁰

The experience of the Human Trafficking Foundation & Lived Experience Advisory Panel is also shared by the British Red Cross, which states: *“Apart from a few specialists, many First Responders do not regularly encounter exploitation in their daily work, so their knowledge of the NRM can be limited.”³⁹¹*

4.3.2(c). The specific case of Local Authorities acting as First Responders

Organisations have identified significant barriers affecting Local Authorities capacity to effectively respond to modern slavery instances and act as First Responders.

The Human Trafficking Foundation and LEAP expands on this: *“Issues seen within the statutory first responder system are highlighted by the role of local authorities in responding to modern slavery. Section 52 of the Modern Slavery Act (MSA) 2015 puts a statutory duty on local authorities to notify the Secretary of State about all suspected victims of modern slavery, both adults and children. However, out of 3,944 NRM referrals made by local authorities in 2023, only 277 were for adult victims. It might be expected that child referrals would be higher, as they do not need to consent to a referral, however only an additional 211 anonymous Duty to Notify referrals (made when an adult does not consent to an NRM referral) were made by councils in England and Wales during the same period.”³⁹²*

Many local authorities are unaware of modern slavery happening locally and their statutory duties as a First Responder Organisation (FRO). Due to local authorities’ wide remit of responsibilities, their

³⁸⁹ Home Office. (October 2024). [Modern Slavery: Statutory Guidance for England and Wales, version 3.11](#), p.12

³⁹⁰ Human Trafficking Foundation & Lived Experience Advisory Panel submission

³⁹¹ British Red Cross submission

³⁹² Home Office. (2023). [Modern slavery national referral mechanism and duty to notify statistics: UK end-of year summary 2023](#)

obligations to modern slavery survivors often fall through the gaps between different departments. There is also ongoing confusion as to the role of local authorities alongside the MSVCC.

Taking sec.52 of the Modern Slavery Act at face value, it appears the role of the local authority stops once a referral for an adult victim is made. In reality, they often require immediate support from the local authority before the RG decision is made but may not be considered to have care and support needs under the Care Act. Additionally, in September 2023, only 13% of adult victims of modern slavery are in a safehouse,³⁹³ suggesting that local authorities play a significant role in housing survivors and yet do not receive specific funding to do so.

It's important that local authorities, and all other first responders, are given support to carry out their duties to identify and refer potential victims to the NRM. There are only 9 local authorities that we are aware of, with specialist modern slavery coordinators, with the position being focused solely on modern slavery. Early evidence shows that the local authorities with designated modern slavery coordinators are responding more effectively to modern slavery in their area. For instance, out of 218 local authorities that made NRM referrals for adults in 2023, the 9 with a designated modern slavery position made up 18% of all adult NRM referrals.

When systems and resources are put in place to support FROs carry out their duties, they are better equipped to respond to modern slavery. It is vital that all FROs receive this support to enable people to come forward to report their situation to statutory authorities.”³⁹⁴

The British Red Cross experience mirrors the above information, highlighting inconsistency in support: “...First Responders from non-specialist police and local authority teams may not identify indicators of trafficking, particularly when survivors present with complex intersectional needs around immigration, modern slavery and domestic abuse. We have also observed variations between regions, including pockets of good practice. For example, in one area with a specialist police modern slavery unit and active modern slavery multi-agency partnership, we observed good practice in facilitating disclosures including provision of support to overcome barriers resulting from differences in cultural interpretations around the concept of trafficking and provision of temporary accommodation to allow the potential victims of trafficking time to consider their options and to make an informed choice about their next steps.”³⁹⁵

4.3.2(d). Issues around data collection and management

Organisations have consistently raised concerns around data sharing and management, including at point of collecting evidence for the purpose of submitting an NRM referrals. The identified issues could lead to failures at decision-making, which in turn can have serious real-life impact on survivors.

³⁹³ Human Trafficking Foundation. October 2023). [The Key Issue: Housing for Survivors of Modern Slavery](#)

³⁹⁴ Human Trafficking Foundation & Lived Experience Advisory Panel submission

³⁹⁵ British Red Cross submission

“Important data is collected about survivors by first responder agencies when they are referred to the NRM. Ensuring the accuracy of this information at the referral stage is vital, as this is used by decision makers to decide whether a person is a ‘potential victim of trafficking’ and therefore able to access their most urgent entitlements such as safe housing, counselling or advice.

However, survivors are not consistently given the opportunity to see or confirm information shared about their case to NRM decision makers, including basics like their nationality or gender, before it is submitted. In the UK, Home Office NRM statistics come with the important caveat that victims’ “nationality is based on information provided by the first responder upon referral” but the file may be updated when “further information is gathered”.³⁹⁶ This admission deserves scrutiny, as it suggests that factual errors in the referral process are frequent enough to impact the quality of national data.

These errors may significantly impact survivors’ outcomes within the NRM, as the information provided by first responders in the first instance is relied upon in future decision making in victims’ cases. Survivors and practitioners interviewed by After Exploitation as part of the report ‘Can of worms’: Challenges and opportunities in gathering modern slavery evidence, reported ambiguous data sharing practices in modern slavery cases, including within non-profits contracted under the MSVCC. For example, two survivors reported that caseworkers operating under the MSVCC were sharing personal details with NRM decision makers without giving them prior warning. In testimony shared with After Exploitation, an expert with lived experience said:

“I was complaining about the Home Office process, the NRM and everything [relating to support] to my caseworker. Then I found out that she was uploading [screenshots] all of my Whatsapp messages to her onto the system so the Home Office [decision makers] could see them.”³⁹⁷

Furthermore, solicitors are facing barriers to obtaining their client’s information to inform their legal cases and there is a general lack of clarity in relation to what type of information can be shared under Home Office contracted services.

“Conversely, practitioners report difficulties securing the personal data of survivors when needed in their legal cases. In 2020, a support worker under the MSVCC revealed to The Independent that they were barred from disclosing crucial information to survivors’ lawyers. In response, a Home Office spokesperson said the instruction “was not meant to prevent caseworkers from supporting legal challenges against the Home Office” and was apparently remedying this. However, ambiguity persists amongst practitioners interviewed, who argue that a lack of public information about rules within the MSVCC makes it difficult for organisations and survivors themselves to understand whether the practice of gatekeeping survivor data is still in place, was paused, or is simply misunderstood by individual caseworkers all along.”³⁹⁸

³⁹⁶ Home Office. (7 March 2024). [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, quarter 4 2023 – October to December](#)

³⁹⁷ After Exploitation submission

³⁹⁸ The Independent. (January 2020). [Modern slavery: Trafficking victims silenced by caseworkers and Home Office, say campaigners](#)

“They [MSVCC charity] said ‘even if we give the support worker a consent form, even if the survivor consents, the support worker can’t give information about the client because the Home Office is the data controller of that data’.” “They [safe housing provider] were saying ‘you shouldn’t, as support workers, be providing a statement for solicitors anymore because it might be required in an immigration case or a case against the Home Office’. But the kind of witness statements that support workers provide us are things like... what the client’s support needs might be or what their mental health is like.”³⁹⁹

Experts with lived experience ordinarily tell us they first used a Subject Access Request (SAR) only after they were advised to by a lawyer, suggesting general awareness of this mechanism is low. Survivors’ ad hoc requests for data have rarely been dealt with by the public authority, company or charity as a SAR unless the requester explicitly used the term ‘subject access request’, contrary to current guidance issued by the UK’s Information Commissioner.”^{400 401}

4.3.2(e). Inconsistent quality of referrals amongst First responders

All the issues analysed so far are ultimately leading to dramatic inconsistencies in the quality of referrals completed by First Responders and therefore are preventing individuals from accessing identification and specialist support through the NRM. This is supported by evidence shared by Hestia:

“Referrals from statutory bodies have the lowest positive reasonable grounds rates, with the Home Office rates as low as 30% compared to 76% for NGO and Third Sector referrals in 2023.”⁴⁰² This must not be taken to mean that individuals referred by the Home Office are not genuine victims, but rather begs questions about the diligence invested by referral agents. Every potential victim, regardless of who the First Responder is, must have equal opportunity of access to the National Referral Mechanism, and to this end, more needs to be done to guarantee the quality of all NRM referrals.”⁴⁰³

4.3.3. Barriers to engagement within the NRM

4.3.3(a). Duty to Notify

Multiple organisations provided data on the increasing number of potential survivors who do not consent to enter the NRM and raised concerns in relation to the information sharing process as well as other factors such as the intersection between modern slavery and immigration enforcement, which creates further barriers to disclosure.

³⁹⁹ After Exploitation submission

⁴⁰⁰ ICO. [Right of access](#)

⁴⁰¹ After exploitation submission

⁴⁰² Home Office, Modern Slavery Research & Analysis. (2024). National Referral Mechanism and Duty to Notify Statistics, 2014-2024. [data collection]. 13th Edition. UK Data Service. SN: 8910, [DOI: http://doi.org/10.5255/UKDA-SN-8910-13](http://doi.org/10.5255/UKDA-SN-8910-13)

⁴⁰³ Hestia submission

“When statutory first responders encounter an adult, they suspect is a survivor of modern slavery, but the individual does not consent to be referred into the NRM for identification and support, some anonymised information about them is still sent to the Home Office via a process called ‘Duty to Notify’ (DTN). Submitted DTNs have grown significantly in recent years, with 4,929 (36%) suspected adult victims rejecting a referral last year, compared to 8,622 (64%) who were passed onto NRM decision makers.⁴⁰⁴ In practice, one in three suspected adult victims are not opting in for an NRM referral when asked.

Informed consent is crucial before entering the NRM, as a negative decision can increase the risk of deportation and immigration detention, or a ‘loss of credibility’ in other bureaucratic processes such as the CICA scheme, criminal justice or asylum system. However, the current referral process does not allow survivors to consistently engage with the authorities upon first disclosing exploitation, due to a lack of pre-NRM support and assurance. There is no standardised wording used by first responders to explain the survivors’ rights or what to expect from the NRM,⁴⁰⁵ and some first responders do not receive any training at all despite a legal obligation to identify victims.”^{406 407}

The Human Trafficking Foundation and LEAP expand on the reasons why survivors may not consent to enter the NRM, including issues with the NRM form: *“There are many reasons why an individual may not consent to enter the NRM. Survivors have reported being prevented by feelings of shame, or guilt; fear of legal repercussions, exploiters, isolation or judgement; a lack of trust in legal and immigration enforcement bodies; a lack of accessible information on the NRM; and the impact of trauma on an individual’s ability or willingness to recount their experiences.”^{408 409}*

4.3.3(b). NRM online form

Respondents have identified structural issues within the NRM referral process, which are acting as barriers to people consenting to enter the NRM, *“including things such as the FRO losing contact with the potential victim or the referral being carried out without the individual being aware it was done.*

There needs to be greater efforts to consult with FROs by the Home Office. In April 2023, the NRM referral form was changed without warning and without supporting information on how to fill in the new form. Meaning first responders only learnt about the new form when coming to make a referral, and only saw the new questions as they came to fill each one in.

⁴⁰⁴ Home Office. (2024). [Modern slavery national referral mechanism and duty to notify statistics: UK end-of year summary 2023](#)

⁴⁰⁵ Dr Noemi Magugliani et al. (2024). [Identification of adults with lived experience of modern slavery in the UK](#), p.77

⁴⁰⁶ Anti-Slavery International. (February 2023). [Submission from the Anti-Trafficking Monitoring Group modern slavery unit strategy review](#), p. 4

⁴⁰⁷ After Exploitation submission

⁴⁰⁸ Human Trafficking Foundation & British Institute of International and Comparative Law. (February 2024). [Identification of Adults with Lived Experience of Modern Slavery in the UK](#)

⁴⁰⁹ Human Trafficking Foundation and Lived Experience Advisory Panel submission

In addition to the lack of consultation, FROs raised concerns with the new form which included: intrusive questions that could potentially retraumatise individuals, the length of time it would take to carry out referrals, and questions which came from a position of distrust asking

1. *Whether this is the first chance the individual has had to report their exploitation?
and*
2. *Whether there are indicators or evidence that they could be acting dishonestly?*⁴¹⁰

*Issues such as these could be avoided if the Home Office consulted further with FROs and those with lived experience of the system. It is paramount that changes to the form and referral process are signposted well in advance of the changes being made, and guiding materials must be issued alongside this prior warning.*⁴¹¹

Additionally, organisations have reported that the form is too lengthy and includes too many questions, which is not conducive to guiding a trauma informed discussion with the survivor. Considering the lack of consistent training among First Responders, some may ask the questions exactly as they are written in the form rather than use them to facilitate a more open discussion, hence heightening the risk of re-traumatisation and disengagement from the process for survivors.

4.3.3(c). Lack of pre-NRM support

In England and Wales, there is no automatic support for potential victims prior to entering the NRM. The modern slavery statutory guidance states that support under the Modern Slavery Victim Care Contract can be provided to prevent destitution. The (limited) circumstances under which this support can be provided is outlined in the Assessing Destitution guidance.⁴¹²

In 2017 the government had committed to implement Places of Safety in England and Wales to plug the gap in support for survivors prior to entering the NRM and to ensure survivors had access to a safe environment, support and legal representation to facilitate their decision whether to consent to enter the NRM. However, at the end of 2023, the government announced they will not be pursuing the implementation of this commitment. This gap in support leaves potential victims open to re-trafficking, exploitation and further abuse.

This is confirmed by evidence from the British Red Cross and After Exploitation: *“There is no guarantee of legal representation, emergency mental health support or shelter for survivors in the immediate days after reporting modern slavery, which makes it hard for authorities to build the requisite trust needed to facilitate a referral.*⁴¹³ *The ‘Places of Safety’ scheme, first promised by the Government in 2017, would have offered ‘bridging support’ to improve referral rates, potentially including access to legal advice and*

⁴¹⁰ Human Trafficking Foundation. (May 2023). [Impact of the Nationality and Borders Act: Changes to the Reasonable Grounds Threshold](#)

⁴¹¹ Human Trafficking Foundation & Lived Experience Advisory Panel submission

⁴¹² Home Office. [Modern Slavery Victim Care Contracts Assessing Destitution guidance](#)

⁴¹³ The Passage. (2019). [Responding to modern slavery and exploitation within the homelessness sector](#)

emergency accommodation, but the pledge was scrapped last year without ever coming to fruition.⁴¹⁴ Growing research documents the frequency with which survivors are being provided with inaccurate information at referral stage, leading to them opting out of the NRM before understanding what the process is.

In 2024, the Modern Slavery Policy and Evidence Centre (MSPEC) analysed the ‘reasons for not entering the NRM’, an optional free text field used by first responders in the NRM referral process. Researchers found that survivors were sometimes logged as not receiving a referral due to requirements which should not affect their right to access the NRM, such as their willingness to support or police investigation.⁴¹⁵

Though a quarter (24%) of non-referral reasons are not logged, as many as 1 in 20 (5%/n=162) were found to be linked to first responders’ mischaracterisation of the NRM. In 122 cases, potential victims’ data was passed on via DTN without their knowledge, as first responders were not in current contact with the victim at the point the form was filled out.⁴¹⁶ Practitioners interviewed as part of After Exploitation’s scoping exercise on the state of modern slavery data reported a need for non-referral reasons to be recorded mandatorily.^{417 418}

Organisations call for a renewed commitment to places of safety: “to enable potential victims to feel secure to report their situation and to receive the support necessary to navigate the complex choices they may be facing, the British Red Cross recommends a renewed commitment to implement Places of Safety in line with the set of principles⁴¹⁹ produced by a group of VCS organisations produced to help develop these Places of Safety and to provide early support for people in exploitative situations. These principles include: freedom open access to all needs-based assessment medical care - material needs early legal advice high-quality advice and support choices and options for referral pathways and support confidential data management organisational accountability.”⁴²⁰

In Scotland, NRM support and legal advice for survivors is a devolved matter and assistance is provided prior to a survivor being referred into the NRM and receiving a positive Reasonable Ground decision (further information on NRM support in Scotland can be found in [section 4.6.2](#)). However, organisations have reported issues with accessing timely legal representation which affects survivors’ understanding of the NRM process and in turn the possibility of making an informed decision in relation to their situation, especially if this interacts with other immigration, civil or criminal justice processes. We will provide further evidence in relation to access to legal representation in [section 6.1](#).

⁴¹⁴ Laura Farris MP. (6 February 2024). [Correspondence to the NGO After Exploitation & joint letter signatories](#)

⁴¹⁵ Dr Noemi Magugliani et al. (2024). [Identification of adults with lived experience of modern slavery in the UK](#), p.77

⁴¹⁶ *Ibid.* p.54

⁴¹⁷ After Exploitation. (May 2024). [A can of worms](#), p.31

⁴¹⁸ After Exploitation submission

⁴¹⁹ Red Cross, Anti-Trafficking Monitoring Group (ATMG), ATLEU, Human Trafficking Foundation. (November 2018). [Principles that underpin early support provision for survivors of trafficking](#)

⁴²⁰ British Red Cross submission

4.3.3(d). Lack of secure porting mechanisms prevent survivor's disclosure and identification

Multiple organizations have identified the lack of secure reporting mechanisms as one of the main barriers for survivors consenting to be referred into the NRM, particularly for those with insecure immigration status as also identified in [section 4.2.3](#) in relation to migrant workers.

The Red Cross states that: *"In our experience, there are numerous potential barriers to potential victims reporting, particularly where they have insecure immigration status. These include distrust of the authorities, fear of removal, and fear that the outcome of the NRM is uncertain and that their disclosure might prompt police action which could place them at increased risk if they later find themselves without support as a result of a negative decision.*

We recommend that anti-trafficking reception centres should be focused on protection and separate from immigration enforcement and that next steps to safety should include access to Places of Safety, advice about the NRM and alternative support options and improved longer-term support for survivors to rebuild their lives after the NRM.⁴²¹ In addition, in our experience, many survivors would prefer to make their disclosures to non-statutory first responders. However, access to these services is often limited due to capacity constraints and specific geographical or demographic remits."^{422 423}

Expanding on the above, LAWRS draws attention to the specific situation of migrant workers: *"Migrant workers, and in particular those who are undocumented, are among those more vulnerable to exploitation. Immigration status is a tool often used by perpetrators to threaten workers into submission and silence,⁴²⁴ as they are regularly told that if they are found by the police or other authorities they will be imprisoned or detained and deported, thus discouraging them from seeking help. Currently, there are no safeguards in place to ensure that an undocumented worker that reports abuse to the police or a labour inspectorate will not be reported to Immigration Enforcement.*

The UK's strategies to prevent and protect from modern slavery exclude migrants subject to the hostile environment, because in the current system immigration status is prioritised before the safety, dignity and protection of migrant workers.

Research by the Step Up Migrant Women Campaign⁴²⁵ shows that one in two migrant victims with insecure immigration status do not report domestic abuse to the police for fear of disbelief, destitution, detention and deportation. Perpetrators often exploit women's insecure status, telling them that if they approach the police they will not be supported and will instead be placed at risk of detention or removal because of

⁴²¹ *Ibid*

⁴²² Home Office. (26 October 2017). [Modern slavery victims to receive longer period of support](#)

⁴²³ British Red Cross submission

⁴²⁴ This is the case not only for those without a right to work, but also for migrant workers who are not aware of their rights. For example, during Brexit many employers told our service users with European nationality and the right to live and work in the UK that because of Brexit, they had now lost their rights and they could be reported to the police or Immigration Enforcement at any time

⁴²⁵ LAWRS et al. (2019). [The right to be believed](#)

their legal status. Evidence shows that 62% of migrant women had specifically been threatened in this manner by their abusers.

Similarly, victims of labour exploitation including trafficking and modern slavery who do not have secure migration status, will often feel unable to report instances of abuse and exploitation to the police (or other authorities, such as labour market enforcement) due to the fear that authorities will prioritise their immigration status over the crimes that they have faced or their wellbeing. This acts to heighten their existing vulnerability, with exploiters able to take advantage of this dynamic, and act with impunity.

Victims of exploitation supported by LAWRS do not generally consent to a referral to the National Referral Mechanism or wish to contact the police unless they have secure immigration status. In spite of a desperate need for support, they choose to remain underground for fear of Immigration Enforcement. Often having received threats or been lied to by their exploiters, victims do not know or believe that they have a right to receive support.”⁴²⁶

LAWRS has provided the following case study to evidence their experience.

Case study 13 - Carla's story*

Carla arrived in the UK in 2017 with the promise of a job as a domestic worker with an extended family member. She was told she was allowed to work with her visitor's visa, and she would be living in her employer's house. The family had 3 children - 10, 8 and 6 years old - and they lived in a big house in London. She worked around 15 hours per day (6:30 am up to 10 pm), without breaks. She earned £1600 per month, which came to £3.55 an hour.*

She did not take any annual leave, and she was not paid for it either. Carla came to LAWRS in 2020 to enquire about her rights as a worker and stated that she was suffering from joint and back pains and wanted to see a doctor.

By this point she had become undocumented and was aware of her immigration status. When LAWRS advised her to register with the local GP, she explained that she could not register as she could not provide the address where she is living because her employer would not allow it. She was also scared of registering because she did not want to risk the police going to the house as she feared she could be deported.

LAWRS advised her that she was a victim of exploitation and that she could receive further support through the National Referral Mechanism. However, Carla was scared of reporting her employer and losing her job, as she needed to send money to her family back home. She felt she had no alternative but to continue to work in those conditions.

In order to ensure equal access to justice and support for all victims, it is essential that all victims, including those with insecure immigration status, can report crime and access support safely. There is consensus

⁴²⁶ LAWRS submission

among organisations supporting migrant victims of crime on the need for a complete firewall between statutory services (such as the police) and Immigration Enforcement as the most appropriate mechanism for safe reporting.

A complete firewall would restrict statutory services' ability to share a victim's personal data with Immigration Enforcement when reporting a crime or accessing services. This would ensure that personal data of a victim or witness of crime in the United Kingdom that is processed for the purpose of that person requesting or receiving support or assistance related to crime is not used for any immigration control purpose.

This form of safe reporting mechanism is likely to improve reporting rates amongst victims and witnesses with insecure immigration status, as well as those with secure status who would currently choose not to report for fear of endangering others. Evidence shows that a firewall would make victims and witnesses feel confident in approaching the police to report crimes and more likely to engage in criminal proceedings which will in turn allow the police to hold perpetrators to account and prevent crime.^{427 428}

**This is not her real name*

4.3.3(e). Lack of support for children transitioning to adulthood

A recent briefing published by the ATMG analysed the barriers faced by children in the NRM upon turning 18. The briefing is based on a Freedom of Information request submitted by one of the ATMG members, the Snowdrop project, which seeks to uncover how many children remain in the NRM upon turning 18 and what type of support they have access to.

Children in the UK do not need to consent to remain in the NRM, however, upon their 18th birthday, they need to provide written consent in order to remain in the NRM identification process and to access adult support.

As a result of the Freedom of Information request, we have uncovered that in 2022, 2,634 children turned 18 while waiting for an NRM decision. 70% of these children 'withdrew' from the NRM or had their cases suspended. Of those who consented to remain in the NRM (772) only 43% (335) were referred to the MSVCC, and only 20% (151) received any support at all.⁴²⁹

⁴²⁷ Examples of how a firewall can work in practice have been tried internationally. For more information please see: [Preventing and addressing abuse and exploitation FINAL.pdf \(lawrs.org.uk\)](https://lawrs.org.uk/preventing-and-addressing-abuse-and-exploitation-final.pdf)

⁴²⁸ Since 2017, the Step-Up Migrant Women campaign, led by LAWRS, has called for establishing safe reporting mechanisms in the form of a firewall. Cross-party Parliamentarians and Independent Commissioners such as the Domestic Abuse Commissioner and the London Victims Commissioner have long supported this recommendation. During the passage of the Victims & Prisoners Bill through parliament our firewall amendment which covered migrant victims of modern slavery was voted by peers in the House of Lords to be included in the final bill

⁴²⁹ The Anti-Trafficking Monitoring Group. (May 2024). [Breaking Barriers: Supporting young victims of human trafficking transitioning to adulthood](#)

The ATMG remains concerned about the inadequacy of support for children to provide ‘informed consent’ to remain in the NRM, the lack of accountability about who should provide this support and the lack of specialist support upon turning 18, including the absence of an 18+ ICTG service. Research shows that the lack of adequate specialist support and safeguarding for young people may lead to re-traumatisation or leave them subject to poor living conditions with limited support, thereby increasing the risk of going missing, re-trafficking and exploitation.⁴³⁰

We refer to the recommendations made in the ATMG Breaking Barriers briefing⁴³¹ to find an effective solution and ensure that children are appropriately supported and safeguarded from further exploitation in their transition to adulthood.

4.3.4. Nationality and Borders Act (2022) and Illegal Migration Act (2023)

Contributors to this submission have identified the introduction of legislation such as NABA and the IMA as crucial factors in the erosion of identification and support systems for survivors of modern slavery and as such, they are acting as a barrier for people reporting their exploitation. As stated in Hestia’s submission: *“The Nationality and Borders Act of 2022 (NABA 2022) and the Illegal Migration Act of 2023 (IMA 2023) have significantly re-shaped the landscape in which the Modern Slavery Act 2015 now operates. Access to support is more difficult than before, with many victims reporting living in fear of the hostile narrative about ‘being deported’ or being sent to Rwanda (a Act which the new Labour government of July 2024 has now scrapped).”*⁴³²

We have summarised some of the changes introduced by NABA in relation to Modern Slavery:

- **the definition of a ‘Reasonable Grounds’ decision** (i.e., how to formally determine whether an individual is a ‘potential victim of slavery or human trafficking’). The threshold was increased requiring survivors to present *objective evidence to prove they were victims of modern slavery*. The threshold requirements were updated following a Judicial Review on 10 July 2023 to slightly decrease the evidence required, but this is still higher than pre-NABA.
- **the possibility of disqualification from protection on grounds of ‘public order’ and ‘bad faith’**. The introduction of the public order disqualification provision meant that potential survivors who were sentenced to 12+ months imprisonment could be disqualified from the NRM, both identification and support, even if this was due to crimes they were forced to commit as part of their exploitation. The public order disqualification guidance was updated following Judicial review on the 8th of January 2024 to introduce a risk of re-trafficking assessment before confirming a disqualification.

⁴³⁰ Hynes, P. Connolly, H. and Durán, L. (2023). [Creating Stable Futures: Human Trafficking, Participation and Outcomes for Children](#)

⁴³¹ The Anti-Trafficking Monitoring Group. (May 2024). [Breaking Barriers: Supporting young victims of human trafficking transitioning to adulthood](#)

⁴³² Hestia submission

- [Separate Guidance on 'Temporary permission to stay for victims of human trafficking and slavery'](#) (implementing section 65 of NABA). This provision narrows the criteria outlined in the European Convention on Action Against Trafficking in Human Beings (ECAT) in relation to granting leave to remain on the basis of being identified (positive Conclusive Ground Decision) as a survivor of modern slavery. (We have provided extensive information on this in [section 4.8](#) of this submission).
- **the definitions of 'victims of trafficking' and 'victims of slavery'** (reflecting the 2022 Regulations adopted under section 69 of NABA). This definition over-emphasises movement to prove trafficking has happened and narrows the definition of victim included in the Modern Slavery Act and international treaties.
- **decrease of the recovery and reflection period from 45 to 30 days;**
- **the entitlement to (additional) recovery periods;** (section 62 NABA). Access to the recovery period and related support may be denied in those instances where people are referred to the NRM again following another instance of exploitation not linked to previous ones.

4.3.4(a) Changes to the Reasonable Ground threshold

"Previously, the RG decision was based on the threshold that the Home Office 'suspect but cannot prove' that the person is a victim of modern slavery. Now this decision is made 'based on all available general and specific evidence but falling short of conclusive proof'."^{433 434}

The increased Reasonable Ground threshold "...placed increased pressure on victims themselves to provide objective evidence of the crime committed against them."⁴³⁵ As a result of this higher evidentiary threshold and despite the challenge to this policy⁴³⁶ which led to a change in guidance in July 2023, the threshold remains higher than it was prior to the introduction of NABA and it is nonetheless continuing to produce multiple detrimental effects.

I. Increase in negative decisions creates barriers to accessing full identification and support

Home Office statistics alongside organisations' data provides clear evidence of the detrimental impact caused by the NABA provisions:

"The 2023 statistics show that only 55% of individuals referred into the NRM received a positive reasonable grounds (RG) decision."⁴³⁷ The most recent NRM data (2024 Q2)⁴³⁸ shows that 53% of individuals referred into the NRM received a positive RG decision, indicating a further decline. Previously to 30th Jan 2023,

⁴³³ Home Office. (October 2024). [Modern Slavery: Statutory Guidance for England and Wales, version 3.11](#), p.60

⁴³⁴ Human Trafficking Foundation & Lived Experience Advisory Panel submission

⁴³⁵ Hestia submission

⁴³⁶ Duncan Lewis. (28 June 2023). [SSHd withdraws new evidential test for 'Reasonable Grounds' decisions in Modern Slavery Statutory Guidance](#)

⁴³⁷ Home Office. (March 2024). [Modern slavery national referral mechanism and duty to notify statistics: UK end-of-year summary 2023](#), p.60

⁴³⁸ Home Office. (2024). [Modern slavery: National Referral Mechanism and Duty to Notify statistics UK, quarter 2 2024 - April to June](#)

*when Part 5 of NABA 2022 was enacted, 89% of people referred into the NRM received a positive RG decision and accessed support. Pre-30th Jan 2023, 97% of the people we supported at Hestia received a positive conclusive grounds decision (CG)."*⁴³⁹

In practice, this means that in 2023 "...6,928 people referred to the SCA and IECA by FROs, were excluded from accessing support."⁴⁴⁰

The NRM process enables survivors to be identified and receive essential support to facilitate their pathway to recovery and prevent re-trafficking and exploitation. However, NABA is precluding a significant number of potential victims from accessing their ECAT entitlements and creating a fertile environment for further exploitation.

In LAWRS experience, the evidential threshold has exacerbated NRM First Responders' backlogs,⁴⁴¹ which in turn is causing delays to get access to the NRM. *"The increase in evidence thresholds has exacerbated NRM first responder backlogs and, as we have experienced at LAWRS, this is causing huge delays to getting access to NRM support. For migrant victims these delays are exacerbated by their fear of reporting to the police." "...these delays and exclusions are putting migrant victims and survivors at increased risk of violence and re-exploitation."*⁴⁴²

This situation is affecting many vulnerable categories such as survivors in detention: *"In 2023, 2,384 people were referred into the NRM from detention (3,063 in 2022). Home Office figures show that 524 of those referred into the NRM from detention received a positive reasonable grounds decision (down from 2,381 in 2022), and 40 received a positive conclusive grounds decision while in detention (up from 17 in 2022)."*^{443 444}

ii. Reconsideration requests

Survivors who receive a negative Reasonable or Conclusive Ground Decision can submit a request to the Competent Authorities for their case to be reconsidered. However, in order to do so, they have to submit new and more comprehensive evidence compared to the ones already provided.

As seen in the previous section, the higher Reasonable Ground threshold introduced by NABA, resulted in a spike of negative Reasonable Ground Decision and therefore, frontline organisations have to support an increasing number of survivors with reconsideration requests. Statutory organisations such as the Home

⁴³⁹ Hestia submission

⁴⁴⁰ Human Trafficking Foundation and Lived Experience Advisory Panel submission

⁴⁴¹ Kalayaan. (February 2024). [The National Referral Mechanism at breaking point. Progress report: 2024 One Year on](#)

⁴⁴² LAWRS submission

⁴⁴³ FOI2024/00253

⁴⁴⁴ Detention Taskforce submission

Office rarely support survivors submitting reconsideration requests. Therefore, solicitors and civil society organisations often constitute the only available option for survivors.

This however, creates additional barriers because of the capacity issues of frontline organisations as explained in section [4.3.2\(a\)](#) and the often impossible task to find a legal representative as evidenced in section [6.1](#).

This situation has been compounded by a change to the modern slavery guidance introduced in February 2024, which truncated the timeframe to submit reconsideration requests from three months to 30-days within receipt of a negative decision.⁴⁴⁵ The current limited capacity of frontline organisations and the inability of securing legal representation in a timely manner, is leaving many survivors without adequate support to submit a reconsideration request.

This is supported by information shared by LAWRS: *“Analysis of the 2023 NRM data by IOM⁴⁴⁶ shows that while there were a record high 17,004 referrals in 2023, the number of people who received positive Reasonable Grounds and Conclusive Grounds decisions fell for the first time ever. Their analysis also found that there were unprecedented differences in the proportion of positive Reasonable Grounds decisions for UK and foreign national cases.*

We have seen this reflected in the cases we have received at LAWRS. Since NABA came into force, we have received our first negative Reasonable Grounds (RG) decisions, requiring the extra work of submitting reconsideration requests to get access into the NRM. We have also received calls for support from survivors with negative RG decisions. This increase in the level and extent of support needed only adds to the capacity issues both community organisations and legal support services are facing.”⁴⁴⁷

Organisations have also reported an increase in negative decisions at the Conclusive Ground stage. *“Despite the threshold for the CG decision remaining the same, there has also been a significant reduction in positive CG decisions, with 89% of CG decisions positive in 2022 and 66% in 2023. The most recent NRM statistics at the time of writing (Q2 April – June 2024) show that 53% of RG, and 64% of CG, of the decisions made in this quarter were positive.”⁴⁴⁸*

In practice, as shown in [section 4.3.3\(c\)](#), the lack of access to pre-NRM support in **England and Wales**, prevents survivors from accessing specialist support at the point of referral, potentially limiting their access to information necessary to understand the NRM process and what options are available to them following a negative decision. This is especially relevant for those accessing alternative forms of support.

However, even the limited number of survivors who may have access to emergency accommodation under the MSVCC service because they would otherwise have been destitute, have 14 days to move on

⁴⁴⁵ Home Office. (October 2024). [Modern Slavery: Statutory Guidance for England and Wales, version 3.11](#)

⁴⁴⁶ IOM UK. (April 2024). [UK National Referral Mechanism. Data Analysis briefing #8. 2023 Annual Review](#)

⁴⁴⁷ LAWRS submission

⁴⁴⁸ Human Trafficking Foundation & Lived Experience Advisory Panel submission

from MSVCC support upon receiving a negative decision. This time is not sufficient to gather enough evidence to submit a reconsideration request, especially since the changes to the timeframe.

The presence of barriers to submitting a reconsideration request is evidenced by the very low number of reconsideration requests submitted compared to the number of negative decisions being issued.⁴⁴⁹

At the same time, the dramatic number of decisions which have been overturned following a reconsideration request raises concerns in relation to the quality of decision-making at first point of contact,⁴⁵⁰ which we are going to analyse in one of the next sections.

iii. Inconsistencies in decision-making outcomes amongst Competent Authorities

Concerningly, since the introduction of NABA, data shows significant inconsistencies in decision-making amongst Competent Authorities with a spike in negative decisions made by the IECA.

“The most recent NRM data (2024 Q2)⁴⁵¹ shows that decisions made by the Immigration Enforcement Competent Authority as far less likely to result in a positive RG than those issued by the SCA:

- IECA decisions - 22% of RG decisions were positive
- SCA decisions – 61% of RG decisions were positive⁴⁵²

“In 2023, while 61% of NRM referrals to the SCA received a positive reasonable grounds decision, this figure was just 33% for IECA decisions.⁴⁵³ Similarly, the SCA made a positive decision in 76% of conclusive grounds decisions in 2023 with the IECA making a positive decision in a mere 30% of cases.”⁴⁵⁴

Additionally, inconsistencies in decision-making have been observed amongst different nationalities, showing potential discriminatory practices against foreign national survivors: *“in the first 6 months of 2023, 86% of RG decisions for UK nationals were positive compared to 40% for foreign nationals. 33% of Immigration Enforcement Competent Authority’s decisions were positive compared to 61% of decisions made by the Single Competent Authority.⁴⁵⁵ This is in-keeping with the overall rhetoric surrounding the passing of NABA and the IMA and accusations of people abusing the system to frustrate the removal process.”⁴⁵⁶*

⁴⁴⁹ ATMG, BIICL, HTF. (25 June 2024). [Assessing the Modern Slavery Impacts of the Nationality and Borders Act: One Year On](#), p.28

⁴⁵⁰ *Ibid*

⁴⁵¹ Home Office. (2024). [Modern slavery: National Referral Mechanism and Duty to Notify statistics UK, quarter 2 2024 - April to June](#)

⁴⁵² Hestia submission

⁴⁵³ Home Office. (2024). [Official Statistics. Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2023](#)

⁴⁵⁴ Detention Taskforce submission

⁴⁵⁵ Home Office. (March 2024). [Modern Slavery: National Referral Mechanism and Duty to Notify Statistics UK, end of year 2023](#)

⁴⁵⁶ Human Trafficking Foundation & Lived Experience Advisory Panel submission

The spike in negative decisions made by the IECA, which in turn are disproportionately affecting non-British survivors, begs many questions in relation to the decision-making practice followed by the Immigration Enforcement Competent Authority. The IECA was set up on the 8th of November 2021 for the stated purpose of identifying victims of modern slavery. However, organisations have been highlighting concerns regarding this decision, in terms of its impact on victims and survivors of trafficking and the manner in which it was established, since it was announced.⁴⁵⁷

As reported by the Detention Taskforce, *“the creation of the IECA marked a regressive step back to a two-tier system, as we saw with the two-designated Competent Authorities when the NRM was first set up in 2009.*

In 2014, the Government’s own review of the National Referral Mechanism (NRM) found serious issues with having two separate decision-making bodies (such as the conflation of asylum and trafficking matters), and in response set up the Single Competent Authority (SCA), a single, expert unit completely separate from the immigration system.⁴⁵⁸ In 2021, after two years of this SCA, the Government established the IECA suddenly and without stakeholder consultation.”⁴⁵⁹

A member of the Detention Taskforce has monitored the IECA decision making process, finding deeply concerning finding: *“It is of note that in the context of the current legal aid crisis⁴⁶⁰ an increasing number of people will go through the entire NRM process without access to a legal representative.*

The IECA does not appear to be taking into consideration whether or not a person has current legal representation when determining whether it is reasonable for someone to provide supporting or expert evidence. Detention Action have conducted an internal review of a range of decisions that they have seen over several months where the survivor of trafficking was not represented and in some instances they were clearly penalised in the decision for not having expert, medical or otherwise, reports to corroborate their account.

In these cases the survivor had often submitted all of the evidence that they had (eg. information about the medication they were taking) however, this was not considered to be enough. There were other examples where people had more evidence but it just was not available to them in detention and they were not given the opportunity to obtain and submit this.”⁴⁶¹

iv. Decision-making delays

Organisations have also reported that following the introduction of NABA, there has been a sharp increase in decision-making timeframe, which has resulted in significant delays for potential victims to receive an

⁴⁵⁷ Taskforce on Survivors of Trafficking in Immigration Detention (Detention Taskforce). (2021). [Bad Decisions: the creation of an Immigration Enforcement Competent Authority will undermine identifying and protecting victims of crime](#)

⁴⁵⁸ Home Office. (2014). [Review of the National Referral Mechanism for victims of human trafficking](#)

⁴⁵⁹ Detention Taskforce submission

⁴⁶⁰ ATLEU (2022). [‘It has destroyed me’: A legal advice system on the brink](#)

⁴⁶¹ Detention Taskforce submission

RG decision. This is a significant issue because in **England and Wales** (as outlined in section [4.3.3\(c\)](#)) people don't have access to support until they have received a positive RG decision (except in limited circumstances to prevent destitution). Crucially, survivors in the asylum system risk spending lengthy periods of time in unsafe large-scale accommodations as evidenced in [session 3.6.3](#).

*"The average time taken from referral to reasonable grounds decisions made in 2023 across the competent authorities was 43 days, compared to 13 days in the previous year. When people do eventually enter service, we experience difficulties making contact with individuals and observe higher levels of need due to the waiting time to access support."*⁴⁶²

This is further supported by the Human Trafficking Foundation and LEAP submission, which states: *"For some this means 23 days without suitable accommodation or any support. The average time taken from referral to CG decisions in 2023 was 526 days, only slightly less than the 544 days in 2022. Survivors have stated that this limbo creates a dependency similar to their trafficker where they are reliant on the system for accommodation and income and prevents them from moving on with their lives."*⁴⁶³

Hestia notes that the latest NRM statistics show an improvement in decision-making timeframes at Reasonable Grounds stage: *"The average (median) time taken from referral to reasonable grounds decisions across the competent authorities was 10 days (compared to 21 days in Q1 2024, and 43 days in 2023):*

- *IECA decisions – 5 days*
- *SCA decisions – 14 days"*⁴⁶⁴

Hestia, however, notes that, despite it being a positive step that decisions were made quicker, there seems to be *"...a correlation between decisions issued by the IECA quickly (5 days average) and negative reasonable grounds (only 22% of RGs are positive). We must call for caution in the pace of decisions, and make sure that they are still considered fully."*⁴⁶⁵

This highlights the need for a renewed commitment to Places of Safety to enable survivors' access to support prior to a potential victim consenting to enter the NRM. In **Scotland** for example, support under the NRM is a devolved matter and survivors are entitled to receive support prior to entering the NRM.

As evidenced in the previous paragraph, this striking difference in the outcome amongst Competent Authorities raises many questions about the Competent Authority position within an Immigration Enforcement body and how this interacts with their decision-making practices.

4.3.4(b). Disqualification on public order and bad faith grounds

⁴⁶² Hestia submission

⁴⁶³ Human Trafficking Foundation & Lived Experience Advisory Panel submission

⁴⁶⁴ Hestia submission

⁴⁶⁵ Hestia submission

NABA has introduced provisions to allow for the disqualification of survivors from the NRM on public order or bad faith grounds.

Section 63 NABA gives the Home Secretary powers to disqualify survivors from the support afforded under the recovery and reflection period and relieves them from the duty to grant leave to remain as provided under section 65 NABA. Nevertheless, there are no provisions which allow the Secretary of State to stop the identification process as this would result in a breach of Article 10 ECAT.

In practice, the Home Secretary should reach a Conclusive Ground decision to ensure potential survivors receive a decision whether they are ultimately identified as survivors of modern slavery. However, since its commencement, section 63 NABA has been applied on the basis of a wider interpretation of article 13(3) ECAT and survivors are being disqualified from the full identification process.

From January 2023 until June 2024, Competent Authorities made 413 confirmed disqualifications on public order grounds and 7 disqualifications on bad faith grounds. From an analysis of the data included in the UK Data Service, we have found that the public order disqualifications requests are disproportionately affecting victims of forced criminality. Out of the 413 confirmed disqualifications, 278 or 68% had an element of criminal exploitation in their case.⁴⁶⁶

This is extremely concerning considering that many survivors are criminalised because of actions they were forced to commit as part of their exploitation. This is the compounded result of widespread identification issues in the criminal justice system and the inadequate understanding and application of section 45 defence. In practice, survivors of modern slavery are being wrongly criminalised, resulting in their detention and exclusion from much needed specialist support.

The power to disqualify individuals for relatively minor offences, that are often directly linked to their exploitation, is based on what the ATMG believes to be a faulty interpretation of article 13(3). In line with recommendations made by GRETA in previous country visits and the recent receipt of legal advice published by the Modern Slavery Policy and Evidence Centre,⁴⁶⁷ we believe that disqualifications on public order grounds should never be used as a blunt instrument, and rather should be reserved for the extremely rare occasions when providing support to an individual comes with a clear and credible threat to public order.

As stated in the guidance note on Article 13(3) as published by GRETA, disqualification on the grounds of public order should always be considered on a case-by-case basis and are intended to apply ‘in very

⁴⁶⁶ Home Office, Modern Slavery Research & Analysis. (2024). National Referral Mechanism and Duty to Notify Statistics, 2014-2024. [data collection]. 13th Edition. UK Data Service. SN: 8910, [DOI: https://doi.org/10.5255/UKDA-SN-8910-13](https://doi.org/10.5255/UKDA-SN-8910-13)

⁴⁶⁷ Dr Marija Jovanovic. (August 2024). [Legal Analysis of Section 63 of the Nationality and Borders Act 2022 and modern slavery statutory guidance](#)

*exceptional circumstances and cannot be used by States Parties to circumvent their obligation to provide access to the recovery and reflection period.*⁴⁶⁸

The current application of the public order disqualification is largely affecting survivors of criminal exploitation as substantiated by the response to a recent Freedom of Information request, which evidenced that the majority of the survivors who have been considered for or have been issued a disqualification have been convicted for crimes which are commonly carried out as part of forced criminality cases, such as cannabis cultivation and county lines. Most of the convictions flagged were linked to drug production and supply.⁴⁶⁹

The above issues and the relevant evidence we have explored in sections [3.1.2\(e\)](#), [4.4.3](#), [4.5](#) and [6.3](#) highlights a discriminatory system which is denying survivors the right to be identified and supported in their recovery, putting them at heightened risk of re-exploitation.

This is supported by the experience of frontline organisations working with survivors: *“Many of the individuals being disqualified committed crimes under duress during their exploitation, yet this is not considered in practice at point of disqualification. This is often because victims, poorly represented or ill-advised during criminal trials, pled guilty to offences, instead of relying on the Section 45 defence.”*⁴⁷⁰

*“The Detention Taskforce are keen to highlight the fact that victims of trafficking should never be refused the support necessary to exit their exploitation, and that victims of criminal exploitation will be severely impacted by this clause as their supposed criminal activity is often not recognised as coerced. Moreover, the systems necessary to implement this provision and verify criminal histories (including in third countries) may result in considerable delays to a system which is already severely backlogged.”*⁴⁷¹

In July 2023, following a Court challenge⁴⁷², the Home Office has been ordered to amend the modern slavery statutory guidance to introduce a risk of re-trafficking assessment prior to confirming a disqualification on public order grounds. All the disqualifications were put on hold until January 2024, when the Secretary of State amended the statutory guidance to introduce the risk of re-trafficking assessment process.

While we appreciate the introduction of safeguards, the ATMG and many other organisations contributing to this submission continue to note grave concern in the process followed to assess the risk of re-trafficking assessment and the fact that this does not go far enough to comprehensively address the complex vulnerabilities which lead to re-trafficking.

⁴⁶⁸ GRETA. (October 2024). [Guidance note on the recovery and reflection period](#)

⁴⁶⁹ FOI2024/05669

⁴⁷⁰ Hestia submission

⁴⁷¹ Detention Taskforce submission

⁴⁷² Matrix Chambers. (27th July 2023). [High Court orders no public order disqualifications of slavery victims may take place without a risk assessment pending trial](#)

The process which assesses the risk of re-trafficking is based on reviewing the current circumstances to determine if the individual is at 'immediate' risk of re-trafficking. As reported by Hestia: *"We welcome the Government's recent announcement that risk assessments must be conducted before PODs can be applied. However, we believe this should be extended beyond "immediate risk" to "any risk" of re-trafficking, and support workers' expertise should be included in the risk assessment (which must include sufficient and appropriate time to submit such evidence). We have been consulted on some cases, but not systematically."*⁴⁷³

For example, the risk of re-trafficking assessment does not consider the risk of re-trafficking upon disqualification from support. Therefore, the fact that someone may become destitute or homeless as a result of being disqualified, and because of this, they could be more susceptible to being exploited, won't be considered as an immediate risk. Similarly, the fact that someone may be returned to their country of origin and be at risk of re-trafficking or exploitation there is also not considered in this assessment.

Additionally, individuals disqualified while in detention, are also not considered at immediate risk of re-trafficking because they are currently held in a "safe" setting.

The Detention Taskforce further expands on this: *"There are concerns about how this risk assessment is conducted and by whom with recent decisions that Detention Taskforce members have seen containing wholly inadequate assessments of a person's risk of being re-trafficked. For example, since risk assessments are done on the basis of immediate and real risk only, survivors in detention have been assessed as being at no risk of re-trafficking due to their current detention, even survivors who have bail in principle and who are simply waiting for suitable release accommodation to be sourced."*

Given the delays in the system and the fact that people who are detained are generally not released until accommodation is sourced, survivors in detention may be faced with the choice between being released to unsafe accommodation and being at increased risk of re-trafficking or remaining detained and attempting to challenge their convictions and public order disqualifications and get reentered into the NRM in order to be assessed for safehouse accommodation. And even once a person gets reentered into the NRM, there are additional challenges with getting risk assessments done in detention and establishing the need for safehousing when a person is also entitled to Home Office accommodation. All of this together means survivors may be detained for unacceptably long periods of time and at further detriment to their health and wellbeing."

They go on stating that: *"...while survivors who are not detained are informed of the public order disqualification request and given ten working days to respond, survivors who are detained are not given the same opportunity to respond."*⁴⁷⁴ *This framework means that survivors in detention do not have the same rights as non-detained survivors and further limits their access to justice in a context where communication and access to justice is already limited by the nature of the detention environment."*⁴⁷⁵

⁴⁷³ Hestia submission

⁴⁷⁴ Home Office. (October 2024). [Modern Slavery: Statutory Guidance for England and Wales, version 3.11](#)

⁴⁷⁵ Detention Taskforce submission

Evidence from Hestia supports the concerns outlined by the Detention Taskforce and highlights failures in how the re-trafficking assessment and disqualification process is implemented. The public order disqualification “...made support inconsistent and conditional, instead of universal for all potential victims. It also makes access to support volatile.

In practice, we have not consistently received notices of intent for victims considered by the Home Office for PODs, placing some victims at a disadvantage. Victims are also often not informed of their disqualification until they are at an Immigration Reporting Centre, where they get detained. This information is not relayed to MSVCC providers, as a result we have believed and reported people as Missing – causing unnecessary costs to the public purse and inappropriate use of resources.

Once detained, support victims were previously receiving from Hestia (or other organisations) is withdrawn – as per contractual arrangements. This leaves victims extremely confused and breaks any trust we spent months building.

The practice of asylum seekers being detained at Immigration Reporting Centres has created a culture of fear among all other asylum seekers reporting at that centre. The people we support share concerns about their “friends who report and don’t ever come out” and are scared to be next (quote from a service user).⁴⁷⁶

4.3.4(c). Survivors of modern slavery are living in fear

Organisations are witnessing an overwhelming feeling of fear and uncertainty amongst survivors they work with. Survivors have reported that the introduction of recent legislation such NABA and the IMA, based on hostile rhetoric and immigration enforcement is resulting in an increasing number of individuals frightened to come forward or disengaging from service to go underground.⁴⁷⁷

Hestia provides evidence directly from survivors they are supporting: “Many survivors within our services have confided in their support worker intentions to ‘go underground’ – seeing this as preferable to a life in a detention centre or being returned to their own country, where their lives are at risk.

Even if the people we support will not be impacted by the provisions of IMA 2023, they are still scared. We have observed heightened missing people instances with service users absconding our services over the course of 2023 for fear of being detained and removed by the Home Office. We have no way of knowing the whereabouts of these vulnerable adults, whether they have returned to their exploiter, are homeless or if they have been re-trafficked.

⁴⁷⁶ Hestia submission

⁴⁷⁷ ATMG, BIICL and HTF. (25 June 2024). [Assessing the Modern Slavery Impacts of the Nationality and Borders Act: One Year On](#), pp. 48-49

Whilst IMA 2023 is not in effect yet, we have seen a marked impact on the mental health of people already in our service, with an increase in suicidal ideation and suicide attempts.”⁴⁷⁸

Similarly, the Human Trafficking Foundation and LEAP provide evidence on the increased fear and mental health deterioration of survivors caused by recent legislation.

“More needs to be done to encourage people who have been exploited to report their situation to the authorities and/or civil society organisations. Potential victims need to be given the ability to speak without fear of repercussion, unfortunately this has been made more difficult with the passing of the Nationality and Borders Act (NABA) (2022) and the Illegal Migration Act (IMA) (2023). The narratives surrounding these pieces of legislation have been reported to make a significant negative impact on the mental wellbeing of those within and who have been through the NRM.⁴⁷⁹ Research has also shown that these narratives and the changes made to introduce NABA have resulted in a greater reluctance for people with lived experience of modern slavery to enter the NRM or otherwise engage with authorities.⁴⁸⁰

As rhetoric and policy around modern slavery and illegal immigration is conjoined, entering the NRM brings little support to those with insecure immigration status or previous convictions. If implemented, the modern slavery provisions within the IMA would remove the ability for those who have entered the UK irregularly to gain support through the NRM. This would further drive people away from entering support, as there would be no incentive to come forward for support. While the modern slavery provisions of the IMA are yet to be enacted, they are yet to be repealed or overwritten by supplementary legislation.”⁴⁸¹

The IMA provisions remain of great concern amongst survivors, especially with the recent announcement of the Labour government in relation to offshoring plans.

“Whilst the Safety of Rwanda Act has been scrapped by the new UK government, the implications of NABA2022 and IMA2023 still give the Home Office great powers to remove potential victims of modern slavery from the country, and this may contribute to victims feeling psychologically unsafe to come forward and report their experience.

We – and other experts across the sector - believe traffickers and exploiters will use IMA2023 and its provisions as leverage to keep vulnerable adults in exploitation, and prey on the vulnerabilities of people concerned by their immigration status. The Modern Slavery Act of 2015 made huge strides to bring modern slavery crimes to light, raise awareness, and support prosecutions. However, NABA 2022 and IMA 2023 create an unsafe environment for victims to come forward, which will impact the ability to prosecute criminals.”⁴⁸²

⁴⁷⁸ Hestia submission

⁴⁷⁹ ATMG, BIICL and HTF. (25 June 2024). [Assessing the Modern Slavery Impacts of the Nationality and Borders Act: One Year On](#)

⁴⁸⁰ *Ibid*

⁴⁸¹ Human Trafficking Foundation & Lived Experience Advisory Panel submission

⁴⁸² Hestia submission

Additionally, LAWRS highlights the risk of re-trafficking and exploitation created by these legislations: “*With these new changes many victims are being denied the support that they are entitled to and that they desperately need and being put at risk of re-exploitation and further harm. This means that the gaps in support for modern slavery victims outside of the NRM are being felt more acutely.*

Continued austerity policies in the UK are forcing local authorities to exclude the most vulnerable migrant victims with No Recourse to Public Funds from the safety nets they would have previously been able to access. The lack of funding for by and for services means there is also no capacity for specialist support with labour exploitation and modern slavery. By and for community organisations are lifelines for victims who face many barriers to accessing mainstream support services. The system is failing to meet migrant victims’ and survivors’ needs by excluding them from the social and financial protection that would allow them to exit exploitation.”⁴⁸³

4.3.5. Gaps in interventions to support children’s disclosures

We have provided information on how recent legislation, particularly NABA, is having a detrimental impact on children in [section 3.11.1](#) of this submission. ECPAT UK provides a comprehensive explanation of the other failures in the identification of children within the context of current children’s support provisions and their unique vulnerabilities.

“Despite the measures established by the UK government to encourage child victims of human trafficking to report their situations, there are significant gaps regarding the effectiveness and implementation of these initiatives. The government’s framework for identification, the National Referral Mechanism (NRM) falls short leaving many child victims without the support or protections they desperately need.

Although the NRM is intended to identify and support trafficking victims, it has a complex process, confusing, and slow, which can deter children from engaging with it. Furthermore, the lack of child-specific provisions of support within the NRM means that children despite being referred do not access their entitlements. Many authorities may not have the necessary expertise to handle cases involving children, resulting in inconsistent and inadequate support. The mechanism’s failure to adapt to the unique vulnerabilities of trafficked children undermines its purpose and effectiveness.

Additionally in England and Wales, the Independent Child Trafficking Guardians are designed to advocate for the rights and welfare of trafficked children, their implementation has been inconsistent and limited with only 2/3 of local authorities covered by the service. The role of this delay suggests a lack of prioritisation and commitment to protecting vulnerable children.

Although some training may be available for frontline professionals, it is often insufficient, sporadic, and fails to delve deeply into the complexities of child trafficking. Many professionals, such as social workers, teachers, and law enforcement officers, lack the resources and comprehensive training necessary to recognize and appropriately support child victims. Without thorough, ongoing education, these

⁴⁸³ LAWRS submission

professionals may unintentionally create environments that are not conducive to children disclosing their trafficking experiences, leaving many victims unseen and unheard.

Even when children do report their situation, the support services provided are often inadequate and underfunded. Safe accommodation options are limited, and the quality of care can vary significantly across regions. Mental health support, educational services, and specialized care tailored to the trauma of trafficking are frequently lacking. Without sufficient post-reporting support, children may feel that coming forward is not worth the risk, reinforcing their reluctance to seek help.

The government's response to child trafficking tends to focus heavily on law enforcement rather than on creating a victim-centered support network. This approach can further alienate trafficked children, who may fear being criminalized or not being believed. For many, the involvement of law enforcement does not provide the sense of safety needed to encourage disclosure. There is a lack of emphasis on community-based interventions that could foster trust and provide children with non-threatening avenues to report their exploitation.

While the government collaborates with NGOs, this cooperation is often limited, underfunded, and treated as supplementary rather than integral to the government's anti-trafficking strategy. Civil society organizations, which often have direct access to vulnerable children and the expertise to support them, are not sufficiently involved in policy development or resource allocation. This lack of meaningful collaboration means that the full potential of NGOs to facilitate safe reporting is not realized, leaving gaps in support for child victims.”⁴⁸⁴

4.4 What specific measures are taken in your country to detect/identify and refer to assistance possible victims of THB at the borders? What measures are taken in your country to identify victims of THB during the examination of asylum applications and prior to the return of persons whose applications are rejected?

Information shared by respondents has highlighted serious failures in the identification of survivors at borders and during asylum applications. We have provided further evidence in other sections of this submission, which we will reference in this answer. However, most of the evidence gathered in this section identifies specific barriers which are rendering the identification mechanisms introduced by the Modern Slavery Act 2015 ineffective.

4.4.1 Focus on immigration enforcement over safeguarding disrupts identification efforts

The NRM and the Modern Slavery Act 2015 provide a framework to identify and support survivors of modern slavery. In line with these provisions, organisations such as The Salvation Army have been reportedly “...working on improving the communication survivors have with Border Force, ensuring that

⁴⁸⁴ ECPAT UK submission

survivors have the contact details for TSA and that they understand what is going to happen and what to expect during a referral to the NRM.”⁴⁸⁵

However, policy provisions and organisational efforts are severely impacted by immigration enforcement processes, which often prevent people from disclosing their experiences of trafficking. Additionally, even when survivors are identified, there are barriers to continuing engaging in the NRM. For example, changes to the Adult at Risk policy allow people with positive Reasonable Ground Decisions in detention, limiting their access to specialist support (see more information in [section 4.5](#)).

We also refer to information included in [section 3.6.1\(a\)](#) of this submission where we provide evidence of failures in the asylum screening procedures, which is impacting on the identification of trafficking.

Similarly, the Human Trafficking Foundation and LEAP submission raises significant concerns regarding interventions carried out in the asylum system, which often proactively target specific nationalities, such as Albanian nationals:

“As UK Visas and Immigration (UKVI) are a statutory First Responder Organisation, there is an opportunity for victims to be identified during asylum interviews. However, cases have also been reported of individuals, in safehouse support in the MSVCC, with positive reasonable grounds decisions, being detained when registering with the Home Office as part of their immigration bail conditions. The MSVCC support provider is not alerted when this happens, and the individual is often reported as missing. These cases have been prevalent among Albanian nationals, who were often the target of negative rhetoric during the passage of NABA and the IMA, and of Government programmes such as Operation Bridora.

Operation Bridora was introduced following a Prime Ministerial statement on illegal migration in December 2022, which focused Home Office resources to expedite processing asylum claims from Albanians.⁴⁸⁶ Organisations within the sector have raised concerns between the correlation of the upturn in negative CG decision rate for Albanian nationals in the final quarter of 2022 with the introduction of Operation Bridora.⁴⁸⁷ Furthermore, on the 22nd February 2024, competent authorities were told to prioritise CG cases for a number of groups, including Albanian nationals.”^{488 489}

Additionally, the NRM is often conflated with immigration enforcement systems because of the rhetoric used over the past years by government and media (which we have further explored in the previous and following section) as well as its position within the Home Office structure. This creates confusion on how the NRM interacts with other immigration processes, which can act as a barrier to disclosure.

This is confirmed by evidence shared by contributors to this submission: *“The NRM is not always perceived as a safeguarding system by potential victims. The SCA and IECA, sit within the Home Office, and are the*

⁴⁸⁵ The Salvation Army submission

⁴⁸⁶ Independent Chief Inspector of Borders and Immigration. October 2023). [An inspection of asylum casework](#)

⁴⁸⁷ Detention Taskforce. (July 2024). [IECA Briefing](#)

⁴⁸⁸ Home Office. (October 2024). [Modern Slavery: Statutory Guidance for England and Wales, version 3.11](#), p.149

⁴⁸⁹ Human Trafficking Foundation & Lived Experience Advisory Panel submission

decision-making bodies for RG and CG decisions within the NRM. The fact that these decisions reside within the Home Office add a further layer of distrust and confusion, as the Home Office is responsible for making decisions on both an individual's NRM referral and asylum claim.

This distrust can be seen in the fact that many DtNs are reported by immigration enforcement bodies, with UKVI filing 57% (n. 2,624) of all DtN reports in 2022.⁴⁹⁰ To add a further layer of potential distrust and confusion, the IECA is both a decision making body and a FRO themselves, meaning they are in a position where a referral can be made and decided upon within the same Home Office department."⁴⁹¹

This is compounded by the potential discriminatory practices in decision-making evidenced in [section 4.3.4\(a\)\(iii\)](#) of this submission, where data provided by respondents shows a lower rate of positive decisions made for foreign nationals compared to British nationals.

"It is known that traffickers tell those they exploit that they will be punished if they look for support or to escape exploitation. Unfortunately, the issues listed above give credence to these coercive threats. When viewed from the outside it is clear to see how the NRM could be confused with immigration processes, its proximity and the language that surrounds the decisions reframe the NRM as an immigration issue. This notion is given further credence by the inclusion of modern slavery provisions in legislation aimed at reducing illegal migration. These concerns need to be countered publicly by decision makers to demonstrate the importance of coming forward for support."⁴⁹²

4.4.2 Hostile rhetoric and abuse of immigration statistics

Information provided in section [4.4.1](#) highlights how hostile rhetoric focused on immigration enforcement constitutes a serious barrier to survivors' disclosing their experiences and creates an environment of fear and distrust in authorities. After Exploitation provides a comprehensive account of how this rhetoric has been built on the misuse of immigration data.

"Political attitudes to modern slavery survivors have become more hostile in recent years, which is reflected in the nature of public data on exploitation. In 2021, the Government tabled the Nationality and Borders Bill which restricted access to the NRM for non-UK nationals on the basis of survivors' offending history, and the time it takes them to disclose abuse by imposing disclosure deadlines on victims via 'Trafficking Information Notices'.⁴⁹³

In addition, the Act raised the evidential threshold to require 'objective evidence' from all victims, including British nationals, at reasonable grounds stage before they have accessed their ECAT entitlements. This

⁴⁹⁰ Human Trafficking Foundation and British Institute of International and Comparative Law. (February 2024). [Identification of Adults with Lived Experience of Modern Slavery in the UK](#)

⁴⁹¹ Human Trafficking Foundation & Lived Experience Advisory Panel submission

⁴⁹² Human Trafficking Foundation & Lived Experience Advisory Panel submission

⁴⁹³ University of Nottingham Rights Lab. (November 2022). [Confirmations, Commitments & Concerns – How will part 5 of the Nationality and Borders Act on Modern Slavery be enacted?](#)

evidential standard was later revisited due to legal challenges against the Home Office.⁴⁹⁴ In order to support their claims that the NRM must be ‘tougher’ to access, the Government began briefing the press⁴⁹⁵ and publishing official releases,⁴⁹⁶ alleging that “child rapists” and “terrorists” were abusing the NRM in order to frustrate their deportation. The only data provided to support this claim was the scale of growth in NRM referrals.

Along with charity partners, we outlined numerous flaws in the claims produced by the Government. In a letter to the Office for Statistics Regulation, we joined charity partners in highlighting that a rise in NRM referrals alone cannot be explained by ‘abuse of the [immigration] system’, as the number of UK nationals identified as modern slavery victims was growing at a faster rate than the total average.⁴⁹⁷ The regulator confirmed that “the NRM statistics do not support the claims that people are “gaming” the modern slavery system, and the source of the claim is unclear to us.”⁴⁹⁸

However, by this point, inaccurate data reporting on modern slavery had become entrenched in national journalism. The Telegraph ran a front-page story claiming that the Modern Slavery Act is the “biggest loophole” for immigrants to avoid deportation, incorrectly characterising the total number of NRM referrals as the number of trafficked migrants able to settle in the UK.⁴⁹⁹ Following our complaint to the Independent Press Standards Organisation, the press regulator found that the front-page story was in breach of the Editors’ Code.⁵⁰⁰

Transparency surrounding modern slavery remains poor in the UK. Whilst the potential for data collection is strong relative to other countries, data is at times weaponised to further policies which are not evidence-based or simply withheld from civil society altogether. Historically, the Government denied holding any central record on the detention of modern slavery survivors.⁵⁰¹

However, After Exploitation was able to use Freedom of Information (FOI) requests to secure this data from the Home Office’s ‘Case Information Database’ (CID). The former chair of the Work and Pensions Select Committee stated that the Minister of the time claimed to have “no idea of the number of people” trafficking and then detained and that “if it were not for After Exploitation... we would have no idea what

⁴⁹⁴ Free Movement. (19 July 2023). [Home Office withdraws evidence test for trafficking decisions](#)

⁴⁹⁵ The Sun. 19 March 2021). [Child rapists and terrorists will be stopped from using exploiting modern slavery loophole to stay in Britain](#)

⁴⁹⁶ Home Office. (20 March 2021). [Alarming rise of abuse within the modern slavery system](#)

⁴⁹⁷ Maya Esslemont and Anna Powell-Smith. (7 March 2023). [Maya Esslemont and Anna Powell-Smith to Ed Humpherson: Modern slavery data](#)

⁴⁹⁸ Ed Humpherson. (11 April 2024). [Ed Humpherson to Maya Esslemont and Anna Powell-Smith: Modern slavery data](#)

⁴⁹⁹ The Telegraph. (16 August 2022). [Modern slavery law ‘is biggest loophole’ for migrants](#)

⁵⁰⁰ IPSO. (6 July 2023). [12259-22 Esslemont v The Daily Telegraph](#)

⁵⁰¹ UK Parliament. (17 July 2019). [Immigration detention: Victims of modern slavery](#)

those numbers were.”⁵⁰² Following significant media coverage,⁵⁰³ data on the detention of survivors has become more readily available through public data releases, FOIs and PQs.⁵⁰⁴

However, Government data releases on the detention of trafficking victims are now used to bolster ministers’ characterisation of the NRM as a ‘loophole’ exploited by migrants, rather than as an exercise in accountability. ‘Issues raised from within immigration detention’, an ad hoc Government release, includes the number of NRM referrals made from within detention for the first time but not the number of detainees known to be survivors at screening or those referred post-detention after failed opportunities for identification. Additionally, the decision to break down data according to ‘foreign national offender’ (FNO) and non-FNO, rather than across vulnerabilities or demographics such as gender, demonstrates a focus on immigration enforcement over the monitoring of vulnerability.”⁵⁰⁵ ⁵⁰⁶

4.4.3 Link between lack of identification and criminalisation of survivors

Research shows there is a significant number of survivors who are not being identified across detention and prisons’ settings in the UK and are therefore missing out on specialist support as we have substantiated in the following sections. However, it is crucial to understand that there is a close link between lack of identification and criminalisation of survivors in the criminal justice system. Despite anecdotal information on the inconsistent application of section 45 defence (which we have explored in [section 6.3](#)) there is still limited official data available to fully understand the experiences of survivors going through the criminal justice system.

We call on the Government to introduce stronger safeguards and monitoring processes in the criminal justice system to ensure survivors are identified at the earliest opportunity as well as developing an effective modern slavery strategy to strengthen the prevention response. This will provide a solution to the current cohort of informally identified survivors from being criminalised.

IOM UK provides an overview of the barriers to identification in the criminal justice system:

“Research by the University of Essex, International Organisation of Migration and Hibiscus found that incarcerated survivors are unable to consistently access specialist support as per their rights under the Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT) and the European Convention on Human Rights (ECHR). The research raises the “high likelihood of unidentified survivors of modern slavery currently being imprisoned across the UK” but could not quantify this at the time due to a “lack of official records”.⁵⁰⁷

⁵⁰² Frank Field MP. (2019). [Immigration Detention: Victims of Modern Slavery. Hansard, House of Commons, July 17](#)

⁵⁰³ Taylor D, (9 July 2019). [More than 500 victims of trafficking detained in 2018, UK study finds](#)

⁵⁰⁴ UK Government. (19 July 2021). [Issues raised by people facing return in immigration detention](#)

⁵⁰⁵ UK Government. (19 July 2021). [Update on modern slavery referrals from detention and prisons](#)

⁵⁰⁶ After Exploitation submission

⁵⁰⁷ Dr Marija Jovanović et al. (November 2023). [Tackling the blind spot of the UK anti-slavery regime](#)

More recently, a joint investigation between After Exploitation and openDemocracy was able to verify that 268 modern slavery and trafficking alerts had been raised on the National Offender Management Information System (NOMIS) between March 2023 and June 2024.⁵⁰⁸ Whilst single points of access (SPOCs) are in operation across UK prisons, this safeguarding role is a voluntary responsibility added to existing job descriptions, and prison staff members remain unable to act as First Responders.

The Section 45 defence for victims of modern slavery, introduced under the Modern Slavery Act, intends to prevent victims from being prosecuted for crimes they were “compelled” to commit which were “attributable to slavery or relevant exploitation”.⁵⁰⁹ However, data on the use of the Section 45 defense is not published, making it difficult to understand whether the mechanism is effectively protecting survivors from incarceration.⁵¹⁰

Research by civil society continues to document cases in which victims of trafficking are convicted for criminalised activity, particularly drug-related crime such as county lines or marijuana cultivation.⁵¹¹ Independent reviews of the Modern Slavery Act in 2016 and 2019 found that knowledge of the Section 45 defence amongst lawyers and the judiciary to be inconsistent.^{512 513}

In 2022, the Independent Anti-Slavery Commissioner’s office confirmed that the Judicial College had “refreshed and updated” modern slavery training for legal advisors and magistrates, expecting to roll out materials in Spring of 2023.⁵¹⁴ However the IASC role remained vacant between April 2022 until December 2023,⁵¹⁵ with an annual report from the new Commissioner still to be published, so updates on progress have not yet been published.”⁵¹⁶

In this context, if a survivors’ experience of trafficking and exploitation is not identified as such through the criminal justice system, those who are non-british nationals are at heightened risk of being removed to their country of origin without an appropriate risk-assessment in relation to their risk of re-trafficking.

Understanding the link between criminalisation of survivors and identification failures is also of particular importance, in light of the introduction of the public order disqualification (as discussed in section 4.3.4(b)). The public order disqualification allows the Secretary of State to disregard the protections afforded by the recovery and reflection period, including the prohibition to remove a survivor from the UK. Crucially, the significant gaps in the risk of re-trafficking assessment within the public order

⁵⁰⁸ Open Democracy. (21 August 2024). [Hundreds of modern slavery victims locked up in England’s prisons](#)

⁵⁰⁹ [Section 45, Modern Slavery Act 2015](#)

⁵¹⁰ Dr Alicia Kidd. (7 April 2022). [Section 45 of the Modern Slavery Act: evidence review](#)

⁵¹¹ Independent Office for police conduct. (4 April 2022). [The hidden victims: Report on Hestia’s super-complaint on the police response to victims of modern slavery.](#)

⁵¹² [The modern slavery act, review \(publishing.service.gov.uk\)](#)

⁵¹³ Secretary of State for the Home Department. (May 2019). [Independent Review of the Modern Slavery Act 2015: final report](#)

⁵¹⁴ Independent Anti-Slavery Commissioner. (April 2022). [Independent Anti-Slavery Commissioner’s annual report 2021 to 2022](#)

⁵¹⁵ Independent. (19 April 2023). [Ex Anti-Slavery Commissioner: deeply regrettable that role vacant year on](#)

⁵¹⁶ After Exploitation submission

disqualification process, do not consider the risk of re-trafficking upon removal from the UK. This means that potential survivors are liable to be disqualified from the NRM and its support and subsequently may be removed to their country of origin, regardless of whether they may be at risk of re-trafficking on return.

4.5 What measures are taken in your country to identify victims of THB in immigration detention centres and prisons?

4.5.1. Identification in detention centers

“In the UK, people awaiting an outcome on an immigration case, including those seeking asylum, may be subjected to detention in prison-like settings under Immigration Powers.”^{517 518} Information shared by organisations highlights serious gaps in the identification processes for survivors in detention. Detention settings are not conducive to facilitating disclosure and to building trust in authorities, which, compounded by the limited support available, narrows the access to appropriate support and identification even further.

The Detention Taskforce expands on the barriers to identification in detention: *“While there is a real problem of survivors of trafficking who have been formally identified being detained, many survivors in immigration detention may never be identified because the detention setting is counterintuitive to them being able to disclose.”*⁵¹⁹ *It is an extremely traumatic setting, as was proven in the Brook House Inquiry.*

*Further to this, survivors are expected to disclose their experiences to a Home Office official, who they likely see as the person (or representative of the system) responsible for their continued detention. This will be extremely difficult for them for a range of reasons including but not limited to: distrust, shame, fear of stigmatisation, and threats from traffickers who may still be controlling them, as recognised in the Modern Slavery Statutory Guidance.*⁵²⁰ *This means that many survivors of trafficking will not be identified during their time in detention, so the numbers recorded are likely to be much higher than officially recorded. This is further compounded by:*

- *Poor vulnerability screening processes – both prior to and during the detention process*⁵²¹
- *A lack of quality legal advice*
- *Inadequate support in detention*
- *A hostile environment and proven culture of disbelief*
- *Lack of provision for those who do not speak English*

⁵¹⁷ Detention Action. (n.d.). [What is immigration detention?](#)

⁵¹⁸ After Exploitation submission

⁵¹⁹ Independent Chief Inspector of Borders and Immigration (ICIBI). (2022). [Third annual inspection of Adults at Risk in Immigration Detention - June - September 2022](#)

⁵²⁰ Home Office. [Modern Slavery awareness & victim identification guidance](#)

⁵²¹ The Independent Chief Inspector of Borders and Immigration’s first inspection into the Adults at Risk policy, April 2020, recommended that there should be enhanced screening for vulnerabilities; See also: Joint Committee on Human Rights, Immigration detention Sixteenth Report of Session 2017–19, February 2019 and Medical Justice, Harmed Not Heard: Failures in safeguarding for the most vulnerable people in immigration detention, April 2022

There is a real risk therefore that those who are not identified, or do not come forward, as well as a proportion of those that are identified, will be removed or in most cases eventually released without appropriate support, which will in turn increase their risk of being re-trafficked or exploited further. If a survivor is not identified their traffickers cannot be investigated, which in turn results in the criminals responsible not being detected or prosecuted for their crimes.”⁵²²

Organisations report that even when someone is identified and receives a positive decision, this doesn't automatically guarantee access to support because of changes to the Adult at Risk Policy (AaR).⁵²³ We will expand on the changes to this policy in section 4.5.1(b) below.

The Salvation Army states that in their experience: *“there are often reports of modern slavery concerns which are not followed up appropriately in detention settings. TSA observes that for survivors in detention centres, identification tends to come from a legal representative who has noticed indicators of exploitation. Legal representatives send referrals to TSA and an NRM referral can be done over the phone, with a prioritisation of cases where individuals are going to be deported.*

TSA experiences challenges in cases where a survivor has been referred to the NRM from Manston Arrivals and Processing Centre. These referrals do not always include the contact details of the potential victim, and once the victim is dispersed to Home Office accommodation there are risks that the survivor can be lost in the system, without a way of TSA getting in touch with them.”⁵²⁴

4.5.1(a). Adult at Risk Policy

The Adult at Risk in immigration detention statutory guidance (AAR SG)⁵²⁵ was introduced in 2016 following an independent review carried out by Stephen Shaw, which identified a systematic overreliance on immigration detention, too many vulnerable people being detained for too long, inadequate healthcare provisions and a failure of existing safeguards⁵²⁶.

This guidance clarified that vulnerable people could only be detained under ‘exceptional circumstances’. Evidence provided by the Detention Taskforce confirms this: *“prior to 2021, detention was not as significant an issue for the anti-trafficking sector, as it was standard practice that once a person who was detained was referred into the National Referral Mechanism and received a positive reasonable grounds decision they would usually be released. Their detention could only be continued in exceptional circumstances, and though there were too many instances of trafficking survivors being kept in detention, this was not usual practice or policy while they were going through the system.”⁵²⁷*

⁵²² Detention Taskforce submission

⁵²³ The Human Trafficking Foundation and Lived Experience Advisory Panel submission

⁵²⁴ The Salvation Army submission

⁵²⁵ The AAR SG is brought into force via a statutory instrument under section 59 of the Immigration Act 2016

⁵²⁶ Stephen Shaw. (January 2016). [Review into the Welfare in Detention of Vulnerable Persons](#)

⁵²⁷ Detention Taskforce submission

However, in 2021, the Home Office amended their Adults at Risk in Immigration Detention policy (AAR),⁵²⁸ making provisions for survivors of trafficking to be subject to continued detention if the risk to them in detention was ‘balanced’ by immigration control factors. The Detention Taskforce reported that these immigration control factors “...were broad and often taken to include acts committed in the course of exploitation, (therefore) in practice survivors of detention often remained in detention despite the acknowledged risk to them. Unfortunately, we are now seeing an increasingly immigration enforcement-centred rather than survivor-centred approach to detaining survivors of trafficking enshrined in formal policy.”

The Detention Taskforce goes on to say that: “...being recognised under the AAR policy with evidence at levels 1 and 2 rarely leads to release.⁵²⁹ Detention Taskforce members are observing that this is increasingly the case for those at even the more severe level 3. Bringing trafficking under the AAR policy has increased the detention of trafficking victims who now face increased evidential requirements to show that detention is harming them.⁵³⁰ This change was brought in despite the government recognising it would result in more trafficking survivors being detained.”^{531 532}

Research substantiates the concerns raised by the Detention Taskforce, showing the detrimental impact of the changes brought to the AaR policy. “The number of referrals into the National Referral mechanism from detention tripled over a five-year period from 501 referrals in 2017 to 1,611 in 2021, the year that victims of trafficking were included in the AAR policy.”^{533 534}

Despite previous administrations having promised to revisit the scale with which immigration detention was used on vulnerable people,⁵³⁵ we continue to see an increase in the number of survivors detained. More recent data obtained by Open Democracy found that more than 2,300 potential and confirmed victims of modern slavery were detained under immigration powers in the year between 31st March 2023 and 2024.⁵³⁶ This constitutes a 329% rise compared to the 536 potential and confirmed victims of trafficking detained in 2018.^{537 538}

The ‘Abuse by the system’ report⁵³⁹ makes practical recommendations on the next steps to rectify this situation and calls for a review of the processes to detain and continuing to detain survivors of trafficking,

⁵²⁸ Home Office. (November 2021). [Adults at risk in immigration detention Version 7.0](#); Home Office. (November 2021). [Adults at risk: Detention of potential or confirmed victims of modern slavery Version 2.0](#)

⁵²⁹ Bulman, M., (24 March 2021). [Home Office admits new immigration plans may see more trafficking victims locked up](#). *The Independent*

⁵³⁰ Helen Bamber Foundation. (2022). [Abuse by the System: Survivors of trafficking in immigration detention](#)

⁵³¹ Joint Committee on Human Rights (JCHR). (2019). [Immigration detention Sixteenth Report of Session 2017–19](#)

⁵³² Detention Taskforce submission

⁵³³ FOI2024/00253

⁵³⁴ Detention Taskforce submission

⁵³⁵ House of Lords. (30 April 2024). [Immigration \(Guidance on Detention of Vulnerable Person\) Regulations 2024](#)

⁵³⁶ Open democracy. (21 August 2024). [Hundreds of modern slavery victims in prison in England](#)

⁵³⁷ After Exploitation. (July 2019). [Supported or deported?](#), p.8

⁵³⁸ After Exploitation submission

⁵³⁹ Helen Bamber Foundation. (4 October 2022). [Abuse by the system](#)

which were also echoed in the third annual inspection from the Independent Chief Inspector of Borders and Immigration (ICIBI) of ‘Adults at risk in immigration detention’.⁵⁴⁰

Following a challenge brought to the Home Office by a charity, Medical Justice, in April 2024, the Home Office published draft statutory AAR guidance⁵⁴¹, which was brought into force on 21 May 2024.⁵⁴² The new guidance provides that the Home Office needs to obtain a second professional opinion when assessing medical evidence provided in support of a person’s release from detention and has removed the automatic categorisation of medico-legal reports as being level 3 evidence.

Once again, the Detention Taskforce and other organisations in the sector have raised concerns that these changes will “...result in more vulnerable people being detained for longer periods of time, increasing their risk of suffering harm and, potentially, human rights violations”^{543 544}

In light of the current situation in the detention estate and the lack of appropriate safeguarding mechanisms for survivors, we are greatly concerned about the continued encroachment of immigration enforcement and detention into anti-trafficking policy and practice. This not only prevents survivor’s from accessing identification, protection and support, but poses “a real risk of re-trafficking, where perpetrators may target individuals who have been made vulnerable as a result of recent legislative and policy changes (including where they have insecure migration status) or where they are returned to the control of their original trafficker.”⁵⁴⁵

This is compounded by the Government recent announcements revealing a worrying focus on securitisation and immigration enforcement, which may exacerbate vulnerabilities that may lead to trafficking and exploitation: “In August 2024, the Government outlined an intent to increase capacity across the detention estate by re-opening Haslar and Campsfield House detention centres.”⁵⁴⁶ In July 2024, the Government committed to increasing the use of immigration raids, briefing journalists on plans to utilise an additional 1,000 immigration staff to ramp up enforcement against “car washes, beauty salons, nail bars and other black market employers.”⁵⁴⁷

Government commentary in reporting does not include any mention of safeguarding or modern slavery, suggesting that the sole focus of this policy is to increase deportations. Vietnamese and Albanian nationals

⁵⁴⁰ Kate Eves, Chair of the Brook House Inquiry. (19 September 2023). [The Brook House Inquiry Report Volume II](#)

⁵⁴¹ Home Office. (April 2024). [Draft revised guidance on adults at risk in immigration detention, April 2024](#)

⁵⁴² Adults at Risk in Immigration Detention Statutory Guidance. [Adults at risk in immigration detention \(accessible\) - GOV.UK \(www.gov.uk\)](#)

⁵⁴³ Helen Bamber Foundation et al. (June 2024). [Joint Briefing on the revised Adults at Risk in Immigration Detention Statutory Guidance](#)

⁵⁴⁴ Violation of Article 3 of the European Convention on Human Rights (ECHR) - freedom from torture and inhuman or degrading treatment, and Article 4 - the prohibition of slavery and forced labour

⁵⁴⁵ Detention Taskforce submission

⁵⁴⁶ Sky News. (21 August 2024). [Immigration Detention centres to re-open in removals drive](#)

⁵⁴⁷ Express. (20 July 2024). [Huge migration crackdown as Labour plans raids on car washes and salons](#)

are referenced as target nationalities for the raids in reports by both the Daily Express and Daily Mail,⁵⁴⁸ despite both nationalities remaining in the top three source countries for human trafficking to the UK.⁵⁴⁹ We are concerned that a political preoccupation with curtailing freedom of movement continues to have a direct and dangerous impact on the state's ability and will to identify vulnerable populations including victims of modern slavery.”⁵⁵⁰

4.5.2. Considerations for children in detention and prisons

Children within families may only be detained for up to 72 hours in pre-departure accommodation. Unaccompanied children cannot be detained for immigration purposes for more than 24 hours and only under strict safeguard in short term facilities. However, the Illegal Migration Act 2023 has set out provisions, which are not yet in force, which allow for the indefinite routine detention of children subject only to minimal regulations. Additionally, unaccompanied children end up in detention and/or adult prison when their age is wrongly disputed. We have analysed the failures in age dispute processes at length in section [3.2.3\(b\)](#) of this submission. As noted by the Detention Taskforce, detention is not an appropriate setting for survivors of modern slavery, even more so for children.

Similarly, ECPAT UK states: *“In immigration detention centers, children may be detained if determined to be adults by the Home Office or a Local Authority. However, the age assessment process -particularly those carried out at the border by the Home Office - is subjective, and inaccurate leading to children being wrongly classified as adults and detained in inappropriate environments where they are less likely to be identified as trafficking victims.*

Access to legal support in detention settings can be limited. Children may not be fully aware of their rights or have difficulty communicating their experiences due to language barriers, fear, or trauma.”⁵⁵¹

4.5.3 Identification in prisons

4.5.3(a). Barriers to identification in prison

Data shared by IOM UK from their research conducted in partnership with the University of Essex and Hibiscus, found significant failures in identification for survivors within the prison system. As evidenced in section [4.3.4\(b\)](#) a high number of individuals subjected to criminal exploitation are criminalised for acts they are forced to commit as part of their exploitation as a result of identification failures in the criminal justice system and inconsistent application of the section 45 defence, as evidenced in [section 6.3](#).

⁵⁴⁸ Daily Mail. (22 July 2024). [Labour will ‘prioritise asylum claims from safe countries’ such as India, Vietnam and Albania because they’ll be easier to return home’](#)

⁵⁴⁹ Home Office. (March 2024). [Modern Slavery: National Referral Mechanism and Duty to Notify Statistics UK, end of year 2023](#)

⁵⁵⁰ After Exploitation submission

⁵⁵¹ ECPAT UK submission

4. Identification of victims and protection of their rights (Articles 10, 11, 12, 14 and 16)

“Greater training is needed within prisons, to ensure staff can properly identify those they believe to be a potential victim of modern slavery. The identification of potential victims within prisons presents a contradiction with the underlying assumption that individuals in prison are criminals, not victims. However, we know that many survivors of modern slavery are prosecuted despite having been exploited themselves. Failure to intervene within prisons and identify potential victims allows for cycles of exploitation to continue upon an individual’s release and, at times, within prison itself.”⁵⁵²

This is confirmed by data provided by IOM UK: *“In 2023, 42% of National Referral Mechanism referrals included ‘criminal exploitation’ as part of the reported form of exploitation.⁵⁵³ Despite the vast numbers of potential victims of criminal exploitation and the recognition of challenges with the implementation of the non-punishment provision⁵⁵⁴ in each of the jurisdictions of the UK, there has historically been little consideration of how prisons are able to identify potential victims.*

To address this gap in knowledge, IOM UK partnered with Essex University and Hibiscus Initiatives on a research study between 2022-2023 (funded by the Modern Slavery and Human Rights Policy and Evidence Centre) about the identification and responses to victims of trafficking in prison. The research⁵⁵⁵ identified a lack of awareness and understanding about the NRM and human trafficking among staff in prison and practical barriers to being referred to the NRM.”⁵⁵⁶

As shown in [section 4.3.4\(b\)](#), the Public Order Disqualification provision introduced by NABA has created additional challenges for survivors, who are liable to be excluded from identification and support.

“This measure is harmful for those forced to commit crime as part of their exploitation. This compounds the issue seen within the prison estate, as there may be instances in which a potential victim is identified but is not able to receive the support, they would be entitled to under ECAT due to their sentence. Preventions such as this further isolate survivors and put them at risk of re-exploitation. As support is removed, individuals are forced to support themselves and navigate complex recovery journeys.

While Section 45 of the Modern Slavery Act does provide a legal defence for those who are forced into illegal activity as part of their exploitation, there are those who still face prosecution despite positive CG decisions. There is also no automatic measure to repeal past convictions, regardless of their link to exploitation; meaning survivors often find themselves limited by criminal convictions which were due to criminal exploitation.”⁵⁵⁷

IOM UK raises further issues from their research: *“...highlighted lengthy delays for prisoners to be referred into the NRM because prison staff were dependent upon existing first responders. That research also*

⁵⁵² Human Trafficking Foundation & Lived Experience Advisory Panel submission

⁵⁵³ Home Office. (March 2024). [Modern Slavery: National Referral Mechanism and Duty to Notify Statistics UK, end of year 2023](#)

⁵⁵⁴ Criminal Cases Review submission. (21 March 2023). [Child Trafficking victim’s convictions overturned following CCRC referral](#)

⁵⁵⁵ Dr Marija Jovanović et al. (November 2023). [Tackling the blind spot of the UK anti-slavery regime](#)

⁵⁵⁶ IOM UK submission

⁵⁵⁷ Human Trafficking Foundation & Lived Experience Advisory Panel submission

revealed that prisons are often not informed by the Competent Authorities within the Home Office in cases where a newly arriving prisoner has already been assessed as a potential or confirmed victim through the NRM.

The absence of systematic sharing about identified victims of trafficking entering prison is in stark contrast with usual practices for information sharing with HMPPS for other safeguarding issues for new prisoners. Taken from the research report, the below quote from one prison officer responsible for modern slavery issues in their prison explained the issue: “[W]e would know if someone was a care leaver, we would know if someone was self-harming, well, well before they come in (...) if they’ve been seen by mental health, if they’ve got issues, or if they need outside agency support. We would have all of that. But at the moment when they’re coming into us, we don’t have that information that they are a modern-day slavery person.”^{558 559}

4.5.3(b). Impact of HMPPS interventions

His Majesty’s Prison and Probation Service (HMPPS) has been working very closely with the anti-slavery sector, including lived experience experts to strengthen their practices. *“Importantly, HMPPS are engaging with stakeholders to improve their response and showing a clear intention to build upon the initial guidance. Researchers have noted HMPPS to be a supportive partner and to have demonstrated an openness to consider and accommodate findings that show the need for improvement.”⁵⁶⁰*

We note important improvements in the HMPPS interventions, which have plugged an important gap by developing and publishing the first dedicated guidance on modern slavery for prison staff and prisoners, alongside other actions to improve identification and support as outlined by the following IOM UK evidence.

“...there has been progress in the last two years to identify victims in prison in England and Wales. Following the Ministry of Justice settling a Judicial review (JR) submitted by the Anti-Trafficking Labour Exploitation Unit (ATLEU) which challenged the absence of any modern slavery policy for prisons.”⁵⁶¹ His Majesty’s Prison and Probation Service (HMPPS) (which is responsible for prisons in England and Wales) has taken a series of important measures to improve the identification of victims in prison. Those efforts include:

- *The publication of separate modern slavery guidance for prison staff and prisoners.⁵⁶²*
- *The creation of modern slavery Single Points of Contact (SPOCs) in all prisons in England and Wales.*
- *The development of a modern slavery policy framework across HMPPS (still in progress).*

⁵⁵⁸ Dr Marija Jovanović et al. (November 2023). [Tackling the blind spot of the UK anti-slavery regime](#)

⁵⁵⁹ IOM UK submission

⁵⁶⁰ Dr Marija Jovanović et al. (November 2023). [Tackling the blind spot of the UK anti-slavery regime](#)

⁵⁶¹ ATLEU. (12 July 2022). [New modern slavery guidance for prison staff](#)

⁵⁶² Home Office. (October 2024). [Modern Slavery: Statutory Guidance for England and Wales, version 3.11](#)

- *A special edition on modern slavery in the Prison Service Journal published in September 2024.*

*The recent measures by HMPPS will have improved the capacities of prison staff to informally identify potential victims but prison staff are not able to refer potential victims they do identify to the NRM because HMPPS is not a First Responder Organisation (FRO). Only a FRO is authorised to refer a potential victim of modern slavery into the NRM.*⁵⁶³

The Salvation Army acknowledges improvements in identification as a result of the collaboration between SPOCs and First Responders, but also draws attention to the ongoing barriers and calls for SPOCs to be made First Responders. *“The modern slavery response in prisons has seen improvement following the implementation of Single Point of Contact (SPOC) in each facility following the publication of HMPPS Modern Slavery Guidance 2022.*⁵⁶⁴

Prisons are not First Responder Organisations (FROs), so SPOC coordination with a FRO is critical to ensure a survivor is referred into the NRM. This improvement is reflected in a rising number of referrals made from prisons to TSA First Responders, however there are challenges with prisons coordinating a referral from a FRO and there are several barriers to disclosure for survivors in a prison environment.

*TSA have delivered training to prison staff on identifying signs of modern slavery during interviews and the process of referring a potential victim into the NRM. TSA has also produced leaflets for distribution in prisons on specific exploitation types. However, there is still great disparity in the response between prisons and greater awareness of modern slavery and the NRM is needed. TSA recommends prison guards are recognised as First Responders, so they are trained to be able to identify and refer survivors of modern slavery into support.*⁵⁶⁵

4.5.3(c). Identification issues in prisons across Scotland and Northern Ireland

The HMPPS interventions outlined in the previous section do not apply in **Northern Ireland and Scotland**, where justice remains a devolved matter. There is no guidance in relation to the identification and support for survivors of modern slavery in prisons in these jurisdictions, therefore it is difficult to know what procedures are followed. *“In Scotland and Northern Ireland there are no modern slavery SPOCs and there are no specific guidance and policies for identifying victims of trafficking from the Scottish Prison Service and Northern Ireland Prison Service.*⁵⁶⁶

⁵⁶³ FROs include police and local authorities and civil society organisations that are experts in working with victims of trafficking. A full list of FROs is available here [National referral mechanism guidance: adult \(England and Wales\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/national-referral-mechanism-guidance-adult-england-and-wales)

⁵⁶⁴ ATLEU. (12 July 2022). [New modern slavery guidance for prison staff](#)

⁵⁶⁵ The Salvation Army submission

⁵⁶⁶ IOM UK submission

According to recent research, it appears that in Scottish prisons, survivors are supported in accordance with guidance and policy covering Foreign National Offenders (FNOs), vulnerable prisoners, and safeguarding.⁵⁶⁷

4.6 What services are available in your country to provide specific assistance to particularly vulnerable victims, such as:

The UK implements its ECAT duties to provide support for survivors of modern slavery through the Modern Slavery Victim Care Contract provision in **England and Wales**. The NRM support in **Scotland and Northern Ireland** is a devolved matter, so they have their own specific support systems.

4.6.1 Support in England and Wales

In **England and Wales**, once an individual receives a positive Reasonable Ground decision, they can access support through the MSVCC, although this does not guarantee automatic access to support. The type and level of support depends on the individual's needs and the alternative support they may have access to.

Hestia outlines the process followed upon someone receiving a positive Reasonable Ground decision: *“The Home Office contracts the support available to potential victims of trafficking and modern slavery to the Salvation Army via the Modern Slavery Victim Care Contract.*

The Salvation Army have outsourced the support to potential victims to 13 subcontractors across England and Wales. Subcontractors work with potential victims once referred into their service.

Upon referral, subcontractors will conduct a preliminary risk assessment within 48 hours, and a full initial assessment within 5 days. This involves risk assessment and a needs' assessment and will form the basis of the journey plan. Support workers and potential victims work collaboratively to design a tailored plan in response to the potential victim's needs.”⁵⁶⁸

It is important to note that all the categories identified as vulnerable in this GRETA question do not receive any additional support under the NRM other than that delivered by the MSVCC (unless specifically provided by other legislations). Organisations report that those who have access to MSVCC support would have support tailored to their needs and support will be offered to facilitate access to specialist services such as counselling via National Health Service or requesting some more support from Adult Social Care if anyone has care needs.⁵⁶⁹

Some organisations also offer support outside of government contracts. For example, The Salvation Army runs the BUILD mentoring programme, which offers support to survivors of modern slavery for 12 months. This consists of 2 volunteers from The Salvation meeting a survivor in the community to support their personal development, looking at anything from how to engage with the local community, navigating

⁵⁶⁷ Dr Marija Jovanović et al. (28 November 2023). [Tackling the blind spot of the UK anti-slavery regime](#)

⁵⁶⁸ Hestia submission

⁵⁶⁹ Hestia submission

technology, accessing learning and new skills, conversation development, signposting to relevant organisations and finding volunteer and work opportunities. This programme is currently piloting workshops and conversation clubs in one of the safe houses to support with improving english and building confidence.⁵⁷⁰

We also refer to information included in [section 3.6.3](#), which is also relevant to this section.

4.6.2 Support in Scotland

In **Scotland**, individuals are entitled to support and legal aid prior to being referred into the NRM. JustRight Scotland runs the Scottish Anti-Trafficking & Exploitation Centre, which is the only specialist legal project in Scotland that provides direct legal advice and representation to child and adult survivors of trafficking and exploitation. This allows survivors to access advice prior to consenting to enter the NRM.

According to the non-statutory guidance, once a referral has been submitted, potential survivors will receive support for 90 days or until a Conclusive Grounds decision is made, whichever comes sooner. However, in some cases support may be offered beyond the 90 days if a Conclusive Grounds decision has not yet been made.⁵⁷¹

Multiple organisations are funded by the Scottish Government to provide support to survivors of modern slavery. One of the ATMG members, Trafficking Awareness Raising Alliance (TARA) receives funding to support adult women who may have been trafficked for the purpose of commercial sexual exploitation. The following information outlines the experience of TARA, but it is important to note that the other organisations who provide support to survivors in Scotland may operate differently.

Support provided to survivors in Scotland by TARA is not necessarily attached to where they are at in the NRM process, but rather to the support assessed as needed. This allows organisations to offer crisis support, where needed prior to an NRM referral being submitted as well as enabling survivors to exit support prior to reaching a Conclusive Ground Decision if mutually assessed as appropriate. TARA explains that they conduct a robust assessment before discharging someone from intensive support and can internally refer to their Transitions Officer when a low level of support is still required.

On average, TARA provides support for 15 months with some cases requiring only a few months' support, while others may access support for 3 to 4 years. Financial support is, however, linked to the NRM and is provided for a period of 90 days or until a CGD is reached. Emergency 'unmet needs' payments can be made outside this period on a case by case basis and financial support is available to those in TARA accommodation for the duration of their stay. Financial support rates differ depending on the type of accommodation provided or if outreach support only is being provided.

⁵⁷⁰ The Salvation Army submission

⁵⁷¹ Home Office. (20 October 2024). [National Referral Mechanism guidance: adult \(Northern Ireland and Scotland\)](#)

The Scottish Government also funds [The Anchor](#), which is a specialist trauma service provided by NHS GGC's Psychological Trauma Service for survivors of human trafficking and exploitation. This is provided to all adult victim-survivors in Scotland and undertakes psychological assessment and treatment. The type of treatment varies and can include group work to manage trauma symptoms and/or s 1:1 psychological support. However, TARA reports that there is a waiting list and often people have to wait some time before being able to access this service.

Furthermore, survivors can access long-term support through the Survivors of Human Trafficking in Scotland (SOTHIS) to provide long-term support for survivors of modern slavery. Organisations can refer survivors to this service after the 90 days' support or whenever they are exited from support.

4.6.4. Persons with disabilities

The Salvation Army reports that Local authorities hold responsibility for those victims with disabilities through the Care Act. Please refer to [section 3.5](#) for additional information relevant to this question.

4.6.5. LGBTI+ persons

Organisations have raised significant concerns in relation to the support provided to ethnic minorities and LGBTQI+ individuals, as seen in [section 4.1](#) of this submission. As reported by Hestia in the above section, despite the MSVCC contractors trying to tailor their support to the needs of the individual, the contract itself does not have specific provisions to account for the unique needs of LGBTQI+ individuals.

BASNET expands on this stating that: *"BASNET is concerned about the UK government's approach to provide assistance to vulnerable victims of trafficking in human beings. We view the government's Victim Care Contract model as inadequate in as much as the key focus remains the provision of accommodation for victims. While this is important, we are aware of many instances where other key needs of victims are unmet.*

BASNET's Safe House Report documents significant gaps in services provided to vulnerable survivors, particularly BME and LGBTQI individuals, in these safe houses. Survivors reported poor living conditions, racial discrimination, and neglect by staff. The report highlights the urgent need for trauma-informed, culturally sensitive services that address the specific needs of these groups. BASNET recommends the following improvements:

- *Trauma-Informed Care: Safe houses should prioritise trauma-informed care that addresses the mental health needs of survivors and provides support that is responsive to their unique experiences of exploitation.*
- *Culturally Sensitive Support: Culturally and linguistically appropriate services should be available to all survivors, with a particular focus on BME and LGBTQI individuals who face additional barriers to accessing support.*⁵⁷²

⁵⁷² BASNET submission

4.6.6. Victims with children

Dependents of potential victims are not usually recognised as victims and therefore don't have access to entitlements under the NRM. However, dependents of survivors who have received a Reasonable Ground Decision have the right to attend school free of charge. MSVCC providers reported that they offer support to process these applications within 2 weeks as well as providing other items such as clothes.⁵⁷³ However, statutory support for these children is very limited and based on the services offered by each provider.

Hestia research from 2021⁵⁷⁴ found that: *“children who witness their mother’s exploitation, who are born because of rape or who are born soon after their mother has escaped slavery are all impacted by their mothers’ trauma. Dependents of victims are not entitled to any specialist help from professionals; they need and deserve greater protection, support, and care from the wider system – including local authorities, health services and education professionals. Dedicated support should be tailored to these children’s needs and the intergenerational impact of the trauma they and their mothers have been through. We believe there are opportunities to make explicit reference to children born into or because of modern slavery as victims of modern slavery in their own right.”*⁵⁷⁵

Gaps have also been identified for survivors in prison. Despite the Government passing the Victims and Prisoners Act 2024, this does not make specific reference to victims of modern slavery and Human trafficking, nor their dependents, as victims in their own rights. Hestia suggests that this should be looked at to bring more security to the rights and entitlements of this cohort of victims.

4.6.7. Victims with severe mental and physical trauma

We refer to information included in [section 3.6.3\(c\)](#), where we expand on the barriers to accessing specialist mental health support, even for those with severe mental and physical trauma. Accessing this support through the NHS is often challenging as reported by The Salvation Army: *“TSA sees long waiting lists for referrals for support. Survivors within the MSVCC can access private counselling as costs can be met by the Home Office where there is urgent need.”*⁵⁷⁶

4.6.8. Homeless persons

Domestic legislation puts a duty on the UK Government and devolved administrations to prevent homelessness, specifically [the 1996 Housing Act in England](#) and subsequent legislation, [the Housing](#)

⁵⁷³ Hestia submission

⁵⁷⁴ Hestia. (October 2021). [Underground Lives: Forgotten Children – The intergenerational impact of modern slavery](#)

⁵⁷⁵ Hestia submission

⁵⁷⁶ The Salvation Army submission

[\(Scotland\) Act 1987 and subsequent legislation](#), [Housing \(Wales\) Act 2014](#) and [Housing Order \(Northern Ireland\) 1988](#).

As seen in sections [3.6.3\(a\)](#), there are significant barriers to accessing safe housing and failures to prevent homelessness for survivors of modern slavery.

Organisations have raised particular issues for survivors who have not yet entered the NRM or are waiting to receive a Reasonable Ground decision. As evidenced in [section 4.3.3\(c\)](#) of this submission, especially in **England and Wales**, pre-NRM support is very limited and the MSVCC can provide accommodation only if someone is destitute or in unsuitable accommodation. However, as reported by the British Red Cross in [section 3.6.3\(a\)\(iv-v\)](#), large sites, barges, shared rooms and other types of clearly unsuitable placement have been identified as safe before receipt of a Reasonable Ground decision.⁵⁷⁷

This creates a significant gap and risks placing vulnerable people at further risk: *“Consequently, the MSVCC holder does not provide emergency accommodation to our Modern Slavery Service users who are destitute because most, at the time of referral to the NRM, have already been placed in hotels or in temporary accommodation by our Service. For homelessness organisations that do not have dedicated funding for respite accommodation for survivors, it is increasingly difficult to keep them safe until they enter the NRM. As a result, there is an increasing risk of re-trafficking and re-exploitation.”*⁵⁷⁸

The Passage, tries to fill gaps in statutory support by providing support through their Modern Slavery Service, which offers: *“personalised support plan, specialist one-to-one key worker support, addressing primary needs, signposting to First Responders, support with NRM referrals, emergency accommodation (depending on availability and suitability), access to health and mental health support, welfare and benefits, and signposting to legal aid.”*⁵⁷⁹

Hestia reports that survivors who do not have access to alternative accommodation can be supported under the MSVCC service, however further issues arise upon the survivor receiving a Conclusive Ground decision.

“Potential victims who present as homeless and have no other housing entitlements would qualify for safe house accommodation and may be referred to a safehouse by the Salvation Army, provided all other avenues and entitlements have been exhausted. Too often, local authorities and housing teams do not recognise victims of modern slavery as being a priority need, and single adults will rarely meet the threshold to be supported by homelessness teams. The NRM and MSVCC offer an alternative and can ensure that the potential victim is housed in a safehouse as they wait for their conclusive grounds decision.

⁵⁷⁷‘In general, asylum accommodation, local authority housing and living with friends or family, temporary accommodation provided by the police, charities or hostels, and room sharing across all of these accommodation types are suitable for individuals prior to a Reasonable Grounds decision.’ Paragraph 15.8 of the Modern Slavery statutory guidance.

⁵⁷⁸ The Passage submission

⁵⁷⁹ The Passage submission

However, upon receipt of this decision, the NRM support would come to an end and the victim would face the same challenges to access safe and secure housing outside of the NRM. It is important to note that the majority of potential victims are not supported in specialist modern slavery safehouses funded by the government, and instead are housed in National Asylum Support Services accommodation (also funded by the government) or in the community with friends.”⁵⁸⁰

The Salvation Army confirms that there is a gap in support for survivors who are destitute, which creates a dependency model and prevents survivors from moving forward with their recovery: *“Often TSA supports victims in service for years because they have no accommodation options to move onto after leaving safehouses creating a situation of dependency on MSVCC support, and as such the NRM is not working as intended as a bridge into independence. Further, survivors who are eligible for public funds are currently not assessed as priority need for housing by local authorities and often encounter issues entering waiting lists for housing as they lose their ‘local connection’ when moved out of area for their safety.”⁵⁸¹*

4.6.9. Other

4.6.9(a). Support for survivors in immigration detention

As evidence in [section 4.5](#) of this submission there are multiple barriers to identification of survivors in detention, which are also linked to the limited support available and the harmful nature of the detention environment. This is supported by evidence provided by After Exploitation. *“The immigration detention of survivors is sometimes described by charity practitioners as a ‘second torture’ for a population already deprived of their liberty by perpetrators.”⁵⁸² Survivors detained whilst recovering from modern slavery face the compounding psychological effects of trauma induced by both exploitation and incarceration.*

A positioning paper by the Royal College of Psychiatry found that the “routine detention” of people with pre-existing mental health conditions exacerbated Post Traumatic Stress Disorder (PTSD) and depression in the detained population.⁵⁸³ In tandem with the risks associated with detention, survivors of modern slavery already suffer increased rates of PTSD, depression and anxiety compared to the general population.⁵⁸⁴

In 2021, data obtained by After Exploitation and Women for Refugee Women showed that a de facto ‘detain first, ask later’ policy saw 4,102 people, referred for modern slavery, detained under Immigration Powers between January 2019 and September 2020.⁵⁸⁵ A lack of safeguards at screening stage and within

⁵⁸⁰ Hestia submission

⁵⁸¹ The Salvation Army submission

⁵⁸² The Guardian. (22 May 2012). [Torture victims in immigration detention centres](#)

⁵⁸³ British Institute of Human Rights. (2021). [Position statement PS02/21: Detention of people with mental disorders in immigration removal centres](#)

⁵⁸⁴ Helen Bamber Foundation. (April 2021). [Addressing the mental health needs in survivors of modern slavery](#)

⁵⁸⁵ After Exploitation and Women for Refugee Women. (2021). [Survivors behind bars](#)

detention itself led to 938 potential victims only being referred after release into the community following time spent in immigration detention.”⁵⁸⁶

4.6.9(b). Alternatives to detention

A recent report from the UNHCR,⁵⁸⁷ based on a pilot project they have delivered in partnership with the Home Office and the King’s Arm project, shows more humane and beneficial alternatives to detention, which *“not only is deeply damaging to a person’s recovery, but it is also extraordinarily expensive.”^{588 589}*

Findings from the pilot included evidence that providing a person-centred service, such as the provision of accommodation, support from a support worker and access to a legal advisor was two thirds cheaper than detaining a person and gave people a viable option to regularise their immigration status. The Detention Taskforce calls on expanding this pilot further, together with *“...support of the Independent Modern Slavery Advocate (IMSA) model development project initiative,⁵⁹⁰ currently being developed by Hope for Justice, the Snowdrop Project and the British Red Cross with consultants with lived experience of modern slavery, which would complement any alternative to the detention model.”⁵⁹¹*

Organisations support the Detention Taskforce position that no survivors of trafficking should be held in immigration detention and that all forms of detention and quasi detention should be closed. Until then, however, we report below some of the recommendations made by the Detention Taskforce to improve identification and support of survivors subjected to detention.

- *“Plans to expand the use of detention should be abandoned and a viable alternative to detention service should be provided, similar to that piloted by the King’s Arms Project;*
- *A more effective screening process, which involves clinical input, prior to the decision to detain must be introduced to ensure that potential victims of trafficking are identified at the earliest opportunity. This should be done in a context other than a detention centre with the person liable to be detained given access to independent legal advice and support;*
- *All government agencies with the power to make arrests under immigration powers should receive compulsory training on identifying potential survivors of human trafficking and the need to approach assessment and decision-making in a trauma informed way. The training should include real cases which fail to fit simplistic understandings of indicators of these abuses to ensure a ‘one size fits all’ approach is not perpetuated;*

⁵⁸⁶ After Exploitation submission

⁵⁸⁷ King’s Arm project. (24 August 2023). [Research Demonstrates Pilot Service is a Cost-Effective and Humane Alternative to Detention](#)

⁵⁸⁸ Refugee Council. (n.a). [Illegal Migration Bill – Assessment of impact of inadmissibility, removals, detention, accommodation and safe routes](#)

⁵⁸⁹ Detention Taskforce submission

⁵⁹⁰ Hope for Justice. (3 January 2024). [IMSA Model Development Project](#)

⁵⁹¹ Detention Taskforce submission

4. Identification of victims and protection of their rights (Articles 10, 11, 12, 14 and 16)

- *Everyone under consideration for detention should receive independent free legal advice and there should be independent judicial oversight of the decision to detain including provision to challenge decisions that there are exceptional circumstances to detain victims of trafficking;*
- *Detention gatekeepers should have access to all documents and files including past immigration and previous NRM referrals, of anyone being considered for detention, and people identified as vulnerable by the detention gatekeeper should not be detained. The detention gatekeeper intake pro-forma should include a question on indicators of human trafficking as well as relevant questions on medical history;*
- *Criminal convictions arising directly from victims' exploitation must not be used as reasons to detain or to continue detention;*
- *Anyone who receives a positive reasonable grounds decision from within detention should be immediately released into appropriate and secure accommodation so that they can progress with the reflection and recovery to which they are entitled;*
- *No one who has been confirmed as a survivor of trafficking under the NRM should subsequently be detained.*
- *Those with positive reasonable grounds decisions who nonetheless continue to be detained due to 'exceptional circumstances' must receive the full range of support that is also afforded to those in the community, including a support worker;*
- *There should be a 28 day time limit for all those held in immigration detention, where it is determined that there are exceptional circumstances to continue detention.*⁵⁹²

4.6.10. Support for survivors in prison

In [section 4.5.3](#) we have provided evidence in relation to barriers to identification for survivors in prison, but also highlighted the existence of good practices from HMPPS, which is working towards improving the capacity of prison staff to identify victims of trafficking.

"In 2023 HMPPS developed a modern slavery needs assessment⁵⁹³ which should be conducted with prisoners who have received a positive Reasonable Grounds (RG) or Conclusive Grounds (CG) decision. However, the HMPPS modern slavery guidance only requires that the assessment is done "within 5 calendar days of receiving a positive RG or CG decision by a competent designated member of staff."^{594 595}

Evidence shared by organisations shows significant shortcomings in assistance to people in prison who have formally and informally been identified as victims of trafficking. For example, survivors in prison don't have access to MSVCC support or equivalent services in Northern Ireland and Scotland and therefore they have to rely on mainstream services available to the general prison population.

⁵⁹² Detention Taskforce submission

⁵⁹³ HMPPS. [Modern Slavery Prisoner Needs Assessment](#)

⁵⁹⁴ HMPPS. (March 2023). [HMPPS Modern Slavery Guidance for prisons in England and Wales](#)

⁵⁹⁵ IOM UK submission

Particular barriers have also been identified when survivors are released from prison to access services in the community. For example, the research conducted by IOM, Essex University and Hibiscus Initiatives provided evidence of incidents reported by interviewees based on their first-hand experiences of the challenges for victims being released from prison to access the support they were entitled to in the community. While IOM acknowledges the research pre-dates the introduction of the HMPPS Modern Slavery Guidance, which now provides instructions to prison staff on the steps to take when potential or confirmed victims of trafficking are released from prison,⁵⁹⁶ data from the Salvation Army shows ongoing challenges in relation to this.

“Following a referral into the NRM, there can be issues with coordinating a survivor’s entry into MSVCC accommodation upon their release from prison. In some cases, HMPPS does not notify MSVCC contractors in advance and releases a survivor to no fixed abode without coordination of onward modern slavery support. These release procedures mean that a survivor can be lost to the system and without MSVCC support is at risk of re-trafficking. It is important to narrow this gap in support; when advance notice is given TSA works to organise transport from prisons into MSVCC accommodation. For individuals currently in prisons, the services available are unable to meet their specialised needs as survivors of modern slavery and there is often a lack of information sharing whereby prison staff are unaware that an individual had been referred into the NRM.”⁵⁹⁷

The current HMPPS modern slavery guidance *“emphasizes the necessary communications and coordination between HMPPS and the statutory or non-statutory organisations which will be supporting the individual upon release. The Guidance therefore provides a solid basis for developing good practice pertaining to victim support while in prison and post release.”⁵⁹⁸*

Additionally, as seen in [section 4.3.4\(b\)](#), NABA has introduced disqualification on public order grounds, which excludes survivors from identification and support. Therefore, even if someone is released from prison, they would be unable to access NRM support and are left in a situation of heightened vulnerability.

Moreover, [in section 3.1.2\(e\)](#), we have reported that those who have served time in prison or detention, are often targeted by exploiters and traffickers, who take advantage of their criminal record to ensure they won’t report to police or try to look for support from authorities. This is confirmed by IOM UK evidence: *“Victims of trafficking who have been to prison may have additional vulnerabilities to re-trafficking due to their experiences in prison and the impact that a criminal record has on their ability to enter the labour market and to reintegrate in either the UK or their country of origin.”⁵⁹⁹*

This is supported by data we shared in [section 4.3.4\(b\)](#), which reveals that 68% of those who were disqualified from the NRM had an element of criminal exploitation in their case with further data included

⁵⁹⁶ IOM UK submission

⁵⁹⁷ The Salvation Army submission

⁵⁹⁸ Dr Marija Jovanović et al. (November 2023). [Tackling the blind spot of the UK anti-slavery regime](#)

⁵⁹⁹ IOM UK submission

in the FOI showing that the majority of the criminal convictions were drug related, which is a very common form of criminal exploitation.

This is compounded by shortcomings in the application of the non-punishment principle through section 45 defence, which as reported by IOM UK “not only the possibility that victims of trafficking are punished in the short-term but are also denied the possibility of accessing protection in the long-term.”⁶⁰⁰

4.6.11. Children

“ECPAT UK remains concerned about the arrangements that are in place for child victims of trafficking during their childhood and in their transition to adulthood. We have, over many years, consistently expressed concerns to the Government about the gaps and inadequacy of support for child victims of trafficking. More recently, we have set out our concerns about children achieving positive outcomes following the findings of our research report Creating Stable Futures which found structural, systemic, and discriminatory barriers, such as their experiences of the immigration and asylum systems, the criminal justice system and support in care. The research also highlighted the lack of mechanism for child participation in the development of policies and laws which impact them.

Whereas there is a fairly embedded child protection statutory framework, and there is now a developed statutory framework for supporting adult victims, there is no comparable statutory framework or policy which sets out how different public authorities are to provide support and supervision over the welfare and safety of child victims. We have publicly called for substantial reforms to the arrangements under the NRM as it applies to child victims because of these concerns.

Children identified as potential victims of trafficking through the NRM still do not benefit from a reflection and recovery period. For example, a 17-year-old potential victim of trafficking with a positive reasonable grounds decision, arrived in the UK and has been looked after by the local authority ever since. He waited for over a year for a conclusive grounds decision and did not meet the threshold to access Child and Adolescent Mental Health Services (“CAMHS”). When considering the support that he is entitled to, it is clear that children are not provided with any specific entitlements to targeted trafficking support once they are referred into the NRM and receive a positive reasonable grounds decision.

The overall lack of a joined-up approach across the NRM, child welfare and protection and criminal justice systems without any particular focus on identifying and addressing trafficking related needs, or assessing risks posed to the child is of particular concern to us given the high prevalence of re-trafficking of children. ECPAT UK research found that one in three child victims went missing from local authority care in 2020.⁶⁰¹ This is a rise of 25% from when we last conducted the research in 2018.

Experience of trafficking has a life-long impact for both children and adults. In light of their specific vulnerabilities and heightened support needs, children are particularly likely to continue to feel and

⁶⁰⁰ IOM UK submission

⁶⁰¹ ECPAT UK and Missing People. (2022). [When Harm Remains](#)

struggle with the lasting effects of the experience. Any delay in support can make it even more challenging to recover from those experiences.”⁶⁰²

4.7. How do you support the (re)integration of victims of THB? What processes are in place in your country to provide assistance to victims of THB exploited abroad after their return?

4.7.1. Challenges to integration in the UK

Organisations have raised concerns in relation to the integration provisions for survivors of modern slavery. As reported in [section 4.4](#), the hostile rhetoric and the immigration focus narrative have eroded social cohesion, exacerbating existing racial issues. This has been demonstrated by recent riots which happened across the UK targeting especially black, muslim communities and individuals seeking asylum in the UK, many of which are also survivors of modern slavery.

Evidence shared by organisations shows significant gaps in the integration of survivors of modern slavery, specifically those from migrant communities, ethnic minorities and LGBTQI+. In section [3.6.3\(a\)\(iii\)](#), we referenced evidence provided by BASNET in relation to some of the experiences faced by survivors in safe houses, with finding highlighting “...a general lack of cultural sensitivity and a prevalence of racism or racist behaviour and the inability of service providers to take account of the specific needs of survivors based on their race interlinked with their gender and sexuality.”⁶⁰³

In order to bridge these gaps, BASNET members provide “...a range of culturally appropriate support services to help the reintegration of victims of human trafficking in the UK. Services provided range from culturally informed therapeutic services, food banks providing cultural foods, advocacy services that meets the cultural and specific needs of the victim/survivor as well as social networking opportunities to tackle loneliness, isolation and help improve mental health.”⁶⁰⁴

4.7.2. Support with returns to country of origin

The UK runs a Voluntary Return Service (VRS), which is managed by Immigration Enforcement at the Home Office, but this is not a dedicated service for survivors of modern slavery. This scheme offers support to those who wish to return to their country of origin in the form of a plane ticket, accessing travel documents and cash assistance of up to £3,000 if the person is returning to an OECD DAC Country.⁶⁰⁵

Reporting IOM UK evidence, we had provided information in relation to this topic in response to GRETA’s third evaluation of the UK’s implementation of ECAT, and information continues to remain relevant as no changes were implemented since the last evaluation report. The same risks and challenges are highlighted

⁶⁰² ECPAT UK submission

⁶⁰³ BASNET submission

⁶⁰⁴ BASNET submission

⁶⁰⁵ [OECD DAC countries](#)

in a joint paper by IOM and the Human Trafficking Foundation.⁶⁰⁶ This briefing “...found that, amongst charities supporting survivors to voluntarily return, “87% reported concerns about the survivor’s safety” including fears the client would be re-trafficked, not supported, face destitution, or be ostracised due to stigma.”⁶⁰⁷

There is an identified data gap in relation to long-term outcomes for survivors who are returned to their country of origin. More research needs to be conducted to understand instances of re-trafficking upon a survivor returning to their country and if those experiences could have been prevented by stronger risk assessment and support mechanisms in the UK.

This is supported by evidence provided by After Exploitation, which continues to raise concerns about the absence of welfare monitoring after survivors return, voluntarily or otherwise.⁶⁰⁸

Additionally, After Exploitation has recently obtained data on individuals with multiple NRM. “According to the figures, 2,018 NRM referrals made in 2023 were for potential victims who had been referred previously. The most frequently a person had been referred into the NRM was seven times.⁶⁰⁹ Nearly half of repeat NRM referrals were for potential victims who were children the first time they engaged with the NRM.⁶¹⁰ Whilst available repeat referral data is not disaggregated by nationality, research by King’s College London demonstrates a high prevalence of re-trafficking amongst survivors of modern slavery who are subject to enforced or voluntary return to the Philippines. 73% of those interviewed after return had not received support from the Government or any non-Governmental organisations, and some displayed indicators of re-trafficking risk.”^{611 612}

As shown by evidence provided by IOM UK and After Exploitation, there is a potential link between the lack of appropriate support upon someone returning to their country of origin and risk of re-trafficking, however little data exists to monitor what type of support is provided on return. We also want to draw attention to the information sharing process around the voluntary return service as reported by After Exploitation:

“Modern slavery survivors are sometimes deported, or encouraged to take voluntary returns, from within immigration detention, raising questions around whether voluntary return is always in survivors’ interests or instead used as a last resort. Freedom of Information (FOI) requests by After Exploitation revealed that

⁶⁰⁶ IOM UK and HTF. (March 2019). [Findings and Recommendations for Assisted Voluntary Return and Reintegration for Survivors of Modern Slavery](#)

⁶⁰⁷ After Exploitation submission

⁶⁰⁸ After Exploitation. (May 2024). [A can of worms, p.22](#)

⁶⁰⁹ The Guardian. (25 July 2024). [Thousands of modern slavery victims in the UK feared back with traffickers after seeking help](#)

⁶¹⁰ The Guardian. (12 September 2024). [More than 1,500 child trafficking victims in UK feared back with exploiters](#)

⁶¹¹ King’s College London. (11 July 2023). [New report highlights barriers faced by survivors of trafficking returning to the Philippines](#)

⁶¹² After Exploitation submission

53% of potential victims taking a voluntary return between 2016-2018 opted to do so from within carceral settings.”^{613 614}

IOM UK reported that they have recently been awarded a Home Office grant for a short-term project which “...will examine the current capacities of UK support organisations to conduct risk assessments and develop risk management plans with survivors of trafficking who choose to return to their country of origin. This project will conclude in March 2025. The project will also conduct mappings of support services for survivors of trafficking in Albania, Brazil, China, India and Pakistan.

The project will then deliver training to UK support organisations, share the results of the mapping of support services, and assist with establishing direct contact between organisations in the UK and those overseas to improve the capacity of UK support organisations to enable survivors to safely return to their country of origin. This will be an important first step to improve the UK’s voluntary return and reintegration arrangements for victims of trafficking that IOM hopes will be built upon in the future.”⁶¹⁵

4.8. If there is a provision in your country’s law that provides for the possibility of issuing a residence permit owing to the victim’s personal situation, how is this interpreted in practice? Please provide examples

Comprehensive data shared by contributors evidences the low rates of leave to remain granted to confirmed survivors of modern slavery prior to the commencement of NABA. Further data has also been provided to show the impact of the Temporary Permission to Stay for Victims of Trafficking, which significantly narrows the leave to remain provisions as intended by Article 14 ECAT. Organisations have highlighted the importance of granting long periods of leave to remain for survivors of trafficking to ensure stability, time to recover and rebuild their lives.

4.8.1. Leave to remain grant rates are increasingly low

When a survivor is granted a positive Conclusive Ground decision, the relevant Competent Authorities must notify the appropriate Home Office immigration casework team, which will consider the next steps in relation to a potential grant of leave to remain. The grant of the VTS leave is therefore not automatic and evidence demonstrates that grant rates for survivors over the years have remained low.

Data obtained by the Helen Bamber Foundation through a Freedom of Information request and subsequently included in their report ‘Leave in Limbo’,⁶¹⁶ shows that only a tiny fraction of those who received a positive Conclusive Ground decision between 2020 and 2022 were granted leave to remain:

⁶¹³ After Exploitation. (2020). [Voluntary Return + Deportation](#)

⁶¹⁴ After Exploitation submission

⁶¹⁵ IOM UK submission

⁶¹⁶ Helen Bamber Foundation. (15 August 2024). [Leave in Limbo: survivor of trafficking with uncertain immigration status](#)

4. Identification of victims and protection of their rights (Articles 10, 11, 12, 14 and 16)

- *“5,578 adults were confirmed as victims of trafficking but only 364 (6.5%) adults subject to immigration control were granted leave via the NRM.*
- *5,266 children were confirmed as victims of trafficking, but fewer than 21 (0.4%) were granted leave via the NRM.”⁶¹⁷*

In January 2023, the government published a new guidance on ‘Temporary Permission to stay’ for victims of human trafficking and slavery, introduced by primary legislation through the Nationality and Borders Act 2022.⁶¹⁸ The government stated that this guidance intended aim was to fulfil UK’s obligations under ECAT,⁶¹⁹ however it has further narrowed the already restrictive policy for whether a conclusively recognised victim of trafficking should be granted leave to remain.

As explained by the Detention Taskforce, this guidance provided that leave is *“...only granted leave to survivors of trafficking with a positive ‘conclusive grounds’ decision (i.e. recognised by the National Referral Mechanism to be victims) in order to:*

- *assist the survivor in their recovery from physical or psychological harm arising from their exploitation;*
- *enable them to seek compensation; or*
- *enable them to assist with criminal proceedings.”⁶²⁰*

Similarly, ECPAT UK observes that NABA and this guidance ignore the specific standards for children: *“ECAT specifies at Article 14 (2) clearly that ‘the residence permit for child victims, when legally necessary, shall be issued in accordance with the best interests of the child and, where appropriate, renewed under the same conditions.’ The explanatory report to ECAT goes on to state at paragraph 186: ‘In the case of children, the child’s best interests take precedence over the above two requirements. The words “when legally necessary” have been introduced in order to take into account the fact that certain States do not require for children a residence permit.”*

ECPAT UK goes on to state that: *“Despite this provision and previous leave policy for victims outside of the immigration rules, very few children are granted this form of leave. In the few cases leave was granted to children, it was extremely limited – with previous figures obtained by ECPAT UK for the years 2019/20 showing the average length of grant is short, suggesting that decisions are not being taken with their best interests as a primary consideration and as a result provide minimal stability.”⁶²¹*

⁶¹⁷ Detention Taskforce submission

⁶¹⁸ Home Office. (2024). [Temporary Permission to Stay considerations for Victims of Human Trafficking or Slavery](#)

⁶¹⁹ Home Office. (last updated 10 September 2024). [Immigration rules appendix Temporary permission to stay for victims of human trafficking or slavery](#)

⁶²⁰ Detention Taskforce submission

⁶²¹ ECPAT UK. (2022). [Nationality and Borders Bill: immigration outcomes for child victims of trafficking](#)

Given the ‘temporary’ nature of this form of leave and the additional burdens placed on children to access it, it cannot be said to be made with any consideration of their best interest.”⁶²²

Data obtained through a Freedom of Information request confirmed that the new guidance led to a further decrease in leave to remain granted to survivors of modern slavery. In 2023, 3,139 adults were confirmed as victims of trafficking but only 113 received a grant of ‘temporary permission to stay’ to assist with their recovery and fewer than 10 received a grant to assist the authorities.

The Detention Taskforce goes on to highlight that one of the most recurring barriers to being granted leave to remain is to provide detailed evidence demonstrating that the three criteria cannot be met in the individual’s country of origin. *“The primary reason for the refusals tends to be that a person would theoretically be able to access therapeutic support in their home country. These are particularly commonplace when a person has not yet been able to engage in therapy in the UK, for example if they are on a waiting list or they are between therapy types, despite the known difficulties in accessing the specialist support required. This is likely to impact those in detention significantly as they are more likely to have difficulty accessing specialist care and would not be likely to continue with the same provider on release.”*

Additionally: *“In Helen Bamber Foundation’s experience, and that of other organisations working in this area, it is rare for clients to receive leave to remain on the basis that they are seeking compensation or cooperating with authorities in connection with criminal proceedings.”⁶²³*

Frontline organisations have also raised concerns in relation to the decision-making process. A significant number of decisions not to grant leave to remain are being made even prior to a survivor receiving a decision on their asylum claim. The reason is often based on the fact that the survivor could access support on return to their country of origin, despite the ongoing asylum claim (based on the fact that it is not safe for that person to return to their country of origin). This creates further stress and uncertainty for survivors with an ongoing asylum claim.

The Detention Taskforce explains that this is a new practice introduced through the new policy. *“...the most recent policy no longer requires decision makers to assess whether the person is at risk of re-trafficking. Previously, under the ruling in R (KTT) v Secretary of State for the Home Department [2021] EWHC 2722 (Admin), survivors of trafficking were granted leave while their asylum claims were pending. However, such grants are no longer being made. These refusals are causing further distress to survivors, especially those with asylum claims linked to their trafficking experiences.*

Due to the significant flaws in the leave to remain process under the NRM, many non-UK national survivors are reliant on the asylum system as a way of being granted a secure form of immigration status, with a

⁶²² ECPAT UK submission

⁶²³ Detention Taskforce submission

route to settlement, something that is not available for those in the NRM. 93 percent of Helen Bamber Foundation clients who have been trafficked are in both the asylum and NRM systems.”⁶²⁴

4.8.2. Leave to remain is predominantly granted for short periods of time

Evidence shared by contributors to this submission, shows that even when survivors are granted leave to remain, this is usually for very short periods of time and is therefore inadequate to meet survivors’ recovery needs.

The Detention Taskforce reports that in 2023:

- 24 people received less than 6 months’ leave;
- 36 people received between 6-12 months’ leave;
- 39 people received between 13-24 months’ leave;
- 14 people received leave for a period over 24 months.

These short periods of leave are insufficient and can in some instances cause more harm than good, as any grant of leave will trigger a person to be evicted from any Home Office provided accommodation and they will have any financial support stopped. They will then be required to apply for mainstream benefits and local authority accommodation. In instances of short grants of leave by the time they have resolved these often lengthy and bureaucratic processes their leave will have almost expired, leaving little to no time to concentrate on their recovery.⁶²⁵

The evidence analysed so far confirms there is no guaranteed long-term leave for survivors of modern slavery in the UK. “A cross-party coalition of Parliamentarians and NGOs have supported an ongoing campaign and private members’ bill, tabled first in 2020 and again a year later, to ensure victims can access 12 months’ support and immigration leave.⁶²⁶ However, the proposals first were rejected by the Government in 2021,⁶²⁷ then supported as a compromise during the passage of the Nationality and Borders Act,⁶²⁸ then dropped again via a stakeholder newsletter this year.⁶²⁹

Organisations in the sector are calling for the Home Office to automatically grant 30 months leave to remain (with a route to settlement), including support and recourse to public funds to all survivors of trafficking with a positive Conclusive Grounds decision.

⁶²⁴ Detention Taskforce submission

⁶²⁵ Detention Taskforce submission

⁶²⁶ For more information see: [Home | Free For Good](#)

⁶²⁷ After Exploitation. (7 January 2021). [Letter to Maya Esslemont](#)

⁶²⁸ ‘Updates on commitments made around support given through the national referral mechanism’ [Policy — Human Trafficking Foundation](#)

⁶²⁹ Laura Farris. (6 February 2024). [Letter from Safeguarding Minister Laura Farris to After Exploitation and charity partners](#)

4.8.3 Risks associated with no grant of leave

The current decision-making process as to whether granting leave to remain fails to address the unique recovery needs of survivors of modern slavery. It disregards the length of time needed by a survivor to find a stable environment to support their recovery, as well as failing to consider the risk of re-trafficking and the limited support they would access upon returning to their country of origin.⁶³⁰

After Exploitation reports that “...most experts with lived experience of modern slavery contributing to After Exploitation’s research said they had been moved multiple times by the Home Office, which in turn led to longer waits for support as each move put them at the back of the queue for services again. A panel expert who had experienced sexual exploitation and labour trafficking was reportedly moved out of safe housing under the Modern Slavery Victim Care Contract (MSVCC) and into a dilapidated hotel under the national asylum accommodation service (NASS), away from her support network and specialist health services, after her lawyer raised an asylum claim. She believes this delayed her recovery.”^{631 632}

“Taskforce member multidisciplinary work with survivors of trafficking has shown that it is only once granted leave to remain in the UK, with the sense of safety that this brings, that they are truly able to benefit from therapeutic care and begin to recover from the trauma that they have experienced.”⁶³³

Case study 14

A Helen Bamber Foundation client recently received a decision refusing leave to remain, despite receiving therapeutic and other support from Helen Bamber Foundation, because it was determined that they could receive this treatment in their home country. This was despite the client having an outstanding asylum claim and their country of origin having one of the highest asylum grant rates. As well as disregarding a well-founded fear of persecution and ill-treatment on return, this decision failed entirely to take into account the obstacles and difficulties the survivors may face in trying to engage with therapeutic services in their home country. These include but are not limited to:

- Fear of authorities/any association medical professionals may have with authorities;
- Deterioration in mental health following removal;
- Lack of availability of mental health services and associated stigma in approaching them;
- Lack of specialised professional trauma support in engagement and treatment.

Additionally, as evidenced over the course of this submission, insecure immigration status can be used as a vulnerability to trap people in exploitation. “In the absence of guaranteed immigration leave for those

⁶³⁰ Detention Taskforce submission

⁶³¹ After Exploitation. (2024). [‘Can of worms’](#)

⁶³² After Exploitation submission

⁶³³ Detention taskforce submission

recognised by the state as victims of modern slavery and human trafficking, immigration insecurity remains a significant issue for many survivors, undermining their ability to plan for the future or, in some cases, access work and benefits.^{634 635}

*“Without having leave to remain in the UK (‘leave to remain’), survivors of trafficking experience ongoing fear and anxiety about the possibility of their removal from the country or being held in immigration detention. This deters many from coming forward to seek help. A lack of a secure immigration status can also result in poverty, destitution and isolation as it prevents survivors from working and accessing services. This, in turn, can leave survivors vulnerable to abuse, exploitation and re-trafficking.”*⁶³⁶

4.8.4. Recent changes to the VTS guidance

In July 2024, the government agreed to revisit the current VTS policy, following a judicial review, but paused all decision-making as a result.⁶³⁷

However, on the 27th of August 2024 it was confirmed that:

“decisions that consider granting temporary permission to stay for victims of human trafficking or slavery (VTS) under the following circumstances have resumed:

- *enabling the person to seek compensation in respect of the exploitation*
- *enabling the person to co-operate with a public authority in connection with an investigation or criminal proceedings relating to the exploitation*
- *where individuals already have permission to stay in the UK in another category*

*Decisions that consider grants of VTS where there is a need to assist in recovery from physical or psychological harm relating to the victim’s experience of exploitation are paused until further notice.”*⁶³⁸
⁶³⁹

A new version of the VTS guidance was published on the 24th of October. It is our understanding that the changes brought to the policy are only to clarify the process decision makers will undertake when assessing the availability and accessibility of treatment for each victim and to address ongoing litigation in this policy area, rather than following a wider review of the policy.

⁶³⁴ Anti-Slavery Commissioner. (2019). [Access to work pathways](#)

⁶³⁵ After Exploitation submission

⁶³⁶ Detention Taskforce submission

⁶³⁷ Duncan Lewis. (30 July 2024). [Government to Reconsider Unlawful Trafficking Policy Following Duncan Lewis Challenge](#)

⁶³⁸ Home Office. (30 January 2024). [Temporary permission to stay for victims of human trafficking and slavery: caseworker guidance](#)

⁶³⁹ Detention Taskforce submission

The sector was disappointed not to have the opportunity to consult on these changes, however the Modern Slavery Unit have indicated they will continue to consider whether wider changes to the VTS policy and guidance and the Modern Slavery Statutory Guidance are required and that they will involve stakeholders in these discussions. The sector is hopeful that there will be opportunity for the policy to have more much needed changes and will continue to push for all confirmed survivors of trafficking to be granted leave to remain.

4.9 What measures are in place to ensure that the identity, or details allowing the identification, of a child victim of trafficking are not made publicly known?

ECPAT UK provides a comprehensive reply to this question: *“In Magistrates’ Courts, which handle cases involving children or young people charged with criminal offenses within their jurisdiction, automatic anonymity protections are provided to individuals under 18, as outlined in Section 49 of the Children and Young Persons Act 1933. This section prohibits the publication of information related to a “child” or “young person” if it is likely to lead to their identification as being involved in the proceedings.⁶⁴⁰ However, in certain circumstances, the courts may lift this protection if the child or young person has been convicted of an offense and if it is in the public interest.⁶⁴¹ The Act also outlines other situations in which anonymity protection can be waived.⁶⁴²*

Children tried in the Crown Court do not automatically receive anonymity. The appellate courts have clarified that Parliament intended to maintain a distinction between juveniles in Youth Court proceedings and those in adult courts.⁶⁴³ Nonetheless, under Section 45 of the Youth Justice and Criminal Evidence Act 1999, a judge or magistrate has the power to prohibit the reporting of the identity of victims, witnesses, and defendants in any court, thereby granting anonymity protection.⁶⁴⁴ Furthermore, Section 44 of the Children and Young Persons Act 1933 requires all courts, including Crown Courts, to consider the welfare of any child or young person brought before them, whether as an offender or in another capacity.

Case law, such as R v L; R v N, has recognized the UK's legal obligation to provide anonymity to children and young people who are forced into criminal activities due to exploitation by traffickers.⁶⁴⁵ In this case, the applicants sought anonymity, arguing that the principles of the Practice Note for the Court of Appeal (Civil Division) [2006] 1 WLR 2461—which grants anonymity to asylum seekers—should apply to their criminal case. The court agreed, indicating that it would be desirable for the Court of Appeal Criminal Division to follow the anonymization practices used in the Civil Division and Tribunals for cases involving asylum and international protection issues.

⁶⁴⁰ Children and Young Persons Act, 1933, s. 49(1): “No matter relating to any child or young person concerned in proceedings to which this section applies shall while he is under the age of 18 be included in any publication if it is likely to lead members of the public to identify him as someone concerned in the proceedings.”

⁶⁴¹ Children and Young Persons Act, 1933, s. 49(4A)

⁶⁴² Children and Young Persons act, 1933, s. 49(5)

⁶⁴³ R(Y) v Aylsbury Youth Court [2012] EWHC 1140 (Admin)

⁶⁴⁴ Oxford Pro Bono Publico (OPBP). (2019). [Protecting the Anonymity of Child Victims](#)

⁶⁴⁵ [R v L; R v N \[2017\] EWCA Crim 2129](#)

*Anonymity is further reinforced in Section 46 of the Modern Slavery Act 2015, in addition to other special measures available to vulnerable and intimidated witnesses under the Youth Justice and Criminal Evidence Act 1999.*⁶⁴⁶

4.10 What measures are in place aimed at encouraging the media to protect the private life and identity of victims?

Most respondents indicated they have some form of internal guidance to guide the interactions between the people they work with and the media. Unseen UK offers an important reflection on the current use of ‘storytelling’, which focuses heavily on what the person has been through to provide an angle for media interaction rather than to raise awareness of the issue. This practice can be re-traumatising and it’s in itself potentially exploitative.⁶⁴⁷

In line with this, the Salvation Army has: *“developed a guide for the media to assist journalists to report modern slavery without inadvertently increasing trauma of survivors or risks to them and their families’ safety.”*⁶⁴⁸ *TSA works with survivors to ensure that engagement with the media protects their anonymity and safety. For example, a member of the TSA’s Media Team will be present during interviews for safeguarding, TSA does not respond to immediate requests from the media to give a survivor time to change their mind and offers options on visual and audio anonymity to the survivor.*⁶⁴⁹

In relation to children, media outlets and journalists have to implement additional safeguards: *“The Editor’s Code of Practice says that journalists should not name children who have been arrested and who will appear in youth court. The law also bans the media from identifying children involved in youth court proceedings. However, journalists are allowed to name a child who has attended crown court, or if their name is already in the public domain, or if the court has given permission to name them.*

*All victims of sexual offences, including children, are automatically guaranteed anonymity for life from the moment they make an allegation that they are the victim of a sexual offence. Journalists must not identify children under 16 who are victims or witnesses in cases involving sex offences. They must also not publish anything which suggests a relationship between the accused and the victim.”*⁶⁵⁰

*Significant concerns were raised throughout 2021 and 2022 during the time in which children were unlawfully placed in hotels by the Home Office. This practice was widely reported, and several news outlets published the name, location, and photographs of hotels in which unaccompanied children were known to be residing. This reporting jeopardised the children’s safety, privacy, and welfare by making public the location of dozens of highly vulnerable children.”*⁶⁵¹

⁶⁴⁶ ECPAT UK submission

⁶⁴⁷ Unseen submission

⁶⁴⁸ The Salvation Army. [A media guide to keeping people safe when reporting on modern slavery](#)

⁶⁴⁹ The Salvation Army submission

⁶⁵⁰ IPSO. (2024). [Journalism: Children’s rights](#)

⁶⁵¹ ECPAT UK submission

4.11 Have there been cases of diplomatic households (of your country's diplomats abroad and of foreign diplomats in your country) employing domestic staff in conditions which could be forced labour or human trafficking? If yes, how was the issue of diplomatic immunity addressed? How were the victims identified, assisted and protected?

The 2022 Supreme Court case of *Basfar v Wong* [2022] UKSC20⁶⁵² ruled by a majority of 3:2 that exploitation amounting to modern slavery may amount to a 'commercial activity' in respect of which a diplomat employer could not claim immunity. This case concerned the exploitation of a Filipino migrant domestic worker who worked in the household of a Saudi diplomat. This ruling makes the UK the first country in the world to take such a stance against diplomats.

The Passage submission mentions three cases of domestic servitude in diplomatic households they have come across in their service: *"None of our service users agreed to report directly to the police for fear of repercussions to themselves and their families, therefore we did not address diplomatic immunity. In most cases, the victim had escaped and was experiencing homelessness, hence they first sought support from The Passage as a homelessness organisation then they were referred to The Passage Modern Slavery Service. Two consented to enter the NRM and received support from the UK government as victims of THB. One preferred to claim asylum and entered the UK asylum support system."*⁶⁵³

4.12 What specific steps are taken in your country to identify victims of THB amongst persons recruited and exploited by terrorist/armed groups?

Evidence provided by ECPAT UK outlines significant gaps in the safeguard of children and their identification as victims of trafficking and exploitation when recruited by terrorists and armed groups. These were exacerbated by provisions brought into force by NABA, including the public order disqualifications, which we have analysed in [section 4.3.4\(b\)](#) of this submission.

*"The recruitment of children by non-state armed groups is a well-established grave violation of international humanitarian law, international criminal law, and international human rights law. Despite these existing frameworks, the normative environment created by immigration and counter-trafficking legislation and policy in the United Kingdom has left children recruited by terrorist groups outside of the framework for identifying victims of human trafficking. The OSCE recommended the inclusion of 'victims of terrorism' for persons who have been trafficked by terrorist groups has not been considered by the government and the current guidance does not include this specific form of exploitation."*⁶⁵⁴ The Counter-Terrorism Committee Executive Directorate has highlighted the importance of recognizing victims of

⁶⁵² [Basfar vs Wong \[2022\] UKSC 20](#)

⁶⁵³ The Passage submission

⁶⁵⁴ Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings. (2018). [Child Trafficking and Child Protection: Ensuring That Child Protection Mechanisms Protect the Rights and Meet the Needs of Child Victims of Human Trafficking](#)

*human trafficking associated with terrorism as legitimate victims as an integral part of counter-terrorism strategies.*⁶⁵⁵

*Yet, the United Kingdom in 2023 saw the highest number of arrests of children for terrorism related activity since records began.*⁶⁵⁶ *Despite this, the government took steps to set out in primary legislation through the Nationality and Border's Act 2022 a disqualification from protection for any person (including children) related to any terrorism offences, activity or TPIM notice.*⁶⁵⁷ *The changes were announced by the then Home Secretary Priti Patel in the Sun newspaper a few days before they were officially included in the New Plan for Immigration Policy Statement.*⁶⁵⁸ *These statements from Priti Patel included serious accusations the system was being abused by 'terrorists' and 'child rapists' yet no evidence has been provided by the government to support these claims.*

*This new legislation has also sought to exclude children trafficked out of the UK by terror organisations through the disqualification provisions for those deprived of their citizenship by the Home Secretary and the policy to refuse repatriation of British nationals as a tool of counterterrorism.*⁶⁵⁹ *The most public example of a child recruited by ISIL who was refused repatriation, deprived of her British citizenship and disqualified from the identification process is Shamima Begum.*⁶⁶⁰ *Additionally, the Nationality and Borders Act 2022 allows for deprivation without prior notification presenting as a form of permanent exile.*⁶⁶¹

*The non-punishment principle as interpreted in England and Wales through Section 45 of the Modern Slavery excludes terrorism related offences through Schedule 4.*⁶⁶²

4.13 Are there requirements in your country's legal framework for the detection and removal of THB-related Internet content, and what are the sanctions for non-compliance? Is there a code of conduct for providers? If a person is detected as a presumed victim of THB in the process, how is this person referred to assistance?

The Government is working to bring into force the Online Safety Act 2023 with the aim of placing new legal duties and responsibilities on online service providers to keep children and young people safe online.

⁶⁵⁵ Counter-Terrorism Committee Executive Directorate. (2019). [Identifying and Exploring the Nexus between Human Trafficking, Terrorism, and Terrorism Financing](#)

⁶⁵⁶ Home Office. (2024). [Operation of Police Powers under the Terrorism Act 2000: Quarterly Update to December 2023: Annual Data Tables](#)

⁶⁵⁷ Nationality and Border Act 2022, Section 63(3)(c)(d)(da)(db)(e)

⁶⁵⁸ Cole, H. (2021). [Child Rapists and Terrorists Will Be Stopped from Using Exploiting Modern Slavery Loophole to Stay in Britain](#); Home Office. (2021). [New Plan for Immigration Policy Statement](#)

⁶⁵⁹ Choudhury, T. (2017). [The Radicalisation of Citizenship Deprivation](#); Stumpf, J. (2020). [The Crimmigration Crisis: Immigrants, Crime, and Sovereign Power](#)

⁶⁶⁰ Masters, M. et al. (2020). Human Rights and British Citizenship: The Case of Shamima Begum as Citizen to Homo Sacer; [R \(on the application of Begum\) \(Respondent\) v Secretary of State for the Home Department \(Appellant\)](#)

⁶⁶¹ Written Submission of the UN Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms While Combating Terrorism in [R \(on the Application of Begum\) \(Respondent\) v Secretary of State for the Home Department \(Appellant\)](#); Nationality and Borders Act 2022, Section 10.

⁶⁶² ECPAT UK submission

Ofcom announced that most of the rules have not yet come into force and that some of the new rules will start to take effect from the end of 2024.⁶⁶³ Therefore, we cannot yet comment on the impact of this legislation.

5. Investigations, prosecutions, sanctions and measures (Articles 4, 18, 19, 23, 24, 27, 28 and 30)

Every case referred to the National Referral Mechanism is also referred to the police (upon consent for adults and automatically for children) to open an investigation. However, there is limited data available in relation to the outcomes of these investigations. Please refer to our answer in [section 8.13](#) of this submission in relation to the data available.

5.1 Is the abuse of a position of vulnerability part of the human trafficking offence in your country's law? How are the concepts of "vulnerability" and "abuse of a position of vulnerability" defined in law? Have they been subject to judicial interpretation? If yes, please provide relevant case-law

The abuse of vulnerability is not fully reflected in Modern Slavery Act criminal offences, whilst there is a limited attempt to address this in the type of exploitation in section 3(5) and (6) of the Act.

Section 3(6) states:

'Another person uses or attempts to use the person for a purpose within paragraph (a), (b) or (c) of subsection (5), having chosen him or her for that purpose on the grounds that—

(a) he or she is a child, is mentally or physically ill or disabled, or has a family relationship with a particular person, and

(b) an adult, or a person without the illness, disability, or family relationship, would be likely to refuse to be used for that purpose'.⁶⁶⁴

However, this is not reflective of the full extent of the position of vulnerability as detailed in the UNODC Guidance note on the Palermo Protocol.⁶⁶⁵

5.2 Is the special vulnerability of the victim considered as an aggravating factor for the offender's sentence?

⁶⁶³ Ofcom. (27 February 2024). [New rules for online service: what you need to know](#)

⁶⁶⁴ [Modern Slavery Act 2015, section 3\(6\)](#)

⁶⁶⁵ UNDOC. (2012). [Guidance Note on 'abuse of a position of vulnerability' as a means of trafficking in persons in Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#)

While in **England and Wales**, the vulnerability of human trafficking victims is considered an aggravating factor when determining the offender's sentence, the application of the guidelines remains inconsistent, resulting in sentences which are not reflective of the harm they have caused. This is confirmed by ECPAT UK: *"The Sentencing Council for England and Wales provides guidelines for courts when sentencing offenses related to human trafficking and modern slavery and outline that aggravating factors can lead to more severe sentences, and these include circumstances where the victim's vulnerability such as age or other reasons has been exploited."*⁶⁶⁶

While the sentencing guidelines in England allow for the consideration of aggravating factors, such as the victim's age and vulnerability, the application in cases involving children is inconsistent. Courts are expected to impose harsher sentences on offenders who exploit children, given their heightened vulnerability. However, the actual implementation of these guidelines is often unpredictable, with some offenders receiving sentences that do not reflect the gravity of exploiting a child.

The emphasis on general vulnerability rather than on the particular exploitation of children overlooks the need for a child-centered approach. Child victims require protection and support that directly respond to their unique situations, but the current legal framework does not adequately reflect this in its treatment of offenders who target children.

*In addition, the absence of comprehensive, mandatory training for judges on the specific needs of child trafficking victims suggests that courts may not be fully equipped to handle these cases appropriately. This gap in knowledge can result in sentences that fail to take into account the full scope of the harm caused to children, ultimately weakening the legal response to child trafficking."*⁶⁶⁷

5.3 According to national case-law, what forms of vulnerability are mostly abused by offenders in human trafficking cases? Please provide specific examples that show how the concept of "abuse of a position of vulnerability" is used in practice. What are the challenges in its application? Is it sufficient to prove the existence of a position of vulnerability of the victim, or must it also be proven that the defendant knew or should have known of the victim's vulnerability, and intentionally manipulated the victim on this basis?

As mentioned in our response to point 5.1, the position of vulnerability is not fully reflected in the modern slavery criminal offences and therefore, neither in the application of case law.

For example, the Modern Slavery definition departs from the international one, including but not limited to, by over emphasising the element of movement for the purpose of exploiting someone.

Under section 2 of the Modern Slavery Act, in order to prove a human trafficking offence, this requires that:

⁶⁶⁶ Sentencing Council. (2021). [Slavery, servitude and forced or compulsory labour/ Human trafficking](#)

⁶⁶⁷ ECPAT UK submission

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

(a)the person intends to exploit V (in any part of the world) during or after the travel, or

(b)the person knows or ought to know that another person is likely to exploit V (in any part of the world) during or after the travel.’⁶⁶⁸

5.4 Is the concept of “abuse of a position of vulnerability” addressed in criminal justice training? Is there any specific guidance on applying this concept? Please provide copies of guidance and/or training materials that shed light on how this concept should be applied in practice

None of the respondents have provided an answer to this question.

5.5 What procedures and measures exist in your country to take into account the specific needs of vulnerable victims at the different stages of criminal proceedings?

5.5.1. Special Measures to support survivors acting as witnesses in criminal proceedings

There are a range of Special measures in the criminal Justice system aimed at supporting ‘vulnerable and intimidated’ individuals to act as witnesses in criminal proceedings. Victims of modern slavery are classified as intimidated witnesses and can therefore access them.⁶⁶⁹ These measures include, but are not limited to:

- the use of screens or curtains so that you don’t have to see the defendant across the courtroom
- giving evidence from outside the courtroom via a live video link
- clearing the public gallery so that you can give evidence in private
- making a pre-recorded video of your statement
- getting members of the court to remove their gowns and wigs, so that they look more ‘normal’.
- Registered Intermediary may also be available, and they can assist with facilitating communication, explaining or answering questions on behalf of the witness without changing the nature of the information provided.

These measures were introduced under the Youth Justice and Criminal Evidence Act 1999⁶⁷⁰ and brought into force through the Crown Prosecution service guidance.⁶⁷¹ While there is a reasonable understanding of some of these special measures, such as screens and live link, organisations have observed an inconsistent understanding of other measures and as such, these are not always clearly explained to survivors so that they can make an informed decision on what special measures may benefit them.

⁶⁶⁸ [Modern Slavery Act 2015, section 2\(4\)](#)

⁶⁶⁹ CPS. [Support to give your evidence – ‘special measures’](#)

⁶⁷⁰ [Youth Justice and Criminal Evidence Act 1999](#)

⁶⁷¹ CPS. [Support to give your evidence – ‘special measures’](#)

5.5.2 Barriers and support to engaging with police investigations

Survivors continue to experience issues at different stages of criminal proceedings, starting with reporting the crime to the police. The following information has been shared by Hestia, following their 2019 police super-complaint providing evidence on the police failures to respond to victims of modern slavery.⁶⁷²

“The evidence submitted demonstrated that the police response fell short of the standards required to afford victims the full safeguards and support they need.

Key themes of practice which resulted in a negative experience by victims included: victims feeling like they were not believed by the police officers who took their statements or being treated as criminals; officers prioritising pursuing immigration offences over protecting victims; female victims of sexual exploitation being interviewed by male officers using male interpreters; and victims not being informed by the police that they had decided to drop the investigation into their exploiters and traffickers.”⁶⁷³

The process for this super-complaint has seemingly concluded, without any specified mechanism through which improvements will be measured or monitored. Hestia remains concerned that many victims are still not appropriately identified nor receiving the appropriate level of service, support and communication from non-specialist police officers.”⁶⁷⁴

A recent report published by Hestia in 2023 found that the issues raised in their 2019 report still persist, “with only 22% of the Albanian victims who had reported their crime to the police receiving an update from the police after reporting their exploitation.”⁶⁷⁵

In addition to police response, prosecutions and convictions remain disparagingly low, and very little data is available in this field. Recent research highlights that in 2020 there were only 91 prosecutions and 13 convictions where modern slavery was the principal offence.”^{676 677}

The low number of cases which are actually investigated can be traced back to a lack of specialist investigators and of resources to do so. Modern slavery and trafficking cases are complex and therefore require intensive resources. Therefore, even where victims do wish to cooperate with the police and have support to do so, the lack of specialist team and general under-resourcing, acts as a barrier to investigating these cases. Hope for Justice reports that their Independent Modern Slavery Advocates often have to provide significant advocacy for cases to be reported and investigated as well as advocate for cases to be reviewed and support survivors accessing public lawyers if cases are not investigated.

⁶⁷² Hestia. (2019). [Underground Lives: Police response to victims of modern slavery](#)

⁶⁷³ *Ibid*

⁶⁷⁴ Hestia submission

⁶⁷⁵ Hestia. (2023). [Underground Lives: Albanian Survivors of Modern Slavery](#)

⁶⁷⁶ National Crime Agency. (2021). [National Strategic Assessment of Serious and Organised Crime](#)

⁶⁷⁷ Hestia submission

In this context, organisations have provided some examples of good practices and services which have been beneficial to supporting survivors' engagement with the police:

"At the heart of good practice responses by the police is an understanding of the deep trauma, often sexual, that victims of modern slavery have experienced. Flexibility to conduct interviews in spaces where the victim feels safe, allowing them to be accompanied by trusted support workers and using neutral and non-judgmental language are all key elements of enabling victims to provide the best quality evidence. The role of victim navigators within police forces has been evidenced to lead to more investigations."^{678 679}

Data shows that 92% of survivors supported by a Navigator were willing to engage on some level with the police, while only 8% were not. The level of engagement survivors were willing to offer ranged from being willing just to take phone calls from police (8%), through providing intelligence or information to police (11%), providing a formal witness statement (10%) and providing an ABE interview (21%) up to supporting a prosecution (39%). An additional 3% of survivors were willing to engage but the police closed their case.⁶⁸⁰

Similarly, Hope for Justice reports that in their own experience, long term independent advocacy and support in the criminal justice system enables survivors to engage, if and when they wish to do so through their journey of recovery and therefore improved access to engagement and ongoing engagement with the police. Data gathered from their service shows that where survivors have had a long term independent advocate, 100% of them have been able to attend court when required to do so and almost all of those cases have resulted in a successful prosecution primarily of trafficking offences (89% section 1, 2, conspiracy to traffick etc) and 11% for other offences. Nevertheless, there is an acknowledgment that the success of these prosecutions is to trace back not only to the survivor testimony, but to the overall strength of the evidence gathered as part of the investigation.

Furthermore, survivors often decide whether to cooperate with the police several months after they have been identified and only if they are in a stable and safe position. Organisations report that unconditional independent advocacy, support and leave to remain is likely to increase the ability of survivors to engage in criminal justice should they wish to at any point in their recovery journey.

However, organisations raise an important point in relation to survivors engaging in police investigations. Hestia notes that **"...prosecution should not be contingent upon victims feeling compelled to help against their will, and therefore new guidance should not stipulate that helping the police be a condition for victims to be given the right to stay in the UK."**⁶⁸¹

Being forced to cooperate with the police to obtain support and leave is not compliant with ECAT and could be construed as another form of coercion that replicates their situation of human trafficking.

⁶⁷⁸ Justice & Care. (2020). [Modern Slavery Victim Navigator Programme](#)

⁶⁷⁹ Hestia submission

⁶⁸⁰ Justice & Care. (November 2022). [Victim Navigator Pilot Final Evaluation](#)

⁶⁸¹ Hestia submission

This is a crucial principle we need to uphold, especially as governments have moved towards a criminal justice and conditional approach rather than a discrete NRM system as emphasised by the OSCE in their social path model, highlighting the need to put survivors' identification and support at the forefront of our policies and interventions in relation to modern slavery.⁶⁸²

5.2.3. Additional barriers in the criminal justice system

Organisations continue to call on the government to increase transparency around data for survivors going through the criminal justice process. As of today, little to no data is available in relation to the experiences of survivors of modern slavery going through the criminal justice system. We don't know how many survivors of modern slavery formally or informally identified are convicted, in how many cases section 45 defence is raised and applied and so forth. This prevents us from fully understanding how the criminal justice system operates and impacting on survivors of modern slavery, however anecdotal evidence presented in [section 6.3](#) suggests the presence of significant gaps and failures at different stages of the process.

Some of the issues reported are the continued criminalisation of survivors resulting from a failure to identify survivors through criminal justice proceedings where they may initially present themselves as potential offenders. As we have seen in [section 4.3.4\(b\)](#), this situation has been further exacerbated by the introduction of the public order disqualification under NABA and in general the hostile rhetoric surrounding the introduction of recent legislation (see [section 4.4](#)). All of this is compounded by the lack of secure reporting mechanisms, which is particularly affecting those with irregular or insecure immigration status as seen in sections [4.2.3](#) and [4.3.3\(d\)](#).

Organisations have also raised additional issues affecting the length of trials in Courts, which over the past few years have been experiencing increasing backlogs. For example, Operation Fort started in 2015 and there is a further trial this year.

This situation has been further exacerbated by Covid 19 which has led to a significant backlog in criminal cases more broadly. Data shared by the Law Society shows that cases in criminal courts continue to grow while leaving victims and defendants waiting years for justice. At the end of April this year, there were 68,125 outstanding cases in the Crown Courts and 387,042 in the magistrates' courts. This compares to 60,760 Crown Court cases and 338,866 magistrates' court cases in April 2023.⁶⁸³

Hope for Justice makes recommendations to ensure a more effective response within the criminal justice system. They highlight the need to invest in the prosecution of financial crimes to ensure a more effective response by targeting traffickers' profits.

They also report the need for a much more holistic approach to criminal justice in respect of effective prevention, disruption, identification and support for survivors/witnesses/investigations/prosecutions

⁶⁸² OSCE. (2023). [Putting Victims First](#)

⁶⁸³ The Law Society. (13 June 2024). [Clearing record criminal court backlogs must be a priority for next government](#)

(approaches to sentencing including ensuring police are gathering clear evidence of culpability and harm for sentencing within their investigations) and effective offender management including if offenders are deported.

There also needs to be more effective victim/witness protection, before, during and post criminal justice processes taking into account the short-, medium- and long-term risks to survivors in providing testimony, including after an offender is released from prison if successfully prosecuted. In Hope for Justice experience, witness intimidation, including on social media, is a significant feature of some of the cases they have supported. In this context, there is an under-resourcing of traditional victim services such as victim support and the witness service which needs to be addressed.

5.6 If you have criminalised the use of services of a victim of THB, how is this provision applied in practice? Please provide any relevant case-law

In **England and Wales**, with effect from 1 April 2010, section 53A of the Sexual Offences Act 2003, as inserted by section 14 of the Policing and Crime Act 2009, creates a new offence of paying for the sexual services of a 'prostitute' subjected to force.

Section 53A provides:

(1). A person (A) commits an offence if:

a. A makes or promises payment for the sexual services of a prostitute (B);

b. A third person (C) has engaged in exploitative conduct of a kind likely to induce or encourage B to provide the sexual offences for which A has made or promised payment; and

c. C engaged in that conduct for or in the expectation of gain for C or another person (apart from A or B).

(2). The following are irrelevant:

a. Where in the world the sexual services are to be provided and whether those services are provided;

b. Whether A is, or ought to be, aware that C has engaged in exploitative conduct.

(3). C engages in exploitative conduct if:

a. C uses force, threats (whether or not relating to violence) or any other form of coercion; or

*b. C practices any form of deception.*⁶⁸⁴

The offence is one of strict liability. This means that it is irrelevant whether A is, or ought to be, aware that B is subject to exploitative conduct by C.

The offence is a strict liability offence. There is little updated data on the use of the offence but research going back to 2014 highlighted that in the first few years after its implementation most forces were not using the provision

Over the first few years of the offence being in force the conviction rate went down as shown by this data:

- 2010: 43
- 2011: 12
- 2012: 6⁶⁸⁵

5.7 What technology-based tools and initiatives exist in your country to support investigations and enhance prosecution of THB cases? What training is provided to law enforcement officials, prosecutors and judges on THB facilitated by information and communication technology

None of the respondents have provided an answer to this question.

5.8 In what ways, if any, does your country utilise provisions from the Council of Europe Cybercrime Convention (Budapest Convention) to fight THB? If not, why is that the case?

None of the respondents have provided an answer to this question.

⁶⁸⁴ [Sexual Offences Act 2003](#), section 53A

⁶⁸⁵ Lancaster University. (July 2014). [The police, sex work and Section 14 of the Policing and Crime Act 2009](#)

Part II - Country-specific follow-up questions

6. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA's previous reports:

6.1. Provide effective and timely access to legal assistance and free legal aid for victims of trafficking

The UK has an obligation to provide and facilitate access to legal assistance and to free legal aid for survivors of modern slavery under Article 15 of the Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT).

This has been implemented through provisions included in the Modern Slavery Act 2015 as referenced in the modern slavery statutory guidance: *'Section 47 of the Modern Slavery Act 2015 amended the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 to allow victims of 'slavery, servitude and forced or compulsory labour' to apply for legal aid for the same types of cases as human trafficking victims. Survivors of modern slavery can access free legal aid upon receiving a positive Reasonable Ground Decision.'*⁶⁸⁶

However, information shared by organisations in the modern slavery sector overwhelmingly identified access to legal representation as one of the most prevalent issues for survivors. Frontline organisations report ongoing issues with securing a legal advisor for survivors accessing their services and describe this as *"...attempting to 'support people to access a provision that doesn't even exist.'"*⁶⁸⁷

6.1.1 A legal advice crisis for victims and survivors of trafficking and modern slavery

"Survivors of trafficking and modern slavery have complex legal and support needs. They need a range of legal advice and representation, which includes (but is not limited to) the areas of community care law, welfare benefits, housing, debt advice, immigration and asylum, criminal law (non-prosecution), civil compensation, criminal injuries compensation, family law, as well as public law issues which arise.

Legal advice and representation are critically important for survivors of trafficking and modern slavery. It is the key to being formally recognised as a victim, accessing safe housing and support, gaining secure status (for non-UK citizens) and upholding their rights.

Survivors of trafficking and modern slavery are a group for whom access to legal aid is vital. The vast majority of those who are unable to get legal aid will be forced to go without legal advice and representation as they cannot otherwise afford to pay for it. Others may borrow large sums to do so,

⁶⁸⁶ Home Office. (October 2024). [Modern Slavery: Statutory Guidance for England and Wales \(under s49 of the Modern Slavery Act 2015\) and Non-Statutory Guidance for Scotland and Northern Ireland, version 3.11](#)

⁶⁸⁷ The Salvation Army submission

ending up in debt, which drives vulnerability to further exploitation. Survivors of trafficking and modern slavery are currently unable to access timely, specialist and free legal advice and representation when they need it. There is a legal advice crisis for survivors of trafficking and modern slavery, with a huge gulf between the demand for legal advice and available supply.

ATLEU's 2022 report, It has destroyed me: A legal advice system on the brink found that a staggering 90% of support workers had struggled to find a legal aid immigration lawyer for a survivor in the past year. Survivors are facing lengthy delays just to get an initial appointment. 76% 2 reported significant delays, of up to three months or longer, in finding an immigration legal aid lawyer for a potential or confirmed victim of trafficking or modern slavery. 43% of respondents reported serious delays of up to six months or longer. 1 Queries to ATLEU's advice service suggests that this problem worsened in 2023, and again in 2024, with support workers routinely unable to secure a legal aid solicitor for a service user.”⁶⁸⁸ “In 2023, ATLEU identified that it took 76% of victims over 3 months to find a solicitor, and that 43% of victims still did not have representation after 6 months”⁶⁸⁹

6.1.2 Barriers to secure legal representation prior to a positive Reasonable Ground decision

6.1.2.(a) Access to legal advice prior to a NRM referral

In **England and Wales**, there is no legal aid available for survivors of modern slavery who have not yet been referred into the NRM and received a positive Reasonable Ground Decision. An exception is provided for those who have an ongoing protection claim and are already receiving legal aid-funded advice as part of this and should therefore be entitled to discuss their options before entering the NRM.

The Nationality and Borders Act purports to make pre-NRM immigration advice available for people who are already accessing advice on certain in-scope immigration matters or advice about judicial review (i.e. advice that falls within Part 1 Schedule 1 of LASPO). This would benefit only a very small cohort of survivors who are eligible and aware of the provision, and also not the people most acutely at risk. This provision has also yet to be implemented two years on.⁶⁹⁰

Access to early legal advice would promote confidence in survivors to disclose their trafficking experience, achieve informed consent, and improve the quality of NRM referrals and therefore the accuracy of decision making. The current provision instead excludes a large proportion of survivors from accessing relevant information to make an informed decision whether to consent to be referred into the NRM and better understand how this may interact with other immigration, civil and criminal justice processes.

This is evidenced by the British Red Cross: “...*timely legal advice is required in crisis situations, such as when exiting a situation of exploitation. In these situations, advice may be required immediately to enable survivors of trafficking to access safety and make informed choices. The intersection between modern*

⁶⁸⁸ ATLEU submission

⁶⁸⁹ Hestia submission

⁶⁹⁰ ATLEU submission

slavery, immigration and asylum is complex and it is crucial for individuals to access legal advice to understand the consequences of an NRM referral alongside a possible application for leave to remain.

The British Red Cross continues to reiterate previous recommendations to the Ministry of Justice to amend the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and enable access to at least five hours of legally aided immigration advice for potential survivors of human trafficking and exploitation, regardless of an existing claim for protection and prior to making a decision as to whether to enter the National Referral Mechanism.⁶⁹¹

6.1.2.(b) Access to legal advice following a negative Reasonable Ground Decision

Furthermore, as shown in [section 4.3.4](#) of this submission, the increased Reasonable Ground threshold introduced by NABA has resulted in a spike in negative Reasonable Ground decisions and therefore prompted an increased need to submit reconsideration requests. However, the lack of access to legal aid prior to receiving a positive Reasonable Ground decision, has considerably affected survivor's capacity to access much needed advice and support to rectify their situation and access identification and support.

As noted by the British Red Cross, the reconsideration process is complex and often requires re-examination or gathering of evidence. This situation has been exacerbated by a recent change in guidance, reducing the time to submit a reconsideration request to 30 days.⁶⁹²

Additionally, as reported in [section 4.3.2\(e\)](#), the quality of referrals from statutory organisations, specifically Home Office agencies is much lower compared to other First Responders, but they are also the ones who submit the most referrals. Reports from the sector highlight that the Home Office does not usually support survivors with submitting reconsideration requests, therefore this burden falls on third sector organisations and solicitors.

This is also supported by the experience of the British Red Cross: *"Our post-NRM project revealed a poor level of Home Office decision-making across the framework of complex legal systems affecting trafficking survivors.⁶⁹³ Our caseworkers supported service users to make reconsideration requests where this was appropriate, and all the reconsideration requests by the end of the project were successful. However, it was apparent that without the project's intervention, the survivors would have been unable to pursue this option.*

Our recent operational experience mirrors the findings of the above-mentioned project. For instance, in January 2023 the introduction of a requirement for evidence to the Modern Slavery Statutory Guidance as a result of the implementation of Part 5 of the Nationality and Borders Act 2022 resulted in an increase in negative Reasonable Grounds decisions, in particular for those whose exploitation took place in whole or

⁶⁹¹ British Red Cross (2020). [First Steps to Safety](#)

⁶⁹² Home Office. (October 2024). [Modern Slavery: Statutory Guidance for England and Wales \(under s49 of the Modern Slavery Act 2015\) and Non-Statutory Guidance for Scotland and Northern Ireland, version 3.11](#)

⁶⁹³ British Red Cross (2019). [Hope for the future: Support for survivors of trafficking after the National Referral Mechanism](#)

in part overseas.⁶⁹⁴ Through the cases we have supported at British Red Cross, we have observed that many negative Reasonable Grounds decisions have followed referral by a Home Office first responder during the person's asylum screening interview.

These referrals were often of poor quality and lacking in detail and as a result likely to be overturned on reconsideration. People were often not aware of the referral having been made or of the negative outcome of the Reasonable Grounds decision. In July 2023, a high court judge ordered the Home Secretary to change the rules introduced by Part 5 of the Nationality and Borders Act 2022, however those who had received a Reasonable Grounds decision were not in a position to request a reconsideration. We have also observed inconsistent decision making with some decisions appearing to continue to apply the standard introduced when Part 5 was implemented in January 2023 even after the guidance was amended after the court order.⁶⁹⁵

These changes have been introduced while there is not an independent quality assurance mechanism within the decision-making process. The Multi-Agency Assurance Panels (MAAPs), despite their limitations,⁶⁹⁶ provided this function, but these were removed in December 2022 and have never been reintroduced.⁶⁹⁷

The compounded impact of these measures is excluding survivors from accessing identification and support mechanisms, thus putting them at heightened risk of exploitation and re-trafficking and denying them access to justice to resolve these issues.

6.1.3. Barriers to securing legal representation after a positive Reasonable Ground Decision

6.1.3(a). Lack of awareness and training about legal aid entitlements

In the British Red Cross experience, barriers to access legal aid and representation persist even after survivors have received a positive Reasonable Ground Decision as a result of confusion around entitlements to legal aid for victims of modern slavery and difficulties in obtaining the relevant financial information to support the application.⁶⁹⁸

“The British Red Cross has observed some legal aid advisers making unnecessary ECF applications due to a lack of understanding about the legal aid entitlements of service users with positive NRM decisions. This has then caused further delays to the resolution of the issue. On occasion, the Legal Aid Agency will grant

⁶⁹⁴ Home Office (2024). [Modern slavery: NRM and Duty to Notify statistics, April to June 2024. Table 20](#)

⁶⁹⁵ British Red Cross submission

⁶⁹⁶ Anti-Trafficking Monitoring Group. (2021). [A Review of the National Referral Mechanism Multi-Agency Assurance Panels](#)

⁶⁹⁷ Home Office. (October 2024). [Modern Slavery: Statutory Guidance for England and Wales \(under s49 of the Modern Slavery Act 2015\) and Non-Statutory Guidance for Scotland and Northern Ireland, version 3.11](#)

⁶⁹⁸ UNHCR and British Red Cross (2022). [At risk: exploitation and the UK asylum system](#)

*the ECF rather than explaining that the application is unnecessary, thus missing the opportunity to improve an understanding of entitlements among legal aid providers.*⁶⁹⁹

Concerningly, the lack of available and accessible information on entitlements to legal aid for survivors, has led many to paying for private representation,⁷⁰⁰ which as highlighted by ATLEU in the previous section, is one of the main enablers of debt bondage and risk trapping survivors further into exploitation.

The work of the British Red Cross across the UK has consistently highlighted a lack of mandatory training for support workers in MSVCC and AIRE contracts, which would enable them to identify relevant issues and advocate for quality legal advice, and a lack of capacity (or requirement) to actually secure the legal advice.⁷⁰¹ However, even where support workers have been trained on these entitlements, they frequently struggle to access legal aid provision as a result of limited capacity amongst legal aid providers.⁷⁰²

Furthermore, additional focus may be placed on immigration advice at the risk of disregarding the wider intersecting legal issues including housing, non-prosecution, welfare, community care, compensation. This often requires highly specialist training to identify these issues and a supported referral to relevant legal representatives.

6.1.3(b). The impact of LASPO and the Legal aid desert

We have provided some evidence on barriers to access legal representation for individuals seeking asylum in [section 3.6.2](#). We will delve further into the issues affecting the legal aid sector in this section.

ATLEU and the British Red Cross provide a comprehensive summary of the hardships of the legal aid sector and how these have caused a scarcity of resources and further impacted on the current legal aid desert, which is preventing many survivors from accessing legal advice.

“The legal aid sector in the UK is on the brink of collapse as a result of the impact of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), together with other legal aid cuts, the year-on-year depreciation in fees, and austerity. Civil legal aid fees have been frozen since 1996. The Ministry of Justice cut them by 10% in 2011 and have remained unchanged since then. In real terms, according to the National Audit Office (NAO), civil legal aid fees are now approximately half what they were 28 years ago.⁷⁰³ In this time, however, inflation has soared. In practice this means that legal aid lawyers are experiencing yet another cut in funding. During that time, the overhead costs of providers such as ATLEU have steadily increased in line with inflation.

⁶⁹⁹ British Red Cross submission

⁷⁰⁰ British Red Cross submission

⁷⁰¹ British Red Cross submission

⁷⁰² The Law Society. (21 February 2024). [Immigration and asylum – legal aid deserts](#)

⁷⁰³ National Audit Office. (9 February 2024). [Government’s management of legal aid: Summary](#), para 13

There are substantial legal aid ‘deserts’ (areas where there are no legal aid providers) and legal aid ‘droughts’ (areas where there appears to be a supply of providers but they have no capacity to take on new cases) across the UK. Data published by Dr Jo Wilding in June 2023, which combined publicly available data with legal aid provision figures from the Legal Aid Agency, covering September 2021 to August 2022, demonstrates that the legal aid sector is collapsing. There was a 20% reduction in the number of housing legal aid providers in the 18 months to March 2023. The same period saw a 21% loss of legal aid providers for mental health, and a 27% loss in welfare benefits. In immigration and asylum, over 30% of the providers given contracts in September 2018 had stopped doing legal aid work by March 2023.”^{704 705}

The impact of the legal aid desert has been recorded across the UK, especially since the Home Office has adopted a dispersal policy to accommodate people seeking asylum, many of whom are survivors of modern slavery. In many towns and cities across the UK there are no immigration and asylum legal aid advisers at all, and in others there is just one for the entire county.⁷⁰⁶

Between 2022-2023, the British Red Cross conducted three large-scale surveys of their service users across the UK, with the following findings: *“On average, 67% of our surveyed participants had come to us with a need for assistance to access immigration legal support. For those recorded as asylum-seekers at the time of the survey, 74% needed this support. Of those who approached the Red Cross for immigration legal support, nearly half (44%) said that we were only able to help them “a little”, or “not at all”, with this particular need.”*

Another study was conducted between July and August 2023 to review the legal aid sector’s capacity to assist with asylum questionnaires and immigration matters. Some of the findings from this research shows that: *“Of the 210 firms surveyed in England and Wales, 105 firms stated that they had ‘stopped legal aid work entirely’. For the Bibby Stockholm barge in Portland, Dorset, which was the only site to have received asylum seekers at the time, the nearest firm with capacity was 131 miles away.”^{707 708}*

This evidence is supported by ATLEU, which references some of the findings published on the back of the civil legal aid review, which began under the previous government, but has not come to an end yet due to the general elections and the change in government.

“However, the data published so far as part of the Review is stark. For example, the Survey of civil legal aid providers in England and Wales⁷⁰⁹ found that two thirds of private practices and 37% of nonprofits stopped doing legal aid work in the past because it was no longer financially viable. Over half of private practices do not make a profit from civil legal aid work: 33% said the service was loss making and 22%

⁷⁰⁴ The Conversation. (7 June 2023). [The legal aid sector is collapsing and millions more may soon be without access to justice – new data](#)

⁷⁰⁵ ATLEU submission

⁷⁰⁶ British Red Cross (2023). [We want to be strong, but we don’t have the chance: Women’s experiences of seeking asylum in the UK](#)

⁷⁰⁷ Baker McKenzie and British Red Cross (2024). *Support for People Seeking Asylum: The Provision of Legal Aid Advice to Asylum Seekers*. Available upon request

⁷⁰⁸ British Red Cross submission

⁷⁰⁹ PA consulting for the Ministry of Justice. (January 2024). [Review of Civil Legal Aid: Provider Survey Report](#)

broke even. Four in 10 non-profits are heavily reliant on trusts or charitable donations as a source of revenue. Four in 10 respondents will quit the sector or reduce their legal aid work in the next 12 months, and four in 10 will 'actively' quit the legal aid sector in the next five years".^{710 711}

6.1.3(c). Issues with the Legal Aid funding model for modern slavery cases

ATLEU explains why the complexity and intersectionality of modern slavery cases creates additional challenges for professionals dealing with these cases, which require longer time frame and therefore additional funding to deal with them effectively.

"The legal advice crisis for survivors of trafficking and modern slavery occurs within the broader crisis in civil legal aid as outlined in the previous section, but the primary cause is the way in which trafficking and modern slavery cases are funded.

Trafficking and modern slavery cases are uniquely complex, long-running and costly: ill-suited to payment by standard legal aid fixed fees which do not change to reflect the time taken or level of work carried out. The average length of a trafficking and modern slavery case is significantly longer than other immigration cases due to the factors related to the presentation of the client and other issues that need addressing in the case before representations can be made to the Home Office, for example, waiting on medico legal evidence or phased disclosure by clients as they establish trust with their representative. In our experience, securing a positive reasonable grounds decision and obtaining discretionary leave to remain, can regularly take over five times the amount of hours covered by the fixed fee. There are also long delays that come from the NRM system.

In ATLEU's experience, a positive Conclusive Grounds decision can take at least two years and sometimes more than three years. In 2023, according to published Home Office data, the average (median) waiting time from referral to a conclusive grounds decision was 526 days. Analysis by the IOM found that the median waiting time for women was 904 days and 532 days for men.⁷¹² The long running nature of the cases and investment required means that taking on trafficking and modern slavery cases is not viable or sustainable for many legal aid providers. A report by ATLEU and the Rights Lab at the University of Nottingham, Access to legal advice and representation for survivors of modern slavery (2021), found that within larger firms, with a number of different legal departments, there was an acceptance within the firm that trafficking cases would run 'at a loss' but be offset by gains in different departments.

This strategy enabled them to run the case in a more expansive way than otherwise would have been possible. Clearly, this was not an option available to those lawyers in smaller, less diversified law firms. The current payment structure results in very few providers developing trafficking expertise or being able to afford to run a trafficking case with the investment of time and disbursements it needs. This is causing

⁷¹⁰ Summary of Ibid, in The Law Society Gazette. (24 January 2024). [News focus: It's official - civil legal aid provision is withering away](#)

⁷¹¹ ATLEU submission

⁷¹² IOM UK. (2024). [UK National Referral Mechanism. Data Analysis Briefing #8](#)

poor quality advice, where providers fail to run important trafficking arguments, or don't spend the time explaining a victim's case properly or take the time necessary to present the right supporting evidence. It is also leading to a market failure resulting in the legal advice droughts and deserts for survivors of trafficking and modern slavery with devastating consequences.

As with funding for Unaccompanied Asylum-Seeking Children (UASC) cases, it is clear that immigration legal aid funding for trafficking and modern slavery cases requires a tailored response that is reflective of the evidenced complexities of running such cases and the high level vulnerability of this group of survivors. This type of case is too complicated to be operated on a fixed fee basis and is leading to legal aid deserts and droughts for survivors. The existing legal aid regime is unnecessarily complex and bureaucratic and places a heavy burden on both legal aid providers and the state. The legal aid billing process for immigration cases is the most complex in civil legal aid at controlled work level and hugely burdensome for providers.”⁷¹³

6.1.3(d). The legal aid means test

The Legal Aid provision is based on a merit and means test, while the merit test focuses on establishing if in the balance of probabilities, the case could be successful, the means test looks at the financial situation of the applicant to understand if they are entitled to receive free legal aid.

ATLEU highlights significant gaps in the means test process, which is preventing survivors from accessing legal aid. *“The Legal Aid Means Test excludes many survivors from accessing legal advice despite their inability to afford it otherwise. The income test does not reflect the complex, diverse and often fluctuating financial reality of many survivors. They are often in unstable forms of work where their income will fluctuate. Those who work as part of their recovery are effectively penalised.*

The capital test remains excessively burdensome, such as the requirement to provide evidence that assets abroad should not be considered. The previous government undertook a review of the Legal Aid Means Test, which launched in 2019 and planned reforms announced in May 2023. Delays to implementation of planned reforms had been announced on two occasions.

In March 2024, the Legal Aid Agency announced that implementation of some measures were to be accelerated, including bringing into force in 2024 a mandatory disregard of Modern Slavery Victim Care Contract (MSVCC) financial support payments from the income assessment.⁷¹⁴ This has not yet happened at the time of writing. While this would be a positive step forwards, ATLEU continues to call for non-means tested legal aid for all survivors of trafficking and modern slavery as the most effective way to ensure that they can access the legally aided advice and representation that they crucially need.”⁷¹⁵

⁷¹³ ATLEU submission

⁷¹⁴ Home Office. (14 March 2024). [Victims given greater access to justice through legal aid reform](#)

⁷¹⁵ ATLEU submission

6.1.4 The impact of lack of access to legal representation

Lack of or delayed access to specialist legal representation is extremely detrimental for survivors of modern slavery and can lead to life-changing impact, even more so since the introduction of NABA and the IMA. The effects of this legislation both practically through provisions brought into force (NABA) and the rhetoric surrounding them (IMA) as seen in [section 4.3.4](#), have created additional barriers for survivors to access identification and support. The need to navigate these complex changes in legislation and guidance, compounded by existing gaps, increased professionals and survivors' reliance on the expertise and assistance of legal representatives.⁷¹⁶

Additionally, "Legal advice is critical in both alleviating a survivor's vulnerability to re-trafficking and ensuring a sustained recovery after exploitation – and is often the route to preventing criminalisation, destitution or removal from the UK."⁷¹⁷

The information provided in ATLEU's 2022 report⁷¹⁸ demonstrates the devastating impact of the lack of timely access to legal advice on survivors of trafficking and modern slavery.

"55% of respondents said it had left survivors they supported destitute or unable to access appropriate accommodation or support. An overwhelming 97% said it caused stress, anxiety or contributed to poor mental health including suicidal thoughts. It led to survivors missing important deadlines which could have serious long-term consequences, such as deadlines with the Competent Authorities in their trafficking identification case or with the Home Office in an immigration or asylum case. 29% of respondents said the inability to access legal advice had left survivors in a situation of exploitation. Finally, survivors who are not able to access quality legal advice within a reasonable timeframe have been detained and put at risk of removal."⁷¹⁹

Furthermore, the research has identified negative impacts of this crisis on frontline organisations, which are consequently impacting on the amount and quality of support they can provide to survivors: *"The hours of time spent on trying to find a solicitor with capacity is detracting from the ability of front-line workers to focus on core support services and promoting the recovery of survivors. 94% of support workers responding to ATLEU's survey said that it was causing them additional work.*

The inability to find a legal aid solicitor with capacity is leading some support workers to try to help with a task that should be undertaken by an accredited adviser or lawyer, with 68% saying that they had done this."⁷²⁰

This is an ongoing trend. From calls to ATLEU's advice line and emails to our referral's portal in 2023 and 2024, we are aware that increasingly support workers are feeling they need to perform legal tasks such as

⁷¹⁶ ATLEU and Hestia submissions

⁷¹⁷ The Salvation Army submission

⁷¹⁸ ATLEU (October 2022). [‘It has destroyed me’](#)

⁷¹⁹ *Ibid*

⁷²⁰ *Ibid*

*complete witness statements for survivors in the NRM, even though those people may be eligible for legal aid and the support worker has no legal training or immigration accreditation. This can have negative outcomes for survivors if mistakes are made, despite the best of intentions. For survivors of trafficking and modern slavery, in addition to being devastating for affected individuals, the legal advice crisis is also costly in terms of undermining the outcome of spending on the UK's systems of trafficking and modern slavery protection including funding the costs of the National Referral Mechanism (NRM) and the Modern Slavery Victim Care Contract (MSVCC)."*⁷²¹

This is in line with findings from this report from Unseen and the British Institute of International and Comparative law.⁷²²

Organisations have also reported issues with survivors losing access to representation even after securing it.

For example, The Salvation Army reports that they "...see instances where survivors are notified that a solicitor is no longer supporting their case which can exacerbate stress and anxiety. Legal assistance is only available after a positive reasonable grounds decision, so early support pre-NRM guidance is out of scope and all legal aid provision is means-tested. If a survivor is able to secure employment they will no longer be entitled to legal aid.

*Employment tribunal claims in cases of labour exploitation in the scope of legal aid are subject to a means test and a statutory charge is applied if a survivor is successful in their claim, so legal expenses are paid back at the end of the claim. A survivor therefore will not receive all the money recovered. TSA has observed claims brought by a survivor be diminished because they were living with someone who had a job which brought their household income over the threshold. This is a common dynamic, and one of many barriers to rebuilding your life after a trafficking experience whereby if you can access legal aid funding you can pursue your claim but only if you do not have a job."*⁷²³

ATLEU makes the following recommendations to improve access to advice for survivors of trafficking:

- *Immigration legal aid for trafficking and modern slavery cases should be paid on an hourly basis with rates of remuneration raised to a sustainable level.*
- *An efficient, streamlined process for opening, reporting and billing legal aid matters should be introduced to replace the overly complex, burdensome and financially crippling bureaucracy that deters so many legal aid providers.*
- *The following areas of law should be brought into scope of legal aid for all survivors: pre NRM immigration advice; advice on identification as a victim of trafficking and modern slavery; and advice on the Criminal Injuries Compensation Scheme.*
- *Survivors of trafficking and modern slavery should receive non-means tested legal aid.*

⁷²¹ ATLEU submission

⁷²² Dr Jean-Pierre Gauci et al. (January 2023). [Impacts of a lack of legal advice on adults with lived experience of modern slavery](#)

⁷²³ The Salvation Army submission

- *Introduce a legal aid contract for trafficking and modern slavery compensation claims.*

Additionally, Hope for Justice recommends that welfare benefits are also brought into scope of legal aid, considering their complexity, especially for foreign nationals.

6.1.5 Access to the Exceptional Case Funding

In this complex environment it is therefore paramount that survivors have access to free legal aid and advice for all areas currently out of scope: pre-NRM immigration advice; advice about trafficking identification; and advice on the Criminal Injuries Compensation Scheme. The Exceptional Case Funding (ECF) is one of the alternative funding opportunities utilised for these cases, but this barely consists of a valid alternative. Organisations have described the ECF process as too burdensome and time consuming⁷²⁴ and potentially re-traumatising for survivors of modern slavery. This is demonstrated by the following ATLEU's experience:

“ATLEU has substantial experience in applying for ECF on areas of advice which fall outside of the scope of legal aid, including immigration advice, pre-NRM advice, or Criminal Injuries Compensation Scheme (CICS) advice. We have found the scheme ineffective, time consuming, and frustrating. Applications for ECF in cases of trafficking and modern slavery are very slow and communication is poor and there is no emergency application process for ECF.

Crucially, ECF applications in trafficking and modern slavery cases are frequently refused by the Legal Aid Agency and they are administratively burdensome and complex. For these reasons, ECF applications for trafficking and modern slavery cases are viewed as an unacceptable risk by most legal aid providers.

ATLEU has substantial experience of applying for ECF for survivors of trafficking and modern slavery for CICA applications. It is frustrating, adversarial, lengthy, and communication is poor. The government aims to process 85% of ECF applications within 25 days. Yet ATLEU clients frequently experience lengthy delays and a void of information about when they might hear back about a decision.

Between January 2022 and June 2024, ATLEU applied for ECF funding in 24 cases. In approximately two thirds of these, the initial application decision took more than 25 days, with an average of 31 working days. Eleven of these initial applications were refused (46%) and 13 (54%) granted. ATLEU challenged all 11 refusals, and five were overturned, five appeals were rejected, and one is awaiting an appeal decision. The process of appealing necessarily involves further delays. The average number of working days for a decision on a challenged refusal was 54 days. Since April 2023, all ATLEU's ECF applications have been refused. We have challenged all these decisions but none have yet been concluded, significantly delaying the cases. LAA decision making on ECF applications is poor, often due to a failure to understand the applicable law or apply lawfully the legal aid regulations. Inconsistent decision making is common.

⁷²⁴ British Red Cross submission

For example, ATLEU applied for ECF on behalf of two clients who had been exploited in the so-called ‘county lines’ form of trafficking. One was granted ECF swiftly, and the other was granted ECF only on appeal. Accountability on the reasons for an ECF refusal are poor. ATLEU regularly sees refusals which do not set out clearly the reasons for refusal. This is particularly distressing for clients who have disclosed horrific treatment. Many feel that the ECF refusals means that they are not believed, and it compounds trauma. It is unacceptable that the process of seeking to access legal aid to achieve remedy for their trafficking and modern slavery experiences is re-traumatising.”⁷²⁵

6.2. Enable all victims of trafficking, including undocumented migrants, to exercise their right to compensation, including state compensation

Contributors to this submission agree on the importance of accessing advice and compensation to ensure justice, redress and recovery for survivors of modern slavery. Yet, this is identified as one of the most challenging areas to get legal advice and representation on.

The UK provides several compensation mechanisms, who are also accessible to survivors. The compensation can come from the state through the Criminal Injuries Compensation Scheme (CICS) or through Court-ordered compensation. However, evidence shared by contributors of this submission shows these mechanisms are ineffective and the number of survivors who are able to obtain compensation is minimal.

6.2.1. General challenges to access legal advice on compensation matters

We have summarised below a list of challenges identified by ATLEU for survivors to access legal advice in relation to compensation matters:

- **“There are extremely few legal practitioners supporting survivors to make compensation claims.** *ATLEU’s advice referral portal statistics demonstrate just how few providers are taking compensation cases. Between September 2020 and October 2022, there were 54 referrals for compensation advice but only six were matched with a legal provider prepared to take on the case, one of which was from ATLEU. The complexity of the different avenues technically available for compensation, alongside deficiencies in the way in which these trafficking and modern slavery compensation cases are funded, is driving this availability crisis.*
- **Inadequate fees:** *Trafficking compensation complaints are complex and often raise novel areas of law. Yet despite their considerable complexity, compensation claims on legal help files fall in the ‘miscellaneous’ category. This attracts the lowest rate of remuneration, a fixed fee of just £79 in comparison to a fixed fee of £157 in housing or £259 in public law. Low rates of pay mean there is little business case for a provider to undertake trafficking compensation claims.*

⁷²⁵ ATLEU submission

- **Lack of a specific contract for providers to undertake trafficking compensation claims:** *The lack of a specific contract for providers to undertake trafficking compensation claims also makes the work less desirable.*
- **Challenges with Trafficking and Modern Slavery Compensation Claims (TMSCCs):** *TMSCCs are claims against a trafficker either in the County Court or High Court. While LASPO also purportedly makes legal aid available for them, very few providers are taking these cases.*
- **Poor and adversarial decision making by the LAA:** *Whilst trafficking compensation claims are technically ‘in scope’ for legal aid, the way that the legal aid scheme is administered for this group 8 has the effect of shutting out most victims of trafficking from receiving legal aid. Legal Aid Agency decisions on victims of trafficking cases are poor and inconsistent. Refusals of applications are frequent, often due to a failure to understand the applicable law or apply lawfully the legal aid regulations. There is a culture of refusal at the LAA when it comes to trafficking compensation claims, alongside evidence of obstructive conduct. Both are wasteful, resulting in unnecessary and adversarial litigation against the state at significant expense to the public purse, whilst denying legal aid to those who need it most. The need for satellite litigation frequently protracts proceedings, sometimes for several years.”⁷²⁶*

Hope for Justice also notes that delays in the decision-making process by the Legal Aid Agency can affect the solicitor-client relationship, creating distrust in the survivor, who may think the solicitor is delaying the case rather than external factors.

6.2.2. The Criminal Injuries Compensation Scheme

In the UK, the State offers compensation to victims of violent crime who have suffered physical or psychological injuries, including survivors of modern slavery, through the Criminal Injuries Compensation Scheme (CICS).⁷²⁷ Guaranteeing access to this scheme, it’s extremely important to achieve survivor’s recovery, as reported by After Exploitation: *“In practice, practitioners describe this as “the final piece of the puzzle” for survivors who otherwise face financial hardship and may not be able to access training or education opportunities without it.”^{728 729}*

Furthermore, under Article 15 ECAT, States have an obligation to provide information to survivors on how to access compensation.⁷³⁰ However in After Exploitation experience: *“survivors working alongside us frequently report that they were not informed about their right to access compensation whilst they were in the NRM”.*⁷³¹

⁷²⁶ ATLEU submission

⁷²⁷ Home Office. (26 March 2014). [Criminal injuries compensation: a guide](#)

⁷²⁸ After Exploitation. [Modern slavery, human trafficking + compensation \(CICA\)](#)

⁷²⁹ After Exploitation submission

⁷³⁰ UK Government. (July 2012). [Council of Europe Convention on Action against Trafficking in Human Beings](#)

⁷³¹ After Exploitation submission

Despite the complex nature of the application and the essential knowledge of a legal representative to successfully submit an application, the scheme is out of scope for legal Aid.

Support workers are also unlikely to have the specialist knowledge required or the capacity to undertake this role for survivors. Although the Legal Aid Agency says it has simplified the application form, in practice it has merely altered how the questions are phrased. The same detailed legal submissions are still required, which cannot be done without legal advice.⁷³²

6.2.2(a). Low number of applications and grants of compensation

This is confirmed by the few survivors who have accessed the scheme and the even fewer who have been granted compensation as result, as evidence by data provided by After Exploitation:

“Data obtained by After Exploitation and published via our ‘Modern slavery, human trafficking and compensation (CICA) fact sheet’ shows that only 133 applications for compensation through the scheme were recorded between January 2021 and May 2024, compared to the more than 51,193 modern slavery cases reported to the Home Office during this period.”⁷³³

There are also significant data integrity issues within CICA, as UK nationals and those with settled status are not counted by the authority. A decision to stop recording gender, made in 2023, also undermines the quality of available statistics capable of shedding light on whether gender disparities exist within decision making.”⁷³⁴

According to follow-up FOI requests also published in the factsheet, CICA confirmed that between 82% and 100% of trafficking victims are refused an award of compensation through the scheme, with the leading reason for rejection (39%) being that CICA did not deem the trafficking a ‘crime of violence’ under the scheme’s rules.”⁷³⁵

As reported by ATLEU, these are long-standing issues: *“The Independent Anti-Slavery Commissioner documented that in an eight-year period (2012 to 2020), in England and Wales only 54 out of 283 applications by victims of trafficking to the scheme were awarded compensation.”⁷³⁶*

6.2.2(b). Challenges to accessing and obtaining compensation through Criminal Injuries Compensation Scheme

Organisations highlight several challenges that are preventing survivors from accessing compensation through the CICS.

⁷³² ATLEU submission

⁷³³ After Exploitation. [Modern slavery, human trafficking + compensation \(CICA\)](#)

⁷³⁴ After Exploitation. (22 July 2024). [“The Final piece of the puzzle”: information sheet on Modern slavery + compensation](#)

⁷³⁵ After Exploitation submission

⁷³⁶ ATLEU submission

- ***“A failure to define trafficking and modern slavery as a ‘crime of violence’ in the scheme rules***
Trafficking and modern slavery are not defined as ‘crimes of violence’ under the scheme definition and this has led to many applications from survivors being rejected. This is at odds with the fact that all forms of slavery are recognised as forms of violent crime in the Modern Slavery Act (2015). In the meantime, the definition of a ‘crime of violence’ is interpreted so narrowly by CICA that it does not encompass the experience of a victim of trafficking and slavery.
- ***The operation of a 2-year time limit in application***
An application must be made within two years of the criminal injury suffered. Many survivors will make an application outside of this time limit. This is commonly due to trauma, a lack of knowledge about the scheme, the lack of assistance available to help submit an application, fear of repercussions from a trafficker, a fear of authorities, and also a survivor’s hierarchy of needs. CICA has the discretion to extend the time limit but will only do so if substantial evidence is submitted, which places a significant burden on the survivor to produce documentation. After exploitation recognises that this practice disproportionately impacts victims of historic and childhood exploitation.⁷³⁷
- ***The ‘unspent conviction’ rule***
Under the scheme rules, an unspent conviction will result in an award being withheld. There is no discretion for CICA to look at the circumstances of the conviction, for example, whether the conviction was as a result of acts that a survivor was compelled to do in the course of their exploitation. This rule has a disproportionately discriminatory and exclusionary impact on survivors of trafficking and modern slavery. Many are compelled to commit criminal offences as part of their exploitation and fall through the gaps of the UK’s non-punishment framework.⁷³⁸
- ***The requirement on victims of trafficking and modern slavery to report twice***
To be eligible to apply, a victim is required to have reported to the police ‘as soon as reasonably practicable’ and ‘within a period of 2 years’. This means that a victim of trafficking has to report the crime against them twice: as part of the NRM identification process and also to the police.
- ***Withholding compensation awards for failure to cooperate with criminal investigations***
Under paragraph 23 of the scheme, CICA is able to withhold awards of compensation where an applicant has ‘failed to cooperate so far as is reasonably practicable in bringing the assailant to justice.’ Despite the requirement to look at the individual applicants’ circumstances, CICA does routinely refuse compensation on the grounds of non-cooperation, without consideration of the applicant’s reasons or circumstances. This fails to reflect the impact of trauma on a survivor, fear of the authorities, for their safety or the safety of family members, amongst other factors. Practitioners interviewed by After Exploitation highlight this practice as disproportionately harmful for survivors of modern slavery. “...(the) requirement to have worked with law enforcement before claiming compensation was unrealistic, as many survivors were particularly fearful about engaging with the police or were willing to support an investigation which was dropped due to perpetrators being based outside of the police force’s jurisdiction.”⁷³⁹

⁷³⁷ After Exploitation submission

⁷³⁸ Also noted in After Exploitation submission

⁷³⁹ After exploitation submission

- **Lengthy delays in decision making**

*The length of time from application to award of compensation is regularly lengthy for survivors and requires extensive correspondence and submissions being made. As mentioned, applications to the scheme are out of scope for legal aid and the lack of readily available legal assistance can mean that survivors become disillusioned and disengaged from the process. Sadly, the length of time needed to obtain funding and an initial decision from CICA has seen five ATLEU clients die before the conclusion of their application since 2019. Most recently, the sad death of our client in August 2024, who had been trafficked to the UK in 2012, subjected to forced labour for three years, and was conclusively identified as a victim of trafficking in 2015. At the time of his death, he had been trying to get compensation from CICA for six years. He experienced lengthy delays and refusals by the Legal Aid Agency to get legal aid: a staggering 686 days to get legal aid in place to pursue an appeal. He experienced delays and flawed refusals by CICA. ATLEU was in the process of bringing a Judicial Review against a negative appeal decision when he died.*⁷⁴⁰

After Exploitation notes that exemptions from compensation access can be challenged, however this requires a strong legal argument, which once again requires legal representation. As we have seen in the previous section, CICS is out of scope of legal aid. This is compounded with the challenges to access Exceptional case Funding as seen in [section 6.1.5](#) of this submission.

“The factsheet data⁷⁴¹ shows that 1 in 3 (32%) survivors who applied for CICA navigated the complex application process without legal representation, whilst questions remain as to whether charities in the UK are equipped to support victims of crime to apply for CICA due to the legal expertise required. Between 1st January 2023 – 20th June 2024, survivors were represented by charities in 2 or fewer cases. The same FOI data showed that waiting times continued to blight victims, with 24% who applied in the two years prior still waiting for an outcome. In response to the findings, the UK’s independent Anti-Slavery Commissioner called for “more to be done” to ensure survivors’ access to compensation, including access to legal aid which is not automatically granted to victims of trafficking in the UK.^{742 743}

The Salvation Army experience confirms the concerns raised so far: *“The CICA process requires a survivor to obtain high level evidence to demonstrate the harm caused by their trafficking ordeal. This requires legal support, and TSA sees that in claims undertaken without legal guidance survivors do not receive their full award. Legal advice is not often accessible for survivors. There are further barriers for survivors in accessing compensation through CICA; many survivors are terrified of cooperation with the police out of fear of reprisal from their traffickers. There is also a two-year time limit to submitting a CICA application, and as we know it can often take survivors years to disclose their experiences of exploitation.*⁷⁴⁴

⁷⁴⁰ ATLEU submission

⁷⁴¹ After Exploitation. (22 July 2024). [“The Final piece of the puzzle”: information sheet on Modern slavery + compensation](#)

⁷⁴² The Independent. (23 July 2024). [Trafficking victims being turned down for compensation in ‘horrendous failing’](#)

⁷⁴³ After Exploitation submission

⁷⁴⁴ The Salvation Army submission

6.2.3. Court-ordered compensation

6.2.3(a). Issues with data transparency

Survivors of modern slavery and human trafficking can access compensation orders, or a slavery and trafficking reparation order (STRO) introduced via the Modern Slavery Act 2015. These are ordered by the Court.

However, data shared by After Exploitation shows that these are awarded very rarely. *“Between June 2017 and 2023, court-ordered compensation was issued in cases prosecuted under the Modern Slavery Act on only four occasions, with no survivors receiving a financial award at the time of publication:*

	2017	2018	2019	2020	2021	2022	2023
Compensation (all disposal)	1	0	1	0	2	0	0
Average Compensation (£)	£0	£0	£0	£0	£0	£0	£0

Table 1. ‘Compensation data via the Ministry of Justice’s ‘Criminal Justice System Statistics publication: Outcomes by Offence 2010 to 2023: Pivot Table Analytical Tool for England and Wales’

Additional data provided by ATLEU confirms the low number of compensations awarded: *“In April 2022, the Independent Anti-Slavery Commissioner reported that only 41 compensation orders and 8 Slavery and Trafficking reparation orders had been made in the seven years since 2015.”*⁷⁴⁵ Yet in the same period, 53,164 survivors were referred into the NRM.⁷⁴⁶

Both ATLEU and After Exploitation raise significant concerns in relation to the lack of transparency in relation to the numbers of survivors who obtain court-ordered compensation.

“For example, confiscation orders do not always result in the victim receiving compensation through the courts, whilst the MOJ dataset on court-ordered compensation does not clarify whether these totals are inclusive of STROs, as introduced under the Modern Slavery Act, or only relate to compensation orders more broadly. Early Parliamentary Questions revealed that no STROs were issued in 2017 or 2018 but

⁷⁴⁵ Independent Anti-Slavery Commissioner. (2022). [IASC policy paper: Access to compensation and reparation for survivors of trafficking](#)

⁷⁴⁶ ATLEU submission

ministers promised a review into their effectiveness was expected and that the government was “looking forward to receiving the findings in Spring.”^{747 748 749}

Hereafter, ministers began to deny there was any central record of STROs when asked by some MPs. In 2020, the Government claimed that data on court-ordered compensation in slavery cases is not publishable “as the HMCTS [Her Majesty’s Courts and Tribunal System] system does not report at that level of detail”.⁷⁵⁰ However, data on court-ordered compensation in modern slavery cases, along with almost all other offence types, can be extracted by the Ministry of Justice (MOJ) from systems called LIBRA (for magistrate court data) or CREST (for crown court data)⁷⁵¹ and is published via the MOJ’s ‘outcomes by Offence’ statistics every three months. These transparency issues have led to a political context in which court-ordered compensation for victims of trafficking is poorly understood and rarely discussed in the media or Parliamentary discourse.”⁷⁵²

6.2.3(b). Challenges to recover compensation from a trafficker

“The existing avenues to recover compensation from a trafficker are fraught with challenge, complexity and confusion. They were not drafted with trafficking and modern slavery in mind, and the decision makers for these often do not understand that the crimes fit. There is no civil remedy for trafficking and modern slavery in UK law. Without such a civil remedy, survivors and their legal representatives are forced to try to access compensation through a multitude of existing laws, patching together several different claims which encompass the many wrongs done to them. It is complex, confusing, lengthy, and costly.

Slavery and Trafficking reparation orders under the Modern Slavery Act require a criminal conviction of the perpetrator under the Act and for a confiscation order to be made. As prosecution and conviction rates under the Act remain very low, this avenue is only available to a very limited number of victims who have seen their traffickers convicted. Compensation Orders under the Powers of Criminal Courts (Sentencing) Act 2000 also requires a criminal conviction of the perpetrator, restricting access.

Even when compensation orders are made, they are often for very low amounts of money which does not reflect the gravity of the crime committed. An Employment Tribunal claim for employment-related matters such as unfair dismissal or unlawful deduction of wages is a very lengthy process, often a minimum of 18 months. Survivors, particularly those with irregular immigration status, are in practice often excluded from bringing a claim. The strict deadline to lodge a complaint of 3 months less a day since the employment abuse occurred is entirely unrealistic for many survivors. The Deduction from Wages (Limitation) Regulations 2014 significantly reduced the utility of this option as it is now not possible to claim more than two years of unpaid wages.”⁷⁵³

⁷⁴⁷ UK Parliament. (21 November 2018). [Written Questions](#)

⁷⁴⁸ UK Parliament. (5 November 2018). [Written Questions](#)

⁷⁴⁹ UK Parliament. (21 November 2018). [Written Questions](#)

⁷⁵⁰ UK Parliament. (26 March 2018). [Written Questions](#)

⁷⁵¹ UK Government. (December 2015). [Criminal Justice System Statistics Quarterly: December 2015](#)

⁷⁵² After Exploitation submission

⁷⁵³ ATLEU submission

6.2.4. Recommendations on how to improve access to compensation for survivors of modern slavery

ATLEU makes the recommendations below to improve access to compensation for survivors of modern slavery:

- *“Introduce into law a civil remedy of trafficking and modern slavery*
- *Establish a trafficking and modern slavery compensation claim contract*
- *Bring advice on applications to the Criminal Injuries Compensation Scheme within the scope of legal aid*
- *Reform the Criminal Injuries Compensation Scheme to make it fit for purpose for this crime. The definition of a ‘crime of violence’ should be amended to specifically include the acts of human trafficking and modern slavery. The two-year time limit for applications to the scheme should be removed for victims of trafficking and modern slavery. The ‘unspent conviction rule’ should be removed and paragraph 23 of the scheme which allows CICA to withhold an award if it deems the victim did not sufficiently cooperate with a criminal investigation should also be removed. Specific comprehensive guidance on trafficking and modern slavery should be introduced that would address issues particular to this group and how the Scheme should be interpreted by the decision-makers.”⁷⁵⁴*

In addition, Hope for Justice recommends that survivors are provided with accessible, culturally competent information to enable them to make decisions as to whether they want to access legal advice on compensation and access compensation per se in the first place. There is also a need for independent advocacy and support to continue engaging with the scheme, including where the survivor has been able to access pro-bono legal representation.

⁷⁵⁴ ATLEU submission

6.3. Ensure compliance with the principle on the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they have been compelled to do so

The information provided in [section 3.1.2\(e\)](#), [4.3.4\(b\)](#) and [4.4.3](#) are also relevant to this section.

Contributors to this submission agree on the detrimental impact of immigration enforcement policies introduced by NABA 2022 and the IMA 2023, which contain provisions in breach of the non-punishment principle. *“The Nationality and Borders Act contradicts the non-punishment principle by introducing a provision that permits the disqualification of survivors from support if the person is a ‘threat to public order.’”*⁷⁵⁵

The current environment continues to favour the criminalisation of victims of trafficking with little attention to improving the experiences of survivors going through the criminal justice system. This is compounded by the lack of transparency and publicly available data in relation to survivors’ journey through the criminal justice system, which prevents us from building an accurate picture of the issue.

NRM data and the experience of frontline organisations tell us that *“In 2023 potential victims were most referred to the NRM for criminal exploitation, accounting for 28% of all referrals.”*⁷⁵⁶ *Despite this prevalence of forced criminality in cases of modern slavery in the UK, compliance with the non-punishment principle is not applied in practice. Many survivors of trafficking are convicted of offences they were compelled to commit during their experience of exploitation, and there are often failures in identifying indicators of trafficking during criminal proceedings and a lack of knowledge of the statutory defence outlined in the Modern Slavery Act.*

*There is also no systemic approach to appealing the convictions survivors of trafficking have received as part of their exploitation which is a significant barrier for survivors seeking to rebuild their lives after experiences of exploitation.”*⁷⁵⁷

Furthermore, the process for applications to expunge convictions more broadly is cumbersome. For some survivors whose exploitation may go back twenty or more years there are also complexities in respect of out-of-time appeals as there were not specific policy provisions in place for non-prosecution at the time.

We note that similar issues, as reported in the last GRETA round evaluation, continue to persist, including but not limited to, the backlog in criminal cases and criminal defence solicitors not knowing anything about modern slavery and human trafficking, which may lead to identification failures in the first place. Nevertheless, even when they do identify someone as being a potential survivor of modern slavery, they often wrongly advise them to plead guilty without understanding the implications for the survivor including how this impacts their immigration status.

⁷⁵⁵ The Salvation Army submission

⁷⁵⁶ Home Office. (March 2024). [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2023](#)

⁷⁵⁷ The Salvation Army submission

This is supported by evidence provided in the Hestia submission: *“Section 45 of the Modern Slavery Act 2015 offers a defence for those who are faced with criminal liability for a criminal act that they committed as a consequence of their modern slavery or human trafficking experience. In practice however, we find that many victims entering the service already have criminal convictions upon entering the NRM and receiving their RG decisions.*

Part 5 of NABA 2022 introduced Public Order Disqualifications (POD). In other words, if the government finds that a victim poses a threat to public order, NABA 2022 Part 5 gives the Home Secretary powers to disqualify them from support and all modern slavery protections. Many of the individuals being disqualified committed crimes under duress during their exploitation, yet this is not considered in practice at point of disqualification. This is often because victims, poorly represented or ill-advised during criminal trials, pled guilty to offences, instead of relying on the Section 45 defence.”⁷⁵⁸

In a similar sense, the British Red Cross experience shows challenges to access legal advice on intersecting matters affecting access to immigration, asylum, modern slavery, compensation, housing, and criminal cases relating to the section 45 defence under the Modern Slavery Act 2015. *“Multiple referrals, and the delays resulting from lack of capacity to take on new cases, have the potential to create a detrimental impact on the timeframe and outcome of cases. We are aware that there are many people who, due to fear or other barriers, are unable to make a disclosure of having been trafficked into criminal exploitation prior to sentencing, and for whom a Section 45 defence is not identified.”⁷⁵⁹*

IOM UK provides case studies gathered through an analysis of nearly 300 media reports identified between 2015 and 2024 from regional online news websites about foreign nationals who received custodial sentences after being found guilty of the production of cannabis. In all these cases the media report describes strong indicators that those who were convicted were a potential victim of human trafficking. This evidence attests to the failures in the application of section 45 defence.

“The overwhelming majority of the reports include no reference to the defendants being recognised as potential victims of human trafficking or modern slavery. However, IOM continues to identify cases in which defendants were explicitly described as a victim of human trafficking and modern slavery during their criminal trial. This submission includes a small snapshot of such cases reported in the past 15 months.”⁷⁶⁰

⁷⁵⁸ Hestia submission

⁷⁵⁹ British Red Cross submission

⁷⁶⁰ IOM UK submission

Case study 15

In March 2024, an Albanian man was given a six-month custodial sentence at Newcastle Crown Court for the production of cannabis. The media report quotes the Recorder as saying to the man, “Unfortunately, as these courts know only too well, the debt that so often is connected to bringing you to the UK unlawfully means that you are vulnerable to exploitation by the same criminal gangs and that, I am satisfied, is what happened in your case.”

The Recorder acknowledged the likelihood that the man would be returned to Albania and advised that they raise awareness of the risks to others in Albania, “Hopefully, that will bring an end to this unhappy chapter in your life but will also give you the opportunity to tell others in Albania that travelling to the UK unlawfully is likely to lead not only to substantial debt to criminal gangs but also them being exploited in the same way that you were and they would be much better advised not to come in the first place.”⁷⁶¹

Case study 16

In August 2023, a Vietnamese man was given a seventeen-month custodial sentence at Carlisle Crown Court for the production of cannabis. The Recorder who issued the sentence described the man as a victim of human trafficking but also explained that he was not entitled to use the Section 45 defence (this was introduced in the 2015 Modern Slavery Act to uphold the non-punishment provision). The media report quotes the Recorder as telling the man, “You moved to the UK in 2021, being a victim of human trafficking and therefore had to discharge a debt of many thousands of pounds . . . Even though the threshold of a defence of modern slavery was not reached, it is clear that the last few years of your life have been lived in circumstances akin to human trafficking. You could not use the defence of ‘modern slavery’, but you were in circumstances approaching it.”⁷⁶²

*IOM also undertakes ad hoc monitoring of media reports for potential cases of **children** who have been exploited in so-called ‘county lines’ cases and have been punished despite potentially being a victim of child criminal exploitation. One recent example is described below:*

Case study 17

In July 2024, a 17-year-old boy from Manchester received a 12-month youth referral order and was ordered to pay £85 costs and a £26 victim surcharge after pleading guilty to possession with intent to supply Class A drugs. His solicitor told the court, “He was vulnerable at the time and threatened over Snapchat with pictures of his family’s house. He took that to mean that if you don’t pick up the package of drugs and goto Barrow, his family would be harmed. This is a county lines operation where [the defendant] was exploited.”

⁷⁶¹ Northumberland Gazette. (27 March 2024). [Cannabis farmer caught in Ashington is jailed for six months](#)

⁷⁶² News and Star. (10 August 2023). [Carlisle cannabis farmer with £250k crop was trafficked into the UK](#)

The District Judge also acknowledged that the boy had been exploited. They are quoted in the media report as saying, “This is a classic case of somebody being removed from their home area and taken to another part of the country to deal drugs, which is what you were doing. It’s crystal clear that you were exploited.”⁷⁶³

*Furthermore, IOM has identified news stories published by police forces about arrests they have made of **foreign nationals for cannabis production** which resulted in a conviction that include details which show indicators of human trafficking. A recent example where a police officer explicitly described the convicted cannabis gardener as a victim of modern slavery is included below:*

Case study 18

In March 2024, Warwickshire police published a press release about a forty-seven-year-old Vietnamese man who was given a ten-month custodial sentence at Warwick Crown Court for the production of cannabis. The police’s press release mentions both the act and means of trafficking based on the man’s interview “he had been forced into a vehicle and brought to the grow in Nuneaton three months prior to his arrest. He said that he had been forced to water and feed the plants under threats of violence from the owners of the grow.” The investigating officer (a Police Constable) is quoted in the press release explicitly describing the man as a victim of modern slavery, “Nguyen has committed a crime and has been prosecuted according to the law, but along with many other grow operators he is also a victim of modern slavery.”⁷⁶⁴

⁷⁶³ New and Star. (6 July 2024). [Vulnerable 17-year-old sent to Barrow to sell heroin and crack cocaine](#)

⁷⁶⁴ Warwickshire Police. (13 March 2024). [Ty Nguyen sentenced to 10 months for cannabis production](#)

6.4. Ensure that all victims of trafficking who have received a positive Conclusive Grounds decision and whose immigration status requires it are issued a renewable residence permit

We would like to refer to the information included in [section 4.8](#), where we evidenced that most survivors who have received a positive Conclusive Ground Decision are not automatically granted VTS leave to remain.

This situation is not unprecedented, the British Red Cross reports issues since before the introduction of the new VTS guidance: *“...some people with lived experience who participated in our 2022 research with UNHCR ‘At Risk: exploitation and the UK asylum system’ expressed confusion about being recognised as survivors of trafficking but not being granted discretionary leave. In these circumstances, the value of the NRM and the trauma associated with going through it was questioned by people with lived experience and focus group participants. Survivors often failed to see how the NRM had any practical benefits towards longer-term recovery, in the absence of a grant of discretionary leave and statutory support. The narrowing of the scope of this provision is likely to exacerbate this impact on survivors.”*⁷⁶⁵

Other frontline organisations confirm that a minority of those in need of leave to remain actually receive it. In the Salvation Army experience *“...a positive conclusive grounds decision often does not bring stability, as Temporary Permission to Stay for victims of human trafficking or slavery (VTS) does not offer a route to settlement and is seldom granted.”*⁷⁶⁶ *“...most survivors without status must navigate the asylum system at the same time as the NRM process to stay in the UK, and often TSA sees survivors live in insecurity waiting for years before rebuilding their lives with settled status and recourse to public funds.”*⁷⁶⁷

Hestia expands on the experience of survivors in their service: *“In practice, our experience is that the Home Office does not consider granting temporary permission to stay for victims who have a positive conclusive grounds decision if they also have a pending asylum claim. The Home Office instead often advises victims to wait for the outcome of their asylum claim, instead of granting leave for being recognised as a victim.*

*Such permits to stay are often, when issued, not easily renewable as they come at huge costs for victims (circa £1000 per year to access the NHS, payable in advance, and costs of applying for extended leave or indefinite leave ranging from £1,200 to £2,885). Victims in the NRM have no right to work and have to rely on subsistence support by the Home Office, so these costs are a huge obstacle to their ability to settle in the country.”*⁷⁶⁸

⁷⁶⁵ British Red Cross submission

⁷⁶⁶ Home Office. (25 February 2016). [Immigration Rules](#)

⁷⁶⁷ The Salvation Army submission

⁷⁶⁸ Hestia submission

6.5. Ensure that the return of victims of trafficking is conducted with due regard for the rights, safety and dignity of the victims, is preferably voluntary, and is preceded by a comprehensive risk assessment

The information contained in [section 4.7.2](#) of this submission is also relevant to this question.

Organisations reported mixed experiences in relation to the return mechanisms implemented by the UK Government. For example, the Salvation Army reports that *“Support providers are not always confident in coordinating returns due to their capacity, lack of specialist knowledge and international connections.*

However, The Salvation Army outlines one of their services aimed at bridging this gap: *“TSA’s Beyond Project seeks to grow support workers’ knowledge of returns and establishes a coordinated returns process to ensure the safety of a survivor returning to their home country.*

The process begins with a pre-departure plan to identify the needs of the survivor, map out where the connections are and research the services that can support them in their home country. This is followed by a risk and needs assessment to outline the plan on arrival. Once a survivor returns, they will receive at the minimum 3 follow up calls through the Beyond Project which will focus on whether they feel safe and can access basic needs, and whether referrals to external organisations have gone as planned and is also an opportunity to identify any indicators of re-trafficking. The follow up process can be in place for the survivor for up to 6 months after they leave the UK. The Beyond Project offers the survivor a grant of up to \$1000 to meet initial needs to address any gaps in the support survivors receive once they leave the UK.

Reintegration programmes in other countries are sparse and often only for certain cohorts of survivors (for example men only programmes)⁷⁶⁹ and it is hard to keep track of the services that are currently available. Maintaining effective communication with programmes is also challenging. Programmes are not always advertised online and as a result it is hard for survivors to make informed decisions on whether to return, and there are risks that no support will be in place for them once they arrive.

Many of the cases the Beyond Project sees are survivors who do not have an option to stay in the UK. This may be due to a refused asylum application, a negative Conclusive Grounds decision or citizenship in an EEA country.”⁷⁷⁰

Hestia reports a positive experience of the Voluntary Return Service provided by the Home Office: *“Our experience of the service has been positive, and we have helped dozens of victims return through this route over the years. There is regular training provided to all MSVCC subcontractors on the Voluntary Return Scheme.”*

However, they also highlighted issues in relation to enforced return service especially since the introduction of the Public Order Disqualification and the failure to consider crucial safeguards: *“Prior to*

⁷⁶⁹ Conversely, in Hope for Justice experience a lot of the returns and reintegration programmes are for women only

⁷⁷⁰ The Salvation Army submission

NABA2022, potential victims were protected from the removal orders of immigration legislation and thus would not have been returned or removed during their time in the National Referral Mechanism. Since NABA 2022 however, the Home Office can disqualify from support and protections all individuals who meet the public order disqualification grounds.

We have seen potential victims in our service detained and removed over the course of 2023 and 2024. In practice, we have not consistently received notices of intent for victims considered by the Home Office for PODs, placing some victims at a disadvantage. Victims are also often not informed of their disqualification until they are at an Immigration Reporting Centre, where they get detained. This information is not relayed to MSVCC providers, as a result we have believed and reported people as Missing – causing unnecessary costs to the public purse and inappropriate use of resources.

In early 2024, the government announced, following a judicial review, that risk assessments must be conducted before disqualifications can be applied. However, these risk assessments only consider any “immediate risk of re-trafficking”.

We believe these assessments should be extended beyond “immediate risk” to “any risk” of re-trafficking, and support workers’ expertise should be included in the risk assessment (which must include sufficient and appropriate time to submit such evidence).

We have noticed the Home Office requesting evidence and support statements from ourselves (as the support provider) when conducting these risk assessments. This is not systematically requested however.”⁷⁷¹

Additionally, there is often no assessment of potential long-term risks, especially if people are engaged as witnesses in criminal cases.

⁷⁷¹ Hestia submission

7. Please provide information on developments in your country since GRETA's third evaluation report concerning:

7.1. Emerging trends of trafficking in human beings

7.1.1. Trends observed from data

Hestia submission provides a data overview in relation to emerging trends of trafficking showing how NRM statistics have changed over the last 10 years:

2014

- In early 2014, there were about 500 victims identified and referred into support, of these 75% were adults.
- 66% were female and 35% male.
- The most common nationalities were Albanian, Nigerian and Romanian
- Sexual exploitation was the most prominent type of exploitation, closely followed by labour exploitation

2023

- Over 17,000 victims identified and referred into support, of which 51% were adults
- 27% female and 73% male
- Most common nationalities are Albanian, British (10%) and Vietnamese
- Labour exploitation was the most prevalent form of exploitation, followed by criminal exploitation (we were not even reporting on this back in 2014 – there was no data).⁷⁷²

A recent report from Hestia analyses the prevalence of modern slavery across every London borough, and new trends seen across the capital.⁷⁷³ Some data extracted from this report is included in Hestia's individual submission annexed to this joint submission.

7.1.2. Trends observed by organisations

The Salvation Army offers an overview of the trends they have observed within the MSVCC:

- *"TSA is seeing an increase in survivors who previously left support services return to service because they are destitute and cannot move on. Often this is due to local authorities' lack of housing stock or owing to the barriers survivors face when moving into housing if they haven't got the financial means to furnish a property or provide a deposit in cases of private landlords. This is*

⁷⁷² Hestia submission

⁷⁷³ Hestia. (2024). [*On Our Streets – the Changing Face of Modern Slavery in London*](#)

reflected in TSA's Survivor Support Fund data which shows a significant increase in grant requests for household items.

- *Within the MSVCC there has been a steady increase in victims who have experienced labour exploitation, particularly in the care sector. The vulnerability of care workers in the UK is established through their visas, which tie them to their employer or situation of exploitation. Another recent emerging trend is the small number of cases of forced surrogacy in the UK and abroad, an exploitation type TSA has not previously encountered. There is limited information on forced surrogacy and has in the past been recorded under 'sexual exploitation.'*
- *TSA has also noticed an increase in service users with high, complex needs. While it has always been common to support survivors who are suffering with substance misuse and mental health conditions such as depression, there has been a shift towards more extreme ends of high needs with an increase of cases of psychosis. There has also been an increase in survivors with physical care needs as a result of the exploitation they have suffered or as an existing vulnerability exploited by their traffickers.*
- *Other trends include perpetrators targeting migrants arriving to the UK on small boats who fear detention or the threat of deportation to Rwanda. This cohort of survivors were not able to find work legally and are fearful of the attention of the Home Office. This trend is reflected in NRM statistics which show 2023 figures of Duty to Notify numbers at their highest ever level since records began in 2015.⁷⁷⁴*

The Human Trafficking Foundation and Lived Experience Advisory Panel have reported similar trends in relation to the instances of exploitation in the care sector, but also additional ones, including:

- *There is growing anecdotal evidence from both police forces and local authorities, that there is growing trend of exploitation among delivery workers, especially drivers for food delivery apps. There are reported instances where the account of the driver is not in their name and that the drivers themselves are not receiving payment, which are instead being siphoned off by exploiters.*
- *Also important to note is growing awareness of the links between cognitive impairment and modern slavery. Recent evidence has highlighted the growing understanding of the gaps in support for young people with special educational needs and disabilities (SEND) within England and Wales.⁷⁷⁵ Children with SEND are more likely to experience higher rates of poverty, school and social exclusion, bullying and discrimination. They are also over-represented within the care system and face additional challenges in unregulated accommodation. These heightened vulnerabilities, which are often unmet with support correlate to an increased risk of exploitation.⁷⁷⁶*

⁷⁷⁷

⁷⁷⁴ The Salvation Army submission

⁷⁷⁵ Anita Franklin et al. (May 2024). [*Internal trafficking and exploitation of children and young people with special educational needs and disabilities \(SEND\) within England and Wales*](#)

⁷⁷⁶ *Ibid*

⁷⁷⁷ Human Trafficking Foundation & Lived Experience Advisory Panel submission

7.2. The legislation and regulations relevant to action against THB

Organisations' responses overwhelmingly focused on recent legislation, specifically the Nationality and Borders Act 2022 and the Illegal Migration Act 2023.

Information in relation to NABA 2022 is included in [section 4.3.4](#). In this section, we have also provided evidence on the impact of the IMA. Although most of the provisions of the IMA have not been brought into force, survivors have been exposed to increasing hostile rhetoric over the passage of the Bill through Parliament, increasing their fear of authorities and their feeling of uncertainty for their future.

While the retrospective nature of the inadmissibility provision, preventing those wishing to seek asylum to do so, while allowing their detention and removal, has been removed, the IMA 2023, remains an act of law and as such can still be implemented.

This Act also applies to survivors of modern slavery and only narrow safeguards were introduced to protect survivors: *"The HO has stipulated there may be exemptions to the removal duties for victims who were trafficked in the UK and cooperate with the police. Victims live in fear. The people we support confide in their support worker and talk about going underground as that is preferable to a life in a detention centre or being returned to their own country."*

*Once or if the Act is implemented, many will go underground and be more vulnerable than ever before. In the meantime, traffickers and exploiters go unpunished. This will be a breeding ground for exploitation, but we won't have the data to showcase the extent of the problem. We believe the new government presents an opportunity to change the narrative; to focus on the criminals committing these crimes; and re-commit once again to the physical and psychological safety of victims of trafficking and modern slavery."*⁷⁷⁸

7.3. The institutional and policy framework for action against THB (co-ordinating bodies, specialised entities, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships)

7.3.1. Lack of a UK-wide joined response

Organisations have raised the need for a UK-wide joined-up approach between NGOs, government departments, local authorities and law enforcement to share the responsibility to identify and support survivors of modern slavery. *"Owing to the absence of a joint-up national response within the current framework, there is too much discrepancy across regions for survivors of modern slavery to access the support they need and are entitled to. TSA's experience is that while some local authorities have a firm grasp on the issue of modern slavery and their statutory obligations to support survivors, others do not."*⁷⁷⁹

⁷⁷⁸ Hestia submission

⁷⁷⁹ The Salvation Army submission

This requires interministerial governance, coordination at national level and also at a localised level. In addition, there is little monitoring and evaluation of whether the existing strategy and response is meeting its aims, thus robust data collection, a monitoring, evaluation, research and accountability structure is required.

7.3.2. Independent Anti-Slavery Commissioner

The Government appointed a new Anti-Slavery Commissioner (IASC) in December 2023, after the role was left vacant from the end of April 2022. This happened at a time of great legislative change, when various pieces of legislation, such as NABA 2022 and the IMA 2023 were enacted and in the case of NABA brought into force. *“The IASC’s role is a vital independent office there to work with, and hold to account, both the Government and the Anti-Slavery Sector. They often serve as a focal point for the sector to coalesce around, and act as a figurehead during public debate on the issue. When the role was vacant, the passage of the Nationality and Borders Act (2022) was confirmed, as well as the introduction and passage of the Illegal Migration Act (2023). During the passing of this legislation an important figure was unable to scrutinise the proposed laws, which would undermine the rights of modern slavery survivors. It is important that this role is always filled, remains independent, and a successor appointed in time to fill the position of the outgoing IASC at the end of their term limit.*

The importance of the IASC can be seen in the work done by the new commissioner since assuming office in December 2023. In that time there has been a clear and public effort to engage with the sector to pull together a strategy that has now been submitted to the Home Office.”⁷⁸⁰

Many respondents agreed that the IASC role is essential and should never remain vacant. Organisations have also offered reflections on the independence of the IASC role, which we have also provided in the previous submission. The IASC will never be truly independent if appointed by the Home Secretary and steps should be taken for an independent body to make any future appointments to the role.⁷⁸¹ An example of this is provided by the Dutch Rapporteur.

7.3.3. Committees

“Since the last GRETA evaluation, a number of parliamentary bodies have undertaken enquiries around the issue of modern slavery. The Joint Committee on Human Rights (JCHR) provided legislative scrutiny on the Illegal Migration Bill⁷⁸² and gathered evidence on the Human Rights of Asylum Seekers in the UK.⁷⁸³ The Home Affairs Committee also held an enquiry into Human Trafficking. Launched in February 2023, the inquiry report was published in December 2023 and found that modern slavery is no longer a priority for the government.”⁷⁸⁴

⁷⁸⁰ Human Trafficking Foundation & Lived Experience Advisory Panel

⁷⁸¹ Hestia submission

⁷⁸² Joint Committee on Human Rights. (11 June 2023). [Legislative Scrutiny: Illegal Migration Bill](#)

⁷⁸³ Joint Committee on Human Rights. (15th March 2023). [Oral Evidence Session](#)

⁷⁸⁴ Home Affairs Committee. (8 December 2023). [Human Trafficking](#)

*These committees provided an important forum for stakeholders to give evidence on the current situation in tackling modern slavery in the UK. However, while the Government does have a responsibility to reply to the committees (usually within 60 days of the report being published), the committee holds no additional power aside from that of scrutiny. Nevertheless, during a period of significant legislation passing through Parliament, and consequential changes to statutory guidance, the platforms offered by these committees were valuable.*⁷⁸⁵

In February 2024, The House of Lords Committee on the Modern Slavery Act 2015 published a call for written evidence for its inquiry into the impact and effectiveness of the 2015 Modern Slavery Act,⁷⁸⁶ and they have recently published their report.⁷⁸⁷ Similarly to the other enquiries, the Committee found that the focus on immigration enforcement and recent legislation has severely impacted the effectiveness of the Modern Slavery Act, leaving survivors of modern slavery in situations of vulnerability.

7.3.4. Lack of meaningful consultation with survivors and civil society

Over the past few years, there has been a lack of consultation with civil society organisations operating in the modern slavery space and above all with survivors of modern slavery. This was confirmed by the Home Affairs Committee report, which found that 'the Home Office's approach to stakeholder engagement has been lackadaisical.'⁷⁸⁸

The previous Modern Slavery Strategy and Implementation Group (MSSIG) were put on hold during the development of the new modern slavery Strategy (which has never been published), meaning an absence of consultation during this time with the anti-trafficking and modern slavery stakeholders. These groups have now been replaced by the new Modern Slavery Engagement Forums (MSEFs), which have been established as a new channel to facilitate communication between third sector organisations and the Modern Slavery Unit.

While the sector acknowledges improved communication with the MSU through these channels, organisations continue to experience a lack of meaningful consultation in relation to changes to the modern slavery guidance and prior to the introduction of new legislation.

"In recent years, statutory guidance has changed, without notice and consultation. The Reference Group, mentioned in the Statutory Guidance as multi-disciplinary experts who help advise on updates to the guidance,⁷⁸⁹ has not met in 2024, despite significant changes to the guidance to include things such as a

⁷⁸⁵ Human Trafficking Foundation & Lived Experience Advisory Panel

⁷⁸⁶ The House of Lords Select Committee on the Modern Slavery Act 2015. (28 February 2024). [Call for Evidence](#)

⁷⁸⁷ House of Lords. (16 October 2024). [The Modern Slavery Act 2015: becoming world-leading again](#)

⁷⁸⁸ *Ibid*, pg. 14

⁷⁸⁹ Home Office. (October 2024). [Modern Slavery: Statutory Guidance for England and Wales \(under s49 of the Modern Slavery Act 2015\) and Non-Statutory Guidance for Scotland and Northern Ireland, version 3.11](#), p.6

new framework for considering whether an individual is 'more or less' likely to be a victim of human trafficking for the purpose of sexual exploitation."^{790 791}

This is having a direct impact on frontline services and affecting the quality of services received by survivors as highlighted in this report⁷⁹² and by The Salvation Army experience: *"...in recent years Government consultation with the sector ahead of changes to legislation impacting survivor support has been largely absent. There has also been a lack of effective updates on changes to the modern slavery statutory guidance, for example on how First Responders must operate. In this instance information was not shared with organisations effectively and First Responders only learnt of changes to the statutory guidance when accessing online forms to submit a referral to the NRM.*"⁷⁹³

7.4. The current national strategy and/or action plan for combating trafficking in human beings (objectives, main activities, budget, bodies responsible for the implementation, monitoring and evaluation of results)

Contributors to this submission have identified the lack of an updated modern slavery strategy as a barrier to preventing modern slavery and expressed *"...the need for cross-departmental working in Government and across all agencies with responsibilities to support survivors.*"⁷⁹⁴

The UK modern slavery strategy was published in 2014,⁷⁹⁵ but it has never been updated since. The Home Office opened a consultation in 2021 for stakeholders to feed into an updated strategy, however the results of these consultations were not published, nor was the strategy revised.⁷⁹⁶

In the past 10 years, *"the UK has seen significant modifications to legislation and guidance pertaining to modern slavery, including the Modern Slavery Act (2015), Nationality and Borders Act (2022) and the Illegal Migration Act (2023).*

An updated strategy is needed to reflect the changes of both legislation and the ever-changing nature of modern slavery. Revising the strategy would also demonstrate a commitment to tackling the crime of modern slavery, preventing exploitation occurring in the first instance and a willingness to support survivors."⁷⁹⁷

As outlined in the Human Trafficking Foundation and LEAP submission: *"At present, the work done to tackle modern slavery is centred within the Home Office, the Government strategy is meant to cut across*

⁷⁹⁰ *Ibid.* Pg. 23.

⁷⁹¹ Human Trafficking Foundation & Lived Experience Advisory Panel

⁷⁹² ATMG, BIICL and HTF. (25 June 2024). [Assessing the Modern Slavery Impacts of the Nationality and Borders Act: One Year On](#)

⁷⁹³ The Salvation Army submission

⁷⁹⁴ The Salvation Army submission

⁷⁹⁵ HM Government (November 2014). [Modern Slavery Strategy](#)

⁷⁹⁶ Hestia and The Human Trafficking Foundation & Lived Experience Advisory Panel submissions

⁷⁹⁷ The Human Trafficking Foundation & Lived Experience Advisory Panel submission

government departments and ensure that all areas of the public are equipped to contribute to the effort to tackle modern slavery. By failing to update the strategy, modern slavery remains pigeonholed within the Home Office. This means that the multiple areas of statutory services that intersect with modern slavery (e.g. Department of Health and Social Care, Ministry of Housing, Communities and Local Government) are not equal partners in Government's efforts against modern slavery.

Since the publication of the 2014 strategy the understanding of what constitutes modern slavery has grown extensively, issues such as 'county lines' are now seen as a form of modern slavery, whereas previously young people were prosecuted for being criminally exploited. We have also seen further demonstration of the ever-changing nature of the crime, recent years have shown the emergence of exploitation in the care sector for instance.

Greater efforts are now being made to consult lived experience experts on issues, and these views must make up part of the strategy consultation. Furthermore, the understanding of trauma-informed practice is growing, this also must be reflected. The national strategy must be updated to recognise these changes and help raise awareness across government of the current situation and to break the cycles of exploitation currently seen within the UK.”⁷⁹⁸

Furthermore, an ATMG member, Hope for Justice, raises the importance of synergising efforts to prevent modern slavery with a broader international development strategy so there is a home and abroad strategy to tackling MSHT. In this context, the review of the Modern Slavery Fund found significant outputs in terms of prevention and protection. It is important that this fund continues, and specific funding is allocated to modern slavery efforts within international development. A United Nations University report on developing freedom noted the contribution of modern slavery efforts to two thirds of the sustainable development goals.

7.5. Recent case-law concerning THB for different forms of exploitation

We would like to refer to this case, involving a senior Nigerian politician who was jailed over an illegal UK organ-harvesting case. Further information is provided on the CPS [website](#).

⁷⁹⁸ The Human Trafficking Foundation & Lived Experience Advisory Panel submission

Part III - Statistics on THB

8. Please provide the following statistics, per year starting with 2021, where available disaggregated as indicated below:

8.1 Number of presumed victims and identified victims of THB in the sense of having been recognised by a state institution or mandated NGO as bearers of rights to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

8.1.1. National Referral Mechanism statistics published by the Home Office

We would like to refer to the National Referral Mechanism Statistics published by the Home Office, which date back to 2019. We have provided the link to the full year statistics from 2023 until 2021:

- Home Office. (7 March 2024). [*Modern Slavery: NRM and Duty to notify statistics, end of year summary 2023*](#)
- Home Office. (2 March 2023). [*Modern Slavery: NRM and Duty to notify statistics, end of year summary 2022*](#)
- Home Office. (3 March 2022). [*Modern Slavery: NRM and Duty to notify statistics, end of year summary 2021*](#)

In relation to the statistics for the year 2024, the Home Office has so far published the statistics for quarter 1 and quarter 2 as per below link. The quarter 3 statistics will be published on 7 November 2024.

- Home Office. (10 May 2024). [*Modern Slavery: NRM and Duty to notify statistics, January to March 2024*](#)
- Home Office. (8 August 2024). [*Modern Slavery: NRM and Duty to notify statistics, April to June 2024*](#)

Additionally, IOM UK produces analysis of Home Office data, which also includes a separate analysis of NRM data for Northern Ireland:

- IOM UK. (11 October 2024). [*UK National Referral Mechanism Data Analysis Briefing Mid-Year Review, 2024*](#)
- IOM UK. (15 April 2024). [*UK National Referral Mechanism Data Analysis Briefing Annual Review, 2023*](#)
- IOM UK. (15 April 2024). [*UK National Referral Mechanism Northern Ireland Data Analysis Briefing Annual Review, 2023*](#)
- IOM UK. (25 September 2023). [*UK National Referral Mechanism Data Analysis Briefing Annual Review, 2022*](#)
- IOM UK. (25 September 2023). [*UK National Referral Mechanism Northern Ireland Data Analysis Briefing Annual Review, 2022*](#)

8.1.2. Modern Slavery Helpline statistics published by Unseen

We would also like to refer to the 2023, 2022 and 2021 Annual Assessment of the Modern Slavery Helpline as prepared by Unseen.

- Unseen. [Annual Assessment 2023](#)
- Unseen. [Annual Assessment 2022](#)
- Unseen. [Annual Assessment 2021](#)

8.1.3. Summary of the latest National Referral Mechanism available statistics

Hestia has provided a summary of the most recent NRM statistics available, covering quarter 2 2024 (April to June).

All data (Adults & Children combined):

- *There were 4,316 NRM referrals in quarter 2 2024. This was a 5% decrease from the previous quarter but an 8% increase from the same quarter in the previous year.*
- *73% (3,142) of potential victims were male and 27% (1,167) were female; this was the second highest quarterly number of referrals for females since the NRM began*
- *The number of female children was at its highest on record (337), driven by those reporting sexual exploitation.*
- *UK nationals were most commonly referred (26%; 1,135), followed by Albanian nationals (13%; 574) and Vietnamese nationals (13%; 558). This was the highest quarterly number of Vietnamese nationals referred.*
- *Overall, 48% of potential victims claimed that they were exploited exclusively in the UK (46% last quarter) and 40% claimed that they were exploited exclusively overseas.*
- *Reasonable Ground Decisions:*
 - *4,515 reasonable grounds decisions were issued, with 53% being positive*
 - *IECA decisions – 22% of RG decisions were positive*
 - *SCA decisions – 61% of RG decisions were positive*
 - *The average (median) time taken from referral to reasonable grounds decisions across the competent authorities was 10 days (compared to 21 days in Q1 2024)*
 - *IECA decisions – 5 days*
 - *SCA decisions – 14 days*
- *Disqualifications:*
 - *97 disqualification requests were made. All of these disqualification requests were made on grounds of public order.*
 - *Upon the individual receiving notice of a disqualification request, there is a period of 10 working days for evidence to be sent to competent authorities to consider while making their decision on whether to disqualify. The expectation is that a disqualification decision will be made as close as possible to a positive reasonable grounds decision.*

- *From 97, there were 84 confirmed disqualifications.*
- **Conclusive Ground Decisions:**
 - *3,126 conclusive grounds decisions were issued, less than last quarter but still second highest since the NRM began.*
 - *64% of CG decisions were positive*
 - *IECA decisions – 22% of CG decisions were positive*
 - *SCA decisions – 76% of CG taken were positive*
- **Reconsiderations:**
 - *285 reconsideration requests were made to the competent authorities.*
 - *67% of reasonable grounds decisions which were reconsidered received a positive outcome.*
 - *63% of conclusive grounds decisions which were reconsidered received a positive outcome*

Adult Data only

- *71% (2,021) were male and 29% (828) were female*
- *For adults (at age of referral), labour exploitation was most commonly reported (41%)*
- *For Adults, the most common nationalities this quarter were Albanian, Vietnamese, Eritrean, and in 4th place the UK.*
- *In 2023, the most common nationalities were Albanian, British and Vietnamese*
- *RG decisions o Looking at Adults only, 40% of RG decisions were positive (this was 42% for adults only in Q1 of 2024)*
- *CG decisions o Looking at Adults only, 46% of CG decisions were positive (this was 34% for adults only in Q1 of 2024)*

Duty to Notify (DtN) data: *There were 1,172 reports of adult potential victims received via the DtN process. This was a 4% increase from the previous quarter, showing there is still a large group of victims choosing not to consent to accessing the NRM.*⁷⁹⁹

8.2. Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation)

We would like to refer to the Asylum and Resettlement Statistics published by the Home Office for the year 2024 (until June 2024) and the full year statistics 2021, 2022 and 2023:

- Home Office. (22 August 2024). [How many people do we grant asylum or protection to?](#)
- Home Office. (29 February 2024). [How many people do we grant asylum or protection to?](#)
- Home Office. (23 February 2023). [How many people do we grant asylum or protection to?](#)
- Home Office. (3 March 2022). [How many people do we grant asylum or protection to?](#)

⁷⁹⁹ Hestia submission

8.3. Number of victims of THB who received assistance (disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking)

Please refer to our answer in [section 3.6.3](#) of this submission highlighting the lack of comprehensive data in relation to what type of support survivors of modern slavery have access to.

Some limited data in relation to how many survivors of modern slavery were referred to the MSVCC service is available at this Salvation Army report. [Behind the Shield](#) and the more recent report [Enslaved to Empowered](#).

8.4. Number of child victims of THB who were appointed legal guardians

This data is not publicly available.

8.5. Number of victims of THB granted a recovery and reflection period (disaggregated by sex, age, nationality, form of exploitation)

Please refer to the number of survivors granted a positive Reasonable Ground Decision, who would have gone into receiving a recovery and reflection period prior to their Conclusive decision. The number of positive Reasonable Ground decisions are published by the Home Office at the links we have provided in section 8.1.1. Crucially, those who have been disqualified on public order or bad faith grounds, may have not accessed or fully accessed their right to the recovery and reflection period. Statistics of how many people were disqualified are also published by the Home Office at the links included in section 8.1.1.

Other important observations need to be made in relation to those who may have gone missing while in the recovery and reflection period, but there is no publicly available data on this.

8.6. Number of victims of THB granted a residence permit, with an indication of the type of the permit (for the purpose of co-operation in the investigation/proceedings, on personal grounds, other) and its duration (disaggregated by sex, age, nationality, form of exploitation)

There is no publicly available data on leave to remain granted to survivors of modern slavery. However, please refer to our answer in [section 4.8](#) of this submission where we have provided some data gathered through Freedom of Information requests.

8.7. Number of persons given refugee status or subsidiary/complementary protection on the grounds of being victims of THB (disaggregated by sex, age, nationality, form of exploitation)

This data is not publicly available.

8.8. Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (disaggregated by sex, age, nationality, form of

exploitation, with an indication of whether the compensation was provided by the perpetrator or the State, and the amount awarded)

There is no publicly available data on the number of survivors of modern slavery who have been granted compensation. However, please refer to our answer in [section 6.2](#) of this submission, where we have provided some data gathered through Freedom of Information requests.

8.9. Number of victims of THB who received another form of financial support from the State, with the indication of the amount received

This data is not publicly available.

8.10. Number of victims of THB who received free legal aid

This data is not publicly available.

8.11. Number of victims of THB who were returned or repatriated to/from your country (disaggregated by sex, age, country of destination, form of exploitation)

This data is not publicly available.

8.12. Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned)

This data is not publicly available.

8.13. Number of prosecutions in THB cases (disaggregated by type of exploitation, with an indication of the number of victims and defendants concerned)

This data is not publicly available. However, the Crown Prosecution Service has shared some data following a Freedom of Information Request.⁸⁰⁰

After Exploitation raises some important reflections in relation to how the data in relation to prosecutions is recorded and analysed.

“It is now widely accepted that UK data on ‘modern slavery prosecutions’ tend to encompass more than those brought under the Modern Slavery Act 2015, extending to cases where perpetrators are prosecuted

⁸⁰⁰ CPS. (10 April 2023). [Prosecution data for offences under the Modern Slavery Act \(2015\) 2018-2023](#)

for ‘lesser crimes’. In these cases, outcomes may still be counted under a bespoke ‘Modern Slavery’ flag within the MOJ’s Court Proceedings Database.⁸⁰¹

*A modern slavery flag is helpful, but a lack of delineation between modern slavery ‘flagged’ cases and those prosecuted under the Modern Slavery Act makes it difficult to understand the Act’s efficacy, or the sentences perpetrators are likely receiving. For example, as part of the United States’ Trafficking in Persons (TIP) report, the UK Government reports that courts convicted “331 traffickers in 2021, a significant increase from 197 in 2020”.*⁸⁰²

*This figure was also cited as part of reporting obligations under the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (UNCAT).*⁸⁰³ However, data published by the Crown Prosecution Service on modern slavery convictions is for ‘flagged’ cases, not those convicted exclusively as modern slavery offences, meaning that global perceptions of the UK’s performance in this area may be skewed.⁸⁰⁴ Practitioners interviewed by After Exploitation outlined serious impact where modern slavery cases are tried under alternate offences:

*“What happens to the victims in such proceedings where the charges aren’t for modern slavery or trafficking? When it’s for sexual abuse and rape instead of exploitation? They get dropped to charities not for trafficking or related charges. And we lose sight over what is going through the courts.”*⁸⁰⁵

8.14. Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation)

This data is not publicly available. However, the Crown Prosecution Service has shared some data following a Freedom of Information Request.⁸⁰⁶

8.15. Number of convictions for THB, with an indication of the form of exploitation, whether the victim was adult or child, the type and duration of the penalties, and whether they were effectively enforced or suspended

This data is not publicly available.

8.16. Number of judgments in THB cases resulting in the confiscation of assets

This data is not publicly available.

⁸⁰¹ Sentencing Council. (n.d.). [Modern slavery statistical bulletin](#), p. 5

⁸⁰² United States Department of State. (2022). [Trafficking in persons report: United Kingdom](#).

⁸⁰³ UK Government. (17 July 2023). [UNCAT response](#), p. 40

⁸⁰⁴ Crown Prosecution Service. (18 January 2024). [CPS data summary Quarter 2 2023-2024](#)

⁸⁰⁵ After Exploitation submission

⁸⁰⁶ CPS. (10 April 2023). [Prosecution data for offences under the Modern Slavery Act \(2015\) 2018-2023](#)

8.17. Number of convictions of legal entities for THB. We would like to refer to the 2017 and 2018 Annual Assessments of the Modern Slavery Helpline, as prepared by Unseen UK

This data is not publicly available.