



Home Affairs Committee – Inquiry into Human Trafficking

Written response submitted on behalf of the Rights Lab, University of Nottingham, March 2023

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About the Rights Lab

The Rights Lab delivers research to help end modern slavery and human trafficking. We are the world's largest group of modern slavery and trafficking researchers, and home to many leading experts. Through our research programmes, we deliver new and cutting-edge research that provides rigorous data, evidence and discoveries for the global effort to end slavery and trafficking. More information about the Rights Lab is available at: www.nottingham.ac.uk/rights-lab. For further information regarding the contents of this submission, please contact Vicky.Brotherton@nottingham.ac.uk

Q1. What is the scale and nature of human trafficking in the UK?

1. There are three examples of prevalence estimations for modern slavery in the United Kingdom, but to date no prevalence estimations for human trafficking *per se*. Official reporting from UNODC and other sources conflates (or uses interchangeably) the term human trafficking and modern slavery, or at best, works on the basis that human trafficking is a subset of offences under the umbrella term of modern slavery.¹ Latest UK government guidance defines modern slavery as *encompassing* human trafficking and slavery, servitude and forced or compulsory labour.²
2. The three known strategies employed to date to estimate *modern slavery* used in the context of the United Kingdom include: (1) **multiple systems estimation**, (2) **survey instruments and 'out of sample' estimation**, and (3) **data science, AI, and machine learning**. Each of these strategies use a known sample of data on modern slavery victims to make an estimation of the total population of victims.
 - a. *Multiple systems estimation* (MSE) is a well-developed statistical method to estimate hard to find populations. MSE is based on the ratio of probabilities of any one victim appearing on

¹ United Nations Office on Drugs and Crime, *Monitoring Human Trafficking Prevalence through Multiple Systems Estimation, A United Nations manual for policymakers, practitioners and researchers engaging with sustainable development goal 16.2*, (UNODC, 2022).

² Home Office. [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, [Gov.uk, last updated 3 March 2023].



one or more lists, such as those within the National Referral Mechanism (NRM)³, in order to make an estimation of victims that do not appear on any of the lists. Silverman (2014⁴) and Bales, Hesketh, and Silverman (2015⁵) used MSE to estimate that the total number of people in conditions of modern slavery in the United Kingdom in 2013 was between **10,000 and 13,000** (see, also Silverman 2019⁶). This is the first such estimation carried out for the United Kingdom and predates the passage of the 2015 UK Modern Slavery Act.⁷

- b. *Surveys and out of sample estimations* typically use random sample surveys with well-designed instruments that use structured, semi-structured, and open survey tools to uncover perceptions, attitudes, and real lived experiences of individuals. The International Labour Organisation (ILO) and Walk Free have used surveys administered by the Gallup Organisation to collect data on individual vulnerability to modern slavery across a number of high prevalence countries to produce the *Global Slavery Index* (GSI).⁸ In its 2018 GSI, this method yielded a prevalence estimate for the United Kingdom of **136,000** victims.
- c. *Data science, AI, and machine learning* techniques have been used to analyse known samples of data on modern slavery victims to extrapolate data beyond the original sample to make prevalence estimations. For the United Kingdom, the Centre for Social Justice in 2020, working with the National Data Analytics Solutions (NDAS), used an initial sample of police logs and documents from West Midlands Police to identify ‘tagged’ and previously ‘untagged’ modern slavery ‘events’ through the application of Natural Language Processing. An extrapolation of the resulting victim count in the West Midlands yielded a UK prevalence estimation of **99,469** victims.⁹

3. There are a number of strengths and limitations across the three strategies for prevalence estimation detailed above, as set out in the table below.

Prevalence estimation strategy	Strengths	Weaknesses
Multiple Systems Estimation (MSE)	Long pedigree in the statistical literature; has been used to investigate patterns of violence, perpetrators, and human rights violations across many different contexts.	Reliant on the availability of multiple and independent lists of victims of modern slavery, and the unique identifying information on each victim to determine their inclusion or exclusion across each of these multiple lists.
Survey methods	Long pedigree in the social sciences; used to provide insights into a wide range of economic, social, and political areas of interest	Standard random sample approaches risk having a low ‘hit rate’ in uncovering victims of modern slavery. Whilst the use of ‘network scale up’ survey-based

³ The five lists include data from: (1) local authority, (2) non-governmental organisations, (3) police forces and the National Crime Agency, (4) government organisations (e.g., UK Border Force and the Gangmasters Labour Abuse Authority), (5) the general public (see K. Bales, O. Hesketh, and B. Silverman, *Modern Slavery in the UK: How Many Victims?* (Significance, June 2015), 16–21.

⁴ B. Silverman, [Modern Slavery: An Application of Multiple Systems Estimation](#), (London: Home Office of the United Kingdom, 2014).

⁵ K. Bales, O. Hesketh, and B. Silverman, *Modern Slavery in the UK: How Many Victims?* (Significance, June 2015), 16–21.

⁶ B. Silverman, *Multiple Systems Analysis for the Quantification of Modern Slavery: Classical and Bayesian approaches*. (Royal Society of Statistics Discussion Paper, 2019).

⁷ In addition to the United Kingdom, UNODC has summarised prevalence estimations using MSE for Australia (1300-1900), Ireland (148-213), the Netherlands (6250-6750), Romania (1062-2083), Slovakia (59-164), Serbia (670-1560), USA East (549-806) and USA West (1606-3609). Expressed in terms of victims per 100,000 people, these estimations range from a low of 1.5 (Slovakia) to 972 (USA West) (UNODC 2022: 78-79). The 2014 estimation for United Kingdom equates to 17 victims per 100,000 population.

⁸ Walk Free, [The Global Slavery Index](#), (2018).

⁹ Centre for Social Justice, [It still happens here: Fighting UK Slavery in the 2020s](#), (2020).



		approaches show more promise, this approach is still in development.
Data science, AI, machine learning	Allows for the rapid and efficient analysis of large quantities of text and documentation.	Heavily reliant on the accurate specification of terms and attributes used for Natural Language Processing, AI and machine learning to correctly identify relevant target events within the data. Failure to cross-check lists for double-counting of victims can lead to an over-estimation of prevalence.

4. Modern slavery shares many of the same attributes and characteristics of other human rights violations that render its measurement problematic.
 - a. Like arbitrary detention, torture, disappearance, and extra-judicial killing, much of the practice of modern slavery is hidden from direct observation.
 - b. The sources of data available to develop measures of modern slavery are inherently biased, meaning that there are significant, but not insurmountable, challenges to making secure inferences.
 - c. Given the hidden and unobservable nature of modern slavery, there are many strategies available to provide 'proxy' or indirect measures that capture individuals vulnerable to falling into conditions of modern slavery or that capture physical sites (and distinct identifiable objects) where there is a high probability of modern slavery. However, there are also physical sites and objects that are not yet visible, limiting the ability for complete measures of this hidden population of people.
5. It is our recommendation that MSE, as carried out in 2014, provides the best, least biased method for prevalence estimation. To undertake an up-to-date and credible prevalence estimate, the following is required:
 - a. Ideally, three or more independent administrative lists of victims for whom there are unique identifying information (e.g. National Referral Mechanism data on individual victims; territorial police forces in England and Wales (43), Scotland (1), and Northern Ireland (1); Suspicious Activity Reports (SARs) held by the NCA; lists held by the Gangmasters and Labour Abuse Authority (GLAA) and NGOs).
 - b. Cross-agency cooperation in order to identify these lists and carry out a future prevalence estimation.
 - c. Security clearance to cross-check lists to avoid re-identification of individuals.
 - d. An independent research team of data analysts and statisticians with a background in human rights, modern slavery, and social scientific analysis.

Q1: Considering in particular:

a) Different types of exploitation (including sexual, labour, or criminal exploitation)

Labour exploitation of migrant, live-in care workers



6. Collaborative research in 2021-22 between the Rights Lab, London School of Hygiene and Tropical Medicine, Oxford Brookes University and Focus on Labour Exploitation (FLEX) has examined the nature of labour exploitation among live-in migrant, care workers in London and its underpinning risks and drivers.¹⁰ There are few statistics about the live-in care workforce in the UK. However, the workforce is believed to be largely female and with a larger proportion of migrant workers than the wider care sector. While some live-in care workers may be notionally self-employed, 'matching' to clients can be facilitated through private placement agencies, and research shows the importance of these agencies to migrant workers looking for work in the UK.¹¹ Currently the activities of such agencies fall outside the scope of the Care Quality Commission, the national care regulator. The researchers received multiple reports from live-in care workers about agencies' attempts to exploit novice workers either by offering them placements with clients known to be difficult, compensating them at a lower rate of pay or, in one case, attempting to deduct an 'accommodation' offset from the live-in care workers' hourly pay which would have taken the worker below the legal national minimum wage. Due to the isolated nature of live-in care, individual workers who lacked robust social networks were most at risk of falling prey to such potentially exploitative practices. While cases of exploitation have already come to light in other European countries,¹² and several concerning cases involving the agency provision of migrant workers in residential care settings are under investigation by the GLAA,¹³ there is a research gap in relation to the prevalence of live-in care workers' exploitation in the UK.

Forced marriage

7. Rights Lab research¹⁴ shows that survivors of forced marriage (which is treated as a form of human trafficking in several jurisdictions, for instance Australia¹⁵, and as a form of modern slavery by the International Labour Organisation and Walk Free¹⁶) have often experienced human trafficking, including domestic servitude, forced labour and commercial sexual exploitation as well as sexual abuse, forced pregnancy and, on occasion, forced sterilisation.
8. There is, however, little evidence as to the prevalence of forced marriage in the UK. Data collected by police forces is considered "experimental" by the Home Office with a number of problems acknowledged regarding accuracy.¹⁷ Data collected by the Forced Marriage Unit, a joint initiative by the Home Office/FCDO, is presented in a different way almost on a year-by-year data, and is meant only to reflect the number of calls received by its public helpline or mail enquiry service (rather than be an indication of forced marriage prevalence).¹⁸ The Office for National Statistics annual report on Domestic Abuse Services in England and Wales includes

¹⁰ M. Ahlberg, C. Emberson, L. Granada, S. Hussein and A. Turnpenny. [Live-in migrant care worker vulnerability to modern slavery](#), (2018).

¹¹ S. Farris, *The business of care: Private placement agencies and female migrant workers in London*. (*Gender, Work & Organization*, 2020), pp.1450-1467.

¹² See, for example, *Home care exploitation: Low-paid care by migrants from poor EU countries* (de Groene Amsterdammer, 13 June 2018), Accessed 13 May 2022; and L. Hopfgartner, C. Seubert, F. Sprenger, and J. Glaser, *Experiences of precariousness and exploitation of Romanian transnational live-in care workers in Austria*, (*Journal of Industrial Relations*, 2023), 1-23.

¹³ J. Murray. [Five people linked to Welsh care homes handed anti-slavery orders](#). (The Guardian online, 2023).

¹⁴ H. McCabe and L. Eglén, ["I bought you. You are my wife": "Modern Slavery" and Forced Marriage](#), (*Journal of Human Trafficking*, 2022).

¹⁵ Australian Government, Attorney-General's Department. [Forced marriage](#) [www.ag.gov.au, Accessed on 14 March 2023].

¹⁶ ILO and Walk Free, [Global Estimates of Modern Slavery](#), (2022).

¹⁷ Home Office, [Statistics on so called 'honour-based' abuse offences, England and Wales, 2020 to 2021](#), (2021).

¹⁸ Foreign, Commonwealth and Development Office [written question](#) – answered on 22nd September 2022.



data on the number of cases (including forced marriage cases) supported through the Honour Based Abuse Helpline, run by Karma Nirvana, but has only done so since 2022.¹⁹

Q1: Considering in particular:

b) The profile of victims and perpetrators

County lines

9. Rights Lab research²⁰ undertaken during the Covid-19 pandemic, based on qualitative interviews with 46 practitioners, found that County Lines supply networks and dealing crews were adapting their supply models in response to lockdown measures, to groom and exploit young people that do not fit existing stereotypes of frequently affected demographics, and who are less likely to be picked up by police. This includes an increasing use of females, who are statistically less likely to be subjected to a stop and search.
10. Anecdotal insights suggested that child criminal exploitation was not an issue solely experienced by British nationals, despite NRM figures for children being dominated by referrals of British males. Diaspora groups with an existing foothold in the supply and distribution of illegal drugs may also be involved in drug supply involving the criminal exploitation of children. Concerns were raised that the exploitation of non-British nationals will continue to go unrecognised if national attention is fixed on the exploitation of British nationals from disadvantaged backgrounds through the County Lines supply model. Court and school closures, and delays to CPS processes, further exacerbated the risk to vulnerable young people.
11. The long-term impact on the County Lines model, and broader exploitation of young people in drug supply remains unclear, but it is likely that lessons learned by criminals during the pandemic will inform practices that make offending harder to detect, and increasingly resilient to disruption by law enforcement.

Forced marriage

12. Rights Lab research, drawing on data from the Forced Marriage Unit (FMU) and the NGO Karma Nirvana (KN) regarding the demographics of victims who ring their helplines, and from Family Courts, shows that, in the UK, 80% of victims are female, and 20% male. The median age of victims in cases handled by the FMU was 22. 15% of victims were aged 15 or younger. Victims over the age of 31 made up a slowly-increasing proportion of cases. Forced Marriage Protection Orders were taken out for children (17 years old, or younger) in 75% of cases. Before the pandemic, just over 100 cases per year handled by the FMU involved victims with learning disabilities. In those cases, victims were more likely to be male (53% of cases, on average), and to be aged 22-40.²¹
13. Victims and third parties contacting the FMU on their behalf called from all areas of the UK, but with a higher proportion from London, the West Midlands, the North West, the South East, and Yorkshire and Humberside. Cases from Scotland, Wales and Northern Ireland combined made up 5% of cases. The lower number of cases outside of cases outside of England could be the result of a lack of engagement with the FMU by the devolved nations, however KN also receives

¹⁹ Office for National Statistics, [Domestic abuse victim services, England and Wales: 2022](#), (ONS, 2022).

²⁰ B. Brewster, G. Robinson, B. Silverman, and D. Walsh. *Covid-19 and child criminal exploitation in the UK: implications of the pandemic for county lines*, (Trends in Organized Crime, 2021), 1-24.

²¹ Rights Lab, [The Impact of Covid-19 and Covid-related restrictions on forced marriage: Data Report](#), (2022).



most calls from the police force areas in England, namely West Yorkshire, London, West Midlands, Thames Valley, Nottinghamshire, Bedfordshire, Staffordshire and South Yorkshire.

Cognitive Impairment of Victims

14. It has long been suspected that people with mental health impairments and learning disabilities have an increased risk of experiencing exploitation, and has been noted in a range of studies concerning exploitation and human trafficking. These studies show cognitive impairment often preceding victimisation, as well as resulting from violence and trauma in relation to the crime. However, although a number of notable modern slavery cases have involved adults with learning disabilities, no statistics are currently collated on the issue within the UK (excepting Home Office data on forced marriage) and the scale of the problem is unquantified. The topic has in general been excluded from policy initiatives, guidance and research centred on contemporary forms of exploitation.
15. Rights Lab research²² conducted in Nottingham between June and September 2021 found that cognitive impairments were a recorded vulnerability in 30% of the referrals into Nottingham City Council's Slavery and Exploitation Risk Assessment Conference (SERAC). This related to cases in which individuals had been diagnosed with either a learning disability, mental health problem or memory impairment. In a further 26% of cases, professionals suspected a cognitive impairment due to symptoms and observations of mental health issues. Furthermore, cognitive impairments frequently intersected with additional factors influencing vulnerability, such as risk of homelessness and substance misuse. People with mild cognitive impairments often remain unidentified because of their perceived level of competence, and because they do not meet the criteria for social care intervention. Fear of further abuse, not being believed, and the potential of having housing taken away may restrict individuals' willingness to cooperate and seek support from agencies.
16. Professionals interviewed for the research indicated that some perpetrators were intelligent individuals who knew how to groom, coerce and control victims, while others noted perpetrators as highly vulnerable people trying to navigate and manage their own vulnerabilities. While the literature would suggest that perpetrators of cuckooing are mainly organised criminal gangs – or drug runners - who take over the homes of vulnerable people for the purposes of facilitating in County Lines drug supply, the research revealed that perpetrators of cuckooing could be characteristically similar to their victims in terms of experiencing vulnerabilities. It was also noted that perpetrators, like their victims, may often not see the exploitation, or even intend for the relationship to be exploitative, yet their own mental health issues and drug dependencies meant that some of their survival mechanisms included harming other people.²³

Q1: Considering in particular:

c) The gendered aspects of human trafficking

Sex trafficking of men and boys

17. A [recent review of the literature](#) on human trafficking of men and boys for the purposes of sexual exploitation (sex trafficking) reveals the limited academic attention to the issue and the

²² Rights Lab, [Intersections between exploitation and cognitive impairment: An exploratory study in Nottingham](#), (2021). Also see linked [policy briefing](#).

²³ *Ibid*, p.33.



inadequacy of identification and support for this group.²⁴ In the year 2021-2022, almost two-thirds (64%) of the 3,068 people referred to the Salvation Army for support were men.²⁵ As the most common form of exploitation of men and boys, forced labour can mask sexual exploitation and other forms of abuse. While it often goes undetected, sexual exploitation is sometimes used in addition to forced labour, forced criminality, and domestic servitude, in order to maximise traffickers' gains, while enforcing extreme control over victims and deterring escape.²⁶ These findings are further supported by current research conducted with adult victims of human trafficking across the UK.²⁷ 17% of male victims interviewed had experienced sex trafficking, 40% of these as the sole form of exploitation, with the remaining 60% experiencing sex trafficking in addition to forced labour or multiple forms of trafficking.

18. There is broad professional consensus that rather than low prevalence, the identification of sex trafficking of men and boys is affected by their reluctance to disclose sexual exploitation, coupled with 'professional blindness'.²⁸ Norms and cultural values surrounding victimisation and masculinity present the biggest gender-specific barrier to disclosure. The perception that victims are 'weak and vulnerable' is incompatible with stereotypical conceptions of masculinity and men and boys are often ashamed to acknowledge their exploitation.²⁹ This is particularly so in cultures where sex and homosexuality are heavily stigmatised and exacerbated by the tendency of men and boys to lack the skills required to openly discuss their exploitation.³⁰
19. In addition, men and boys are more likely to be perceived as perpetrators than victims. Their relationships with others are therefore not viewed with the same suspicion as those of women and girls, and professionals are less likely to consider the possibility of sexual exploitation.³¹ Gendered differences are also evident in referrals. While going missing is the most common referral reason for boys and girls alike, this accounts for a much higher number of referrals of boys (80%) than girls (42%).³²
20. Statutory services are often ill-equipped to support highly traumatised men and boys, many of whom are diagnosed with PTSD before being turned away due to the complexity of their condition. Men can attribute their difficulties to their inability to work rather than mental health needs. It is often not until men are back in employment and continuing to face difficulties that they accept the need for mental health support. However, by this point, many men have exited the National Referral Mechanism and support is considerably scarcer.³³ Furthermore, failure to protect trafficking survivors from homelessness and poverty perpetuates the cycle of exploitation. This also needs to be addressed in a gender-specific way, in recognition of the fact that homelessness after trafficking overwhelmingly affects men and boys.

²⁴ Rights Lab, [Research Briefing: Sex trafficking of Men and Boys](#), (2023).

²⁵ Salvation Army, [Supporting survivors of modern slavery - Report on The Salvation Army's Modern Slavery Victim Care Contract July 2021 to June 2022](#), (2022).

²⁶ L. Leon and P. Raws. *Boys Don't Cry, Improving identification and disclosure of sexual exploitation among boys and young men trafficked to the UK*, (The Children's Society, 2016). and Hestia, [Underground Lives, Male Victims of Modern Slavery](#), (2018).

²⁷ A. Nicholson, C. Murphy, A. Gardner, A. Lumley-Sapanski, and M. Young. *Pathways Through Liberation - Revealing Survivors' Support Journeys Outside of the UK National Referral Mechanism* (ESRC, Grant Ref: ES/T016337/1)

²⁸ L. Leon and P. Raws. *Boys Don't Cry, Improving identification and disclosure of sexual exploitation among boys and young men trafficked to the UK*, (The Children's Society, 2016).

²⁹ *Ibid*, p.20

³⁰ Barnardos, [Research on the sexual exploitation of boys and young men, A UK scoping study summary of findings](#), (2014).

³¹ *Ibid*, p.12. Also see L. Leon and P. Raws. *Boys Don't Cry, Improving identification and disclosure of sexual exploitation among boys and young men trafficked to the UK*, (The Children's Society, 2016), 24.

³² E. Cockbain, H. Brayley and M. Ashby, [Not just a girl thing: A large-scale comparison of male and female users of child sexual exploitation services in the UK](#) (Barnardo's, 2014).

³³ Hestia [Underground Lives, Male Victims of Modern Slavery](#), (2018), p.7.



Q1: Considering in particular:

d) The role of technology in facilitating human trafficking.

21. The facilitation of human trafficking and modern slavery via computer-mediated means is gaining increased attention, with technology – and social media in particular – being positioned as part of the trafficking problem, specifically in relation to exploitation for sexual purposes and for recruitment processes into all forms of exploitation. However, based on the results of a rigorous systematic evidence review, Rights Lab researchers were unable to establish the presence of significant empirical evidence or research documenting the issue.³⁴ Moreover, many of the claims made regarding the nature or scale of trafficking involving technology and social media did not appear to be based on strong empirical research or data.³⁵
22. Many of the claims being perpetuated through the existing literature and reporting around this issue appear to be based on anecdote, media reports, or individual occurrence, rather than empirical trends. The evidence review uncovered that there appears to be significant potential for the conflation of issues (such as smuggling and human trafficking, and sex work and sex trafficking). Care needs to be taken to avoid this. For example, what limited research does exist in this area focuses primarily on the issues of sex trafficking, and the marketing of sex services through classified advertisement and social media sites. However, a substantial amount of this work does not show distinction between sex trafficking and sex work more generally.³⁶
23. Predictions and claims on the involvement of newer or emerging technologies in trafficking have the potential to ‘doomsay’ and exaggerate issues, and to cause moral panic. Such predications may be further evidence that there is both a lack of empirical evidence, but also frontline knowledge on the nature of the issues being faced. Reporting of this nature also positions technologies themselves as a significant threat and tends not to situate their use within broader discourse regarding criminal methods, or the lived experiences of human trafficking survivors.

Q3. To what extent do support services meet the needs of victims who have been trafficked in or to the UK?

24. Ongoing Rights Lab research³⁷ into support services and survivor outcomes, involving 96 in-depth interviews with adult survivors of human trafficking across the UK, reveals a variation in support structures and provision within the NRMs of England and Wales, Northern Ireland, and Scotland. Experiences of support in England and Wales were reported as being significantly worse than in Scotland and Northern Ireland. This difference can be partly explained by lower proportions of referees (i.e. individuals referred into the NRM) per head of population in those devolved nations, however, the flexibility built into their systems for type and duration of support are found to have been key to survivors’ ability to access the support needed.
25. All the interviewees identified the first time they accessed support as a transformative moment that can be described as the starting point of their recovery. However, findings are that those referred into the NRM in England and Wales subsequently see their confidence, trust, wellbeing and independence decline over the course of their journey through the system, compared to

³⁴ B. Brewster and H. Jones, *A qualitative systematic review of internet use by modern slavery and human trafficking perpetrators*. [Manuscript in preparation].

³⁵ S. Milivojevic and M. Segrave, *Gendered exploitation in the digital border crossing? An analysis of the human trafficking and information technology nexus*, (Gender, Technology and Violence, 2017), 28–44.

³⁶ J.L. Musto and D. Boyd, *The trafficking-technology nexus* (Social Politics, 2014, 21(3)) 461–483.

³⁷ A. Nicholson, C. Murphy, A. Gardner, A. Lumley-Sapanski, and M. Young. *Pathways Through Liberation - Revealing Survivors' Support Journeys Outside of the UK National Referral Mechanism* (ESRC, Grant Ref: ES/T016337/1)



those in Northern Ireland and Scotland. Systemic delays in England and Wales are causing a major decline in wellbeing over time, with survivors becoming dependent on key contacts, reporting a loss of trust and confidence, being moved around, and struggling to access often sporadic and/or fragmented support services. This decline was found to have ramifications for the effectiveness of support and survivors' willingness to assist with prosecutions. Interestingly, this was not the case in Scotland where there is greater funding, where the proportion of survivors per head is slightly lower than in England and Wales, and where there is an initial confluence of support so that independence is built quickly. Survivors in Scotland were more positive about interactions with the Home Office and police, about access to support (including mental health and education), and in their ability to manage on their own.

26. The NRM in England and Wales was linked with feelings of uncertainty and doubt, with many survivors experiencing 'systems fatigue'. A common finding was the 'waiting' involved, as a result of NRM delays, and the data provides clear accounts of the damage this has had on people's wellbeing. Survivors reported being unable to move forward, having a constant weight on their shoulders, experiencing self-doubt, and feeling that they were being unduly scrutinised. Initial feelings of safety and relief waned as time passed, with survivors reporting that the NRM was holding back their recovery.
27. Survivors also felt disempowered by the system, explaining how the system is progressed for them, rather than by them. They reported a lack of knowledge and a lack of control over the process, describing the pointlessness of engaging when not knowing the 'rules of the game'. These issues contributed to dependency, which was compounded by the lack of choice over accommodation, food, or locality, which generally impacted survivors' feelings of control, independence, and agency, and degraded their expectations of their needs being met. Such experiences increased their distrust of systems and affected their preparedness for the external world.
28. Movement to different accommodation and/or locations dislocated many survivors from carefully built community-networks that provided external support, and the process of moving was not made transparent to survivors who perceived it as their being 'passed on'. Some interviewees specifically identified this as mirroring their trafficking experience.
29. The most positive accounts of support centred around becoming part of the community and building relationships outside of formal support providers. This was often through churches (on both a social and spiritual level), social groups, education, survivor networks, or through volunteering and employment. In particular, education, volunteering, and employment led to heightened self-esteem, self-confidence and independence. The data includes regular instances where knowledge attainment (such as being able to trust the police, availability of external support, and how to claim asylum) was conferred through ethnic community connections.
30. Very few interviewees received consistent and appropriate mental health support for their level of trauma. For several interviewees, the only interaction they had with mental health services were those provided or run by an NRM provider. Survivors in Scotland did not state this as an issue, as NRM mental health support is provided 'in-house'. Those who do access appropriate levels of clinical therapy cite positive outcomes. However, upon exit from the NRM, or move to a different support provider, survivors reported struggling to find alternatives to this support and were left with few enduring links to external providers.
31. The data also reveals multiple instances where attempts to access other support independently were unsuccessful, from the contacting of police, to benefits applications, or raising issues with



council housing. Reasons were not always clear, but survivors did cite a lack of interpretation services, the lack of awareness of statutory workers, and barriers due to pre-conceptions (for example, that the issue was a domestic matter). In some cases, difficulty accessing the necessary support reinforced messaging from traffickers that they wouldn't get help elsewhere.

32. The research also finds that physical illness, disability, mental capacity, and caring responsibilities have a significant effect on people's ability to access services, engage with the community, and access, understand and retain information. Without sustained interventions these factors created a risk of destitution. In some cases, especially for those with children with care needs, such vulnerabilities can open doors to further specialist support outside of the NRM (particularly social services) though survivors reported it was generally hard to evidence need or entitlement to additional support. Physical disability, mental ill health, or caring for children (especially those with special needs) were consistently linked to increased isolation, lack of (perceived) future prospects, and depression.

Access to psychological assistance

33. Research³⁸ undertaken between September 2021 and June 2022 surveyed 90 adult modern slavery survivors in the UK and found that an overwhelming majority (97%) expressed a need for psychological assistance while in the National Referral Mechanism (NRM). However, 44% of those who needed psychological assistance, which included both UK (n=1), non-UK (n=33) nationals, and those whose nationalities were unknown (n=4), indicated that their needs were not met. The research found that there is lack of clarity in policy and practice regarding the specific entitlements to psychological assistance, and significant barriers to accessing appropriate support for both survivors of modern slavery, and those who support them.
34. Access to other assistance, beyond psychological assistance, plays a key role in mental wellbeing. The interrelationship of entitlements under the European Convention on Action against Trafficking in Human Beings (ECAT) is key for survivor wellbeing; psychological assistance cannot have a meaningful impact on survivors' recovery unless access to other ECAT entitlements, particularly safe and secure accommodation, is also assured. A range of community-based institutions and resources are also important for survivors' mental wellbeing, including faith communities, activity groups provided by charities, volunteering opportunities, and survivor of modern slavery communities. Wider UK policies and procedures can also negatively impact on survivors' mental wellbeing, including the asylum process, accessing appropriate accommodation, delays in the NRM process and having No Resource to Public Funds (NRPF).
35. Recommendations for the UK Government stemming from the research are to:
- a. Clarify the entitlement to psychological assistance in modern slavery policy, including in s49 Statutory Guidance under the 2015 Modern Slavery Act.
 - b. In line with Article 12 (d) of ECAT, ensure survivors supported in the NRM are provided with information throughout on the services available to them, including psychological assistance, in a language they can understand.
 - c. Enable survivors' access, through the Modern Slavery Victim Care Contract (MSVCC), to activities to support mental wellbeing, beyond counselling and psychotherapy, such as exercise and volunteering.

³⁸ Research project, entitled '[Placing survivor wellbeing on the policy and evidence map](#)', undertaken by the University of Birmingham, Survivor Alliance, Rights Lab, Anti-Slavery International and the West Midlands Anti-Slavery Network and funded by the Modern Slavery and Human Rights Policy and Evidence Centre. Publications forthcoming.



- d. Ensure provision of all ECAT entitlements, especially appropriate and secure accommodation, and that provisions meet Slavery and Trafficking Survivor Care Standards.³⁹
- e. In addition to the Recovery Needs Assessment, to determine ongoing mental health needs, seek survivor feedback on, and assess the appropriateness of, psychological assistance provision received in the NRM prior to conclusive grounds decisions.
- f. Reduce timeframes for NRM decision-making to provide greater stability for survivors' wellbeing.
- g. Extend 'priority need' housing status to survivors with a positive Conclusive Grounds decision who are eligible for assistance.

Perinatal support

36. Available data and research show that almost 13,000 women and girls have been referred to government support as potential victims of modern slavery since 2018, and around three in every ten women survivors of modern slavery become pregnant while being exploited. As many as a quarter of female victims being referred into the NRM under the care of services through the Salvation Army are needing pregnancy care, as well as longer-term gynaecology support particularly for those who have experienced sexual exploitation.⁴⁰ Whilst pregnant women supported through the NRM will be provided access to pregnancy tests and transport to and from medical appointments, there is a strong reliance on local charities to provide other practical support such as clothing, and mothers are left navigating very challenging and traumatic circumstances. Healthcare professionals and midwives do not feel adequately prepared to respond to the needs of this vulnerable population⁴¹ due to lack of training and knowledge of the topic of human trafficking.⁴²
37. A recently completed Rights Lab evaluation of the [Happy Baby Community's](#) perinatal care project, which has supported hundreds of asylum-seeking women, up to half of whom are survivors of trafficking, has identified multiple challenges and barriers to these women accessing the necessary support. Through the evaluation focus groups, mothers reported struggling to access health and other statutory services; language barriers; mental ill-health and medical needs; limited access to evidence-based information for birth, health and early parenting; struggles accessing safe and adequate housing; and direct barriers to proper nutrition for weaning children through these accommodations. The project seeks to provide birth companionship, information classes and 1-to-1 support, access to items they need and safe community spaces to learn, which was found to be having a positive effect on mental and physical health outcomes, confidence, independence and stability for families.
38. The specialist support that this project provides shows that the needs of these mothers are not being met by statutory services, and go beyond the needs of other mothers entering into maternity care. There is an opportunity for further wrap around support and survivor accompaniment, training for staff and specific services which makes a huge difference to health and wellbeing outcomes not only in the short term, but preventing dependencies on social and health services in the long run for the whole family.

³⁹ Human Trafficking Foundation, [The Slavery and Trafficking Survivor Care Standards](#), (2018).

⁴⁰ See for instance, Hestia, [Underground Lives: Pregnancy and Modern Slavery](#), (2018).

⁴¹ C. Collins and K. Skarparis, *The impact of human trafficking in relation to maternity care: A literature review*. (Midwifery, 2020), 83:102645.

⁴² C. & D. Ruiz-Gonzalez, P. Roman, N. Benayas-Perez, M. Rodriguez-Arrastia, C. Ropero-Padilla, and N. Sanchez-Labraca. *Midwives' experiences and perceptions in treating victims of sex trafficking: A qualitative study*. (Advanced Nursing, Vol 78:7, 2022), p. 2139-2149.



Access to employment

39. Access to employment in the UK is only available to survivors of slavery providing they have the immigration status that affords them this access: being conclusively identified as a survivor of modern slavery confers no automatic grant of leave to remain, and therefore no right to work. Only a minority of survivors, such as UK nationals, will be able to work whilst being supported in the NRM.
40. Rapid research⁴³ undertaken by the Rights Lab in 2021, commissioned by the Independent Anti-Slavery Commissioner, found that, whilst employment is only a part of the equation in supporting survivors to successfully reintegrate into society and achieve sustainable independence, it is a vital part – offering meaning and purpose, routine and stability, and enabling financial independence. Creating pathways for survivors to access decent work makes both moral and financial sense.
41. Survivors have educational and vocational qualifications and skills, however we are currently unsighted on survivors' skill sets and work histories as this information is not routinely collated as part of NRM support processes. Collating this data and working with those with lived experience would ensure the collaborative development of appropriate employment support and pathways.
42. A range of NGOs working in the UK anti-slavery sector have established employment programmes and pathways, having recognised this as an ongoing gap in service provision. Whilst these organisations should be commended, the lack of overarching strategy is unsustainable. The benefits of long-term support and access to employment are well-evidenced; the development of effective employment programmes and pathways for survivors, should therefore form part of a wider, UK strategy on survivor reintegration.
43. Recommendations stemming from the research:
 - a. Through the MSVCC, the UK Government should develop an evidence base to better understand the skills, qualifications, work interests, and work histories of survivors in the NRM.
 - b. In collaboration with survivors and the wider UK anti-slavery sector, a standardised suite of modules should be developed to form an accredited work preparation curriculum.
 - c. In conjunction with survivors and the wider anti-slavery sector, the UK Government should draft an overarching reintegration strategy for survivors of modern slavery. The strategy should provide reintegration pathways and durable solutions for survivors who remain in the UK as well as those who return to their home country.
 - d. The UK anti-slavery sector should undertake further research to address urgent data and evidence gaps related to the right to work.

Re-trafficking

44. Re-trafficking is generally understood as a situation where a survivor has experienced and left one episode of trafficking but later re-enters another exploitative situation. Rights Lab research⁴⁴, commissioned by the Independent Anti-Slavery Commissioner in 2021, found evidence that re-trafficking is occurring in the UK context. The case studies obtained through the project's call for

⁴³ Rights Lab and the Office of the Independent Anti-Slavery Commissioner. [The benefits and the barriers to accessing employment: Considerations for survivors of modern slavery](#), (2021). Also see related [policy briefing](#).

⁴⁴ Rights Lab and the Office of the Independent Anti-Slavery Commissioner, [Re-trafficking: The current state of play](#), (2021).



evidence, demonstrated that re-trafficking is not only occurring in a UK context but affecting a diverse range of survivors regardless of gender, age, nationality and exploitation type.

45. The main factors that emerged from the research that facilitate re-trafficking in a UK context and need to be considered in any response to address the issue include:
- a. A lack of stable accommodation and the risk of homelessness
 - b. A lack of on-going support (resettlement and reintegration) and community networks
 - c. A lack of regularised immigration status and the impact of this on an individual's ability to seek employment, stable and safe accommodation and other support, benefits and stability.

While it accepted in the literature and confirmed by those working in the field that re-trafficking is occurring, there is a dearth of data to understand its prevalence; data is not centrally collected in the UK. There are limited effective prevention and protection structures in place to reduce its risk and impact upon survivors; there is currently no dedicated reintegration pathway for survivors remaining in the UK, nor is there a specific returns and reintegration package for survivors returning to another country. Furthermore, there is no agreed definition or policy guidance on how to approach the issue.

Q4. What evidence is there, if any, that the National Referral Mechanism process is being exploited by individuals seeking asylum in the UK?

46. Despite government claims to the contrary, there is no evidence, at least none that has been made publicly available, that the NRM is being exploited or abused by those seeking asylum in the UK. The government does not publish statistics on the number of victims in the NRM who are also seeking asylum. An individual's status as a victim of trafficking might not be the basis for their asylum claim; the two processes (the NRM and asylum) are independent of each other and whilst they can run concurrently, are not necessarily linked in all cases. As identified by UNHCR, some victims will have international protection needs and qualify for refugee status.⁴⁵ This is, however, not an automatic consideration and not every victim will be determined to have these needs.
47. It is also important to note, when considering whether the system is being exploited, that an individual cannot self-refer into the NRM; they must be referred by a 'first responder' organisation. A first responder organisation is one that has been authorised by the UK Government to refer a potential victim into the NRM, and includes police forces, UK Visas and Immigration, Immigration Enforcement, local authorities, Border Force, the GLAA and a number of specialist NGOs. The full list of First Responder agencies is listed on the gov.uk website.⁴⁶ In 2022, 49% (8,338) of the referrals came from government agencies, compared to 37% in the previous year. Of these referrals, 40% (3,349) came from Home Office Immigration Enforcement, whilst the majority came from UK Visas and Immigration (57%; 4,739).⁴⁷

⁴⁵ UNHCR, [Trafficking in persons](#), (UNHCR website, accessed 12 March 2023).

⁴⁶ Home Office, [Guidance - National referral mechanism guidance: adult \(England and Wales\)](#), (Gov.uk, Accessed on 15th December, 2022)

⁴⁷ Home Office, [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2022](#), (Gov.uk, 2023).



48. NRM data published by the Home Office challenges the notion that the NRM is being exploited. In 2020, 92% (9,765) of the 'Reasonable Grounds' (RG) decisions and 89% (3,084) of 'Conclusive Grounds' (CG) decisions made Home Office caseworkers in the Single Competent Authority were positive i.e. confirmed that the individual referred was a suspected or confirmed victim of modern slavery.⁴⁸ Of the 12,665 RG decisions and 2,866 CG decisions issued in 2021, 90% of RG decisions were positive and 91% of CG decisions were positive.⁴⁹ In 2022, 6,189 CG decisions were issued; the proportion of positive CG decisions for adults was 87% and for children was 92%.⁵⁰
49. A comparative study published by the Rights Lab shows the proportion of NRM referrals resulting in a positive CG decision across 20 countries has been increasing annually since 2015. Official NRM statistics show a disparity between the number of positive RG and CG decisions depending on nationality. Fewer victims who are third country nationals (and therefore may be eligible to claim asylum) are positively identified than British, Irish, or European Economic Area (EEA) nationals. Rights Lab research based on Home Office data obtained through Freedom of Information requests shows significant differences in CG decision outcomes by nationality and region of origin, supported by the observations of service providers who note differential treatment.⁵¹
50. The government response⁵² to the New Plan for Immigration, published in July 2021, spoke of the government's aim to support victims of modern slavery 'while ensuring the system is not open to misuse'. Since its publication, there has been increasing rhetoric from government officials and media commentators regarding the abuse of modern slavery laws by those crossing the English Channel in small boats, particularly Albanian nationals. Official figures⁵³ show that of the 83,236 people who arrived in the UK on small boats between 1 January 2018 and 31 December 2022, only 7% (6,210 people) were referred to the NRM (5,897 or 95% of whom also applied for asylum). Among the highest proportions referred to the NRM were Vietnamese and Sudanese nationals, with 32% and 23% of arrivals being referred, respectively. Specifically in relation to Albanian nationals, in 2022, 12,561 Albanians entered the UK in small boats, however only 12% (2,691) of these were referred into the NRM.
51. Again, it is important to note that of those referred into the NRM from small boats since 2018, 85% received a positive reasonable grounds decision, and of the 505 conclusive grounds decisions issued in this timeframe, 85% were positive i.e. in the vast majority of cases Home Office case workers agreed with the first responder that individual referred was a victim of modern slavery.⁵⁴

⁴⁸ Home Office, [National Referral Mechanism Statistics: End of Year Summary 2020](#), (Gov.uk, Accessed 16 March 2023).

⁴⁹ Home Office, [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary, 2021](#), (Gov.uk, Accessed 16 March 2023).

⁵⁰ Home Office. 2023. [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2022](#), (Gov.uk, Accessed 16 March 2023).

⁵¹ K. Schwarz, A. Valverde-Cano, and A. Williams-Woods, [The Top 20 Source Countries for Modern Slavery Victims in the UK: Comparative Report. Rights Lab](#), (2021), 18-19.

⁵² Home Office, [Consultation on the New Plan for Immigration: government response](#), (Gov.uk, 2021).

⁵⁴ Home Office, [Official Statistics: Irregular migration to the UK, year ending December 2022](#), (Gov.uk, Published 23 February 2023).



Q5. How can legislation, including the Modern Slavery Act 2015, policy and criminal justice system practice be improved to prevent and address human trafficking?

Nationality and Borders Act 2022

52. On 28th April 2022, the Nationality and Borders Act (NABA) passed into law. During the legislation's passage through Parliament, numerous concerns were raised by parliamentarians and the anti-slavery sector regarding the impact it would have on the effective identification, support, and protection of victims of modern slavery and trafficking, including by the Rights Lab in its [Consideration Paper](#) published in October 2021.⁵⁵ Despite the concerns raised throughout the parliamentary process, the government maintained that the Act would enhance early identification of victims, enable 'genuine' victims to access support, and prevent misuse of the NRM.
53. During the parliamentary debates, the government made numerous commitments regarding the delivery and application of Part 5 of the Act, e.g. that the effects of trauma will be considered in decision-making and that Government will work with stakeholders to operationalise the guidance in relation to Part 5 of the Act. The Rights Lab has listed and referenced these commitments, 29 in total, in a [quick reference guide](#), intended to assist parliamentarians and the antislavery sector in tracking their implementation. Some commitments, such as the commitment not to reduce the 45-day recovery period provided to potential victims, have already been reneged on.

Illegal Migration Bill 2023

54. Clauses 21-28 of the Illegal Migration Bill, introduced to parliament on 7th March 2023, focus on cases of modern slavery. Clause 21 extends the public order disqualification, set out in section 63(3) of the NABA to all victims of modern slavery who arrive in the UK via irregular means (i.e. meet the conditions set out in in Clause 2(2) of the Bill) This will mean that any prohibition on their removal will apply, they will not be able to access a 30-day recovery period (as per Section 61 of the NABA), nor support (as per Section 64 of NABA) nor temporary leave (as per Section 65 of NABA), unless the individual is cooperating with an investigation or criminal proceedings related to their exploitation which requires them to be present in the UK. Clauses 22-24 disapply the duty on the Secretary of State, Scottish Ministers and Department of Justice in Northern Ireland (as per Section 50(A) of the 2015 Modern Slavery Act and respective legislation on human trafficking in Scotland and Northern Ireland) to this cohort of migrants whether they are residing in England and Wales, Scotland or Northern Ireland.
55. The explanatory notes to the Bill note that this extension of the public order disapplication is due to a number of factors including *'the pressure placed on public services, the large number of irregular arrivals and the loss of life caused by arrivals from illegal and dangerous journeys, including via small boat Channel crossings.'*⁵⁶ The government therefore deems it necessary to deny access to support and protection for modern slavery victims, in breach of its obligations under the 2008 Council of Europe Convention Against Trafficking in Human Beings and Article 4 of the European Convention of Human Rights, in order to pursue its policy aims of deterring people from crossing the Channel in small boats. If this Bill is passed into law, it will result in hundreds, if not thousands, of modern slavery victims being detained, removed from the UK, denied protection from their traffickers and denied access to the necessary support to recover from their experiences of exploitation; effectively punished for being a victim of a serious crime.

⁵⁵ Rights Lab, [Nationality and Borders Bill Part 5: Modern Slavery Consideration paper](#), (2021).

⁵⁶ UK Parliament, [Illegal Migration Bill, Explanatory notes](#), (2023), para. 119.



56. The explanatory notes acknowledge that *‘the application of the public order disqualification to this cohort of illegal entrants ... is a significant step’* and is *‘only justified during such time as the exceptional circumstances relating to the illegal entry into the UK including by persons crossing the Channel in small boats continues to apply.’* Section 25 of the Bill therefore grants the power to the Secretary of State to make regulations to suspend the provisions in Clauses 21-24; however, it also states that suspended provisions can be revived. As noted by Theresa May MP during the second reading debates on the Bill on 13th March, 2023:

“The Home Office itself recognises the damage that the Bill would do, stating in the explanatory notes to clauses 21 to 28, on public order disqualification:

“These provisions are subject to a sunset mechanism so that they can be suspended should the current exceptional illegal migration situation no longer apply”—

in other words: “We know this isn’t ideal, but we’ve got lots of people coming illegally; we’ve got to do something, so the victims of modern slavery will be collateral damage.”⁵⁷

Government proposal to introduce a new Modern Slavery Bill

57. In May 2022, the government announced its intention to introduce a Modern Slavery Bill. The main purpose of the Bill, as stipulated in the background briefing notes to the Queen’s Speech, was to *‘Strengthen the protection and support for victims of human trafficking and modern slavery and increase the accountability of companies and other organisations to drive out modern slavery from their supply chains’*.⁵⁸

Reducing the prevalence of modern slavery in supply chains

58. The main elements of the Bill, in relation to strengthening Transparency in Supply Chains (TISC) provisions, were noted to be:

- a. Strengthening the requirements on businesses with a turnover of £36 million or more to publish an annual modern slavery statement to set out steps taken to prevent modern slavery in their operations and supply chains
- b. Mandating the reporting areas to be covered in modern slavery statements
- c. Requiring organisations to publish their statements on a government-run registry
- d. Extending these requirements to public bodies
- e. Introducing civil penalties for organisations that do not comply with the requirements.

59. A new Modern Slavery Bill presents an opportunity to implement outstanding government commitments in relation to strengthening TISC provisions; commitments the UK Government made in response to the 2018 Independent Review of the Modern Slavery Act⁵⁹, the 2019 Transparency in supply chains (TISC) consultation⁶⁰, and the 2021 Department for Business, Energy and Industrial Strategy’s (BEIS) consultation on ‘Establishing a new single enforcement body for employment rights’.⁶¹ These outstanding commitments include extending section 54 of the Modern Slavery Act

⁵⁷ UK Parliament, [Theresa May MP – Second reading, Illegal Migration Bill](#), (Hansard, 6 March 2023).

⁵⁸ Prime Minister’s Office. [Queens Speech: Background briefing notes](#), (Gov.uk, 2022), p. 83.

⁵⁹ Home Office, [Independent Review of the Modern Slavery Act: Final Report](#), (Gov.uk, 2018).

⁶⁰ Home Office, [Transparency in Supply Chains: Consultation outcome](#), (Gov.uk, 2019).

⁶¹ Department for Business, Energy & Industrial Strategy, [Establishing a new single enforcement body for employment rights: Government response](#), (Gov.uk, 2021).



reporting requirements to the public sector, mandating the areas that modern slavery statements shall cover, and creating a new Single Enforcement Body (SEB) as set out in the 2019 Conservative Party manifesto. The full list of government commitments and the progress to date in implementing them can be read [here](#).⁶²

60. The ambition to create a SEB addresses recognised insufficiencies and complexities in the UK labour market. Although consideration to create a SEB reaches back to 2019⁶³ and has since been committed to by successive governments, a more detailed plan towards its development appears to have stalled. Most recently, the Business Secretary, Grant Shapps, announced that its development will be shelved for the current Parliament – he did, however, offer reassurance that this did not mean the SEB was being completely abandoned and if Parliamentary time allowed, elements of the SEB plans would be considered.⁶⁴
61. Recent research by the Rights Lab, involving desk-based research and expert interviews⁶⁵ and undertaken in collaboration with the Office of the Independent Anti-Slavery Commissioner (IASC) revisited the notion of establishing a SEB and examined the relevant remit, powers and governance structure required for an inspectorate that can most effectively meet current and future labour exploitation challenges. According to those interviewed the creation of a SEB could bring multiple benefits:
- a. A single point of contact for workers and businesses
 - b. A more joined-up approach and improved working relationships between existing agencies
 - c. Consistency in enforcement and compliance across the constituent nations of the UK
 - d. Addressing labour market infringement and abuses across the spectrum of offences where they occur, rather than taking a sector-led approach to enforcement
 - e. Clarity over grey areas in employment law.
62. Furthermore, for the SEB to succeed it must:
- a. Build workers' trust in the system to encourage reporting
 - b. Operate independently from government with accountability mechanisms in place, such as an independent board to review performance
 - c. Protect migrant worker victims from immigration enforcement
 - d. Operate independently from Home Office powers and governance
 - e. Hold wider remit and powers, particularly around investigations and applying penalties
 - f. Be adequately funded to support proactive and open collaboration with businesses and non-governmental organisations.

⁶² Rights Lab, [Modern Slavery Bill: Strengthening Transparency in Supply Chains \(TISC\)](#), (2022).

⁶³ Department for Business, Energy & Industrial Strategy, [Establishing a new single enforcement body for employment rights Government response](#), (Gov.uk, 2021).

⁶⁴ Business, Energy and Industrial Strategy Committee, [Oral evidence: The work of the Business, Energy and Industrial Strategy Department](#), (HC 529, 2022).

⁶⁵ The research team interviewed 14 experts from academia, third sector organisations representing workers directly, fair trade organisations, businesses, enforcement agencies and government representatives.



Strengthening protection and support for victims of human trafficking and modern slavery

63. As noted above, the stated intention behind the introduction of a new Modern Slavery Bill was also to ‘*strengthen the protection and support for victims of human trafficking and modern slavery*’, and ‘*enshrine into domestic law the government’s international obligations to victims of modern slavery, especially regarding their rights to assistance and support, providing greater legal certainty for victims*’.⁶⁶ Currently, the support entitlements afforded to identified victims of trafficking and modern slavery are not enshrined in primary legislation; instead they are outlined in statutory guidance.⁶⁷
64. Until last year, and the introduction of the 2022 Nationality and Borders Act, the 2011 EU Trafficking Directive⁶⁸ had ‘direct effect’ under EU law, meaning its provisions can be relied on in UK courts providing an important avenue for justice for victims, particularly in relation to accessing their support entitlements (for example see *Galdikas & Ors, R and Hounga v. Allen*⁶⁹). This in contrast to the 2008 ECAT, which is given effect through the NRM in policy guidance. Section 68 of the NABA disapplies the EU Trafficking Directive in so far as it is incompatible with any provisions in the Act, which means in practice that victims of modern slavery can no longer rely on the Directive, thereby limiting their rights and opportunities for redress within the UK legal system.⁷⁰ Given the introduction and impact of NABA, It is therefore arguably even more important for assistance and support entitlements found in ECAT to be transposed into primary legislation.
65. Besides the legal (and moral) obligation to provide support to victims of trafficking and modern slavery, Rights Lab research has shown there to be a likely financial benefit to providing longer-term support to survivors.⁷¹ The research, undertaken in 2019, provided an analysis of the costs and benefits of extending support to conclusively identified adult victims of human trafficking in England and Wales for 12 months after exiting the National Referral Mechanism (NRM), as was proposed under S.48B of Lord McColl’s Modern Slavery (Victim Support) Bill.⁷² The research team found that the extended support period would lead to savings in a number of areas, would save money in the future by preventing more costly interventions at a later stage, and would also mean additional support for prosecutions of traffickers.
66. The research estimates that if the Bill had been passed in 2017 there would have been a direct financial benefit of implementing the changes for conclusive victims referred in that year outweighing the costs, including a direct financial benefit to the public purse of between £15.4m and £21.3m for all victims referred in 2017 (equivalent to an average of between £12.3k and £15.5k per victim) – across two categories - relief of homelessness and improved employability. Accounting for the costs of the additional support proposed, the Bill would result in a net financial benefit to the public purse of between £1m and £6.6m, a net overall benefit (direct and indirect) of between £10.4m and £25.1m.

Strengthening the operation of Slavery and Trafficking Prevention Orders and Slavery and Trafficking Risk Orders

⁶⁶ Prime Minister’s Office. [Queens Speech: Background briefing notes](#), (Gov.uk, 2022), p, 83.

⁶⁷ Home Office. [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, [Gov.uk, *last updated 3 March 2023*].

⁶⁸ European Union, [Directive 2011/36.EU on preventing and combating trafficking in human beings and protecting its victims and replacing Council Framework Decision 2002/629/JHA](#). (Official Journal of the European Union, 2011).

⁶⁹ *Galdikas & Ors, R (on the application of) v Secretary of State for the Home Department & Ors* (Rev 1) [2016] EWHC 942 (Admin). [Hounga v. Allen](#). (UKSC47, 2014).

⁷⁰ Rights Lab, [Nationality and Borders Bill Part 5: Modern Slavery Consideration paper](#), (2021).

⁷¹ Rights Lab. [The Modern Slavery \(Victim Support\) Bill: A Cost-Benefit Analysis](#), (2019).

⁷² UK Parliament, House of Lords, [Modern Slavery \(Victim Support\) Bill \[HL\]](#) (2019, Accessed 17 March).



67. The background briefing⁷³ to the 2022 Queen’s speech further stated that another element of the Modern Slavery Bill would be to strengthen ‘*the operation of Slavery and Trafficking Prevention Orders (STPOs) and Slavery and Trafficking Risk Orders (STROs), which place conditions on an individual, to prevent and disrupt modern slavery crimes and better protect victims*’. STROs and STPOs were introduced in part 2 of the Modern Slavery Act 2015 (sections 14, 15, and 23), as well as in the respective human trafficking legislation in Scotland and Northern Ireland, and modelled on similar orders created for sexual harm and anti-social behaviour. They are tools designed for use by law enforcement—namely the police, the National Crime Agency, immigration officers, and labour abuse prevention officers from the Gangmasters and Labour Abuse Authority (GLAA). These court-applied orders are not intended as a substitute for prosecution. Instead, they provide law enforcement with the powers to place and enforce a wide range of restrictions on individuals deemed at risk of committing slavery and human trafficking related offences, prohibiting them from certain activities deemed high-risk, such as working with children.⁷⁴
68. Evidence of the implementation, enforcement, and impact of STPOs and STROs is limited, as there is no centralised mechanism for recording or reporting data, but use and uptake since their introduction has been low compared to the total number of potential victims identified, charges files and convictions secured. The Home Office’s 2020 UK annual report on modern slavery identified that 147 STPOs and 60 STROs were issued in England and Wales between July 2015 and March 2020, while twelve Interim Slavery and Trafficking Risk Orders were issued in 2019-20.⁷⁵ In Scotland, eight Trafficking and Exploitation Prevention Order (TEPOs) were imposed on conviction from 2015-2020, while a number of Trafficking and Exploitation Risk Order (TEROs) were under consideration.⁷⁶ In Northern Ireland, two STPOs were issued between 2017 and 2020.⁷⁷
69. Several reviews have been undertaken on the operation and utility of STPOs and STROs, including as part of Caroline Haughey OBE KC’s review of the Modern Slavery Act in 2016⁷⁸, by HM Inspectorate of Constabulary and Fire & Rescue Services in 2017⁷⁹, and by the Independent Anti-Slavery Commissioner in 2022.⁸⁰ These reviews found that practice related to the use of STPOs and STROs is inconsistent, with different police forces demonstrating differing levels of understanding and different approaches to the orders. Low uptake and inconsistent practice have been connected to several identified shortcomings, including: a lack of coordination in data collection, sharing, and dissemination; a lack of awareness, understanding, and guidance on the orders; concerns over the impact of orders on investigations; and the absence of a list of example prohibitions. Each of these reviews made recommendations for reform and improved practice: the consolidated list of all of these recommendations can be found in Annex 1 of the Rights Lab’s background review on the history and use of the STPO and STROs.⁸¹

⁷³ HM Government, [Queen’s Speech 2022: background briefing notes](#), (Gov.uk, 2022).

⁷⁴ Rights Lab, [Slavery and Trafficking Risk and Prevention Orders: A Background Review of their History and Use to Date](#), (2023, forthcoming).

⁷⁵ HM Government, [2020 UK Annual Report on Modern Slavery](#) (Gov.UK, October 2020). Data on STPOs and STROs numbers in England and Wales was not reported in the subsequent annual report in 2021.

⁷⁶ *Ibid*, p 20-21. Data on STPOs and STROs numbers in Northern Ireland was not reported in the subsequent annual report in 2021.

⁷⁷ *Ibid*.

⁷⁸ Caroline Haughey OBE KC, [The Modern Slavery Act Review](#), (Gov.UK, July 2016).

⁷⁹ HMICFRS, [Stolen Freedom: The Policing Response to Modern Slavery And Human Trafficking](#) (HM Inspectorate of Constabulary and Fire & Rescue Services, October 2017)

⁸⁰ Independent Anti-Slavery Commissioner, [The Use Of Modern Slavery Risk And Prevention Orders](#), (Independent Anti-Slavery Commissioner, March 2022).

⁸¹ Rights Lab, [Slavery and Trafficking Risk and Prevention Orders: A Background Review of their History and Use to Date](#), (2023, forthcoming).