

c/o Human Trafficking Foundation
Blackfriars Settlement
1 Rushworth Street
London, SE1 0RB

22nd November 2021

(Sent to all MPs)

Modern Slavery - Please act to prevent an increase in crime, including child exploitation, in your area

You will soon be asked to vote again on the Nationality and Borders Bill. The Bill's focus is on changes to the asylum and immigration framework but it also proposes significant reform to modern slavery law and practice. This letter, from leading organisations in the Anti-Slavery sector, welcomes the Government's stated commitment to tackle slavery¹ but seeks to draw your attention to the Bill's unintended negative consequences on victims of trafficking and slavery in its current form.

We welcome the Government's recognition in its response to its consultation that it might need to modify elements of its immigration plan to avoid unintended repercussions and the Minister's recent commitment during the Bill Committee to engage with the sector. It is our view that modern slavery and immigration are distinct matters and that the clauses within Part 5 of the Bill would be better more carefully considered in the current review of the Modern Slavery Strategy and removed from the bill because we fear this section will not achieve its aims in its current form. We have particular concerns that Part 5 will discourage identification and disclosure, and will harm the UK's position as a world leader in tackling slavery and in child protection. We ask you to consider these consequences and ask for removal of Part 5 from the bill. In the event that Part 5 is not removed from the bill we would ask you to support the Anti-Slavery sector's proposed amendments to Part 5, as outlined in a [statement](#), to mitigate against these very real risks. We would also welcome meeting with you to discuss this further.

The Bill:

- Unamended, the Bill penalises victims of slavery entering the UK if they don't reveal they have been enslaved within a set period of time. It will also disqualify from support any victim of modern slavery who is considered to be a '*threat to public order*'. The stated justification for this is to prevent fraudulent or dangerous criminals from using experiences of exploitation to avoid justice or deportation and reduce delays but no data has been provided to evidence these claims or to show how the reforms will have this effect.

Risks include:

- Victims of slavery often don't self-identify or reveal their exploitation until trust has been garnered. Police, medical and even Conservative Party research² evidences that it can take approximately 2 years for disclosure. Leading criminal barrister Caroline Haughey OBE QC, the UK's lead prosecutor of modern slavery who helped draft the Modern Slavery Act, described the Nationality and Borders Bill as 'catastrophic' because if an individual 'does not show up as a victim immediately, they are deemed not a victim'.
- The definition of *threat to public order* within the Bill casts a far wider net than intended. It would include victims of slavery convicted of minor offences such as damage to property, or even if offences were committed under duress in slavery. It will also include British and child victims. Yet as we know from *Operation Fort* (where police dismantled the UK's biggest modern slavery network) traffickers directly

¹ This letter will use the overarching term modern slavery to encompass human trafficking, domestic servitude, debt bondage etc.

² Police inspectorate HMICFRS [Report](#), 2017; GLA Conservatives report, [Shadow City, Vita](#) health response to the Immigration Plan

targeted vulnerable men leaving prison. A person's vulnerability to exploitation should not be used to deny them access to support.

- The minister says the above concerns will be able to be resolved on a case by case basis. But we sadly know from experience that safeguarding requires clear procedures to avoid tragedy and we have a clear amendment which preserves the Government's power to remove individuals from the UK who pose a genuine threat to national security or public safety, while not undermining the protections in the Modern Slavery Act.
- In addition to immediate protection, we also need to provide long term support to victims if we want to end slavery in the UK. Prosecutions for modern slavery cases are extremely low and yet when victims are given long term support, they are more likely to act as witnesses, leading to more traffickers behind bars. 73% of victims supported by the charity Hope for Justice engaged with the criminal justice process, and all but 2 cases that went to criminal trial ended with a successful conviction.³

Consequences:

- The Bill sends a message to traffickers that they are free to exploit people with uncertain or insecure immigration status, or criminal records, even for minor offences, or those committed under duress, as they'll no longer qualify for help. Traffickers in county lines can say with confidence once they've forced a child to commit a crime, that there's really no escape. That means **more county lines cases and other child abuse and exploitation in your constituency.**
- The Bill will reduce the number of criminal prosecutions for trafficking offences as there is no incentive for victims trapped in criminal exploitation, or targeted by traffickers for old offences, from coming forward, and conversely this Bill would make it risky and precarious to come forward. *Operation Fort* would not have been able to get off the ground. **That means more traffickers and hardened criminals in your constituency.**
- Rather than speed up the process, lawyers estimate the new Trafficking Information Notices will create further delays to an already complex and delayed system, which, in turn, **will increase costs to the public purse.**
- Experts from the police to prosecutors state that despite the bill's stated intentions to be "firm but fair", it is unfair to victims of slavery, while making it easier for the perpetrators to get away with their crimes We urge you to support amendments to Part 5 of the Nationality & Borders Bill and would welcome an opportunity to discuss this further with you.

Yours sincerely,

1	Philip Hyldgaard	Chief Operations Officer	A21
2	Dr Jennifer Obaseki	Director	AFFIRM Human Rights
3	Agnes Baziwe	Chief Executive	Africa Advocacy Foundation
4	Aderonke Apata	CEO	African Rainbow Family
5	Debbie Ariyo OBE	CEO	AFRUCA - Safeguarding Children
6	David Camp	Chief Executive	allianceHR
7	Sue Brockes-Smith	Co-Founder and Trustee	Anti Slavery Initiative Oxford
8	Maya Esslemont	Director	After Exploitation
9	Jasmine O'Connor OBE	CEO	Anti-Slavery International
10	Luke de Pulford	Director	Arise Foundation

³ Nusrat Uddin, The fight against Modern Slavery and Human Trafficking – The role of support in prosecuting this crime

11	Victoria Marks	Director	ATLEU
12	Dr Carole Murphy and Dr Ruth Van Dyke	Co-Directors	Bakhita Centre for Research on Slavery, Exploitation and Abuse, St Mary's University
13	Debbie Ariyo OBE	CEO	BASNET
14	Mutale Merrill OBE	Chief Executive	Bawso
15	Martin Hancock	CEO	BCHA
16		Management Committee	Birmingham Methodist District's Adavu Project
17	Baldish Sohal	Head of MS Support Services	Black Country Women's Aid
18	Lucy Butt	Co-Founder & Director	Bramber Bakehouse
19	Caroline Guarnaccia	CEO	Baytree Centre
20	Dr Bisi Adebayo	Director	Bridging Development Gaps
21	Debbie Beadle	CEO	Cardiff Women's Aid
22	Karen Anstiss	Service Manager	Caritas Westminster
23	Victor Ahaiwu	Director	Centre for Youths Integrated Development UK
24	Helen Sworn	Executive Director	Chab Dai
25	Laura Seebohm	Executive Director	Changing Lives
26	Ed Newton	CEO	City Hearts
27	Sneh Aurora	Director	Commonwealth Human Rights Initiative
28	Matt Downie	Director of Policy and External Affairs	Crisis
29	Peter Cox	Trustee	Croydon Community Against Trafficking
30	Barbara Drozdowicz	CEO	East European Resource Centre
31	Patricia Durr	CEO	ECPAT UK
32	Musa Amedu	CEO	Edo Diaspora UK
33	Emily Chalke	Founder & Co-director	Ella's
34	Sharlette Reid	CEO	Emerge Worldwide
35	Laura Watson	Coordinator	English Collective of Prostitutes
36	Lilian Simonsson	Director	Enthum Foundation
37	Jacqui Hunt	Head of Office	Equality Now
38	Jill Robinson	Co-founder	Flourish NI
39	Lucila Granada	CEO	Focus on Labour Exploitation (FLEX)
40	Joanna Ewart-James	Executive Director	Freedom United
41	Kerry Smith	CEO	Helen Bamber Foundation
42	Patrick Ryan	CEO	Hestia
43	Marchu Girma	Chief Executive	Hibiscus Initiatives
44	Jared Hodgson	CEO	Hope at Home
45	Tim Nelson	CEO	Hope for Justice & Slave Free Alliance
46	Revd Jide Macaulay	Founder & CEO	House of Rainbow CIC
47	Zaiba Qureshi	Chief Executive	Housing for Women
48	Tamara Barnett	Director of Operations	Human Trafficking Foundation
49	Andrew Smith	Founder & CEO	Hull Homeless
50	David Westlake	CEO	International Justice Mission (IJM)
51	Tauhid Pasha	Acting Chief of Mission	International Organization for Migration (IOM)
52	Dr. Anna Westin	CEO	JAM Network
53	Richard Beard	CEO	Jericho
54	Kirsty Thomson	Partner/Managing Director	Justright Scotland
55	Rita Gava	Director	Kalayaan
56	Andrea Martinez	Director	Kanlungan
57	Carmen Clarke	Director	Khai Tzedek CIC

58	Mama Sylla	Chair	La Fraternité Guineenne UK
59	Gisela Valle	Director	Latin American Women's Rights Service
60	Judy Vickers	Operations Manager	Lifeshare
61	Philip Ishola	CEO	Love146
62	Ake Achi	Founder & Director	Migrants At Work
63	Rabiya Ravat	Director	Migrant Help
64	Lerina Bright	Executive Director	Mission89
65	Garry Smith	CEO	Medaille Trust
66	Will Wood	Managing Director	Multitude Media
67	Magdalene Adenaike	Founder/CEO	Music Relief
68	Melissa Green	General Secretary	National Federation of Women's Institutes
69	Annetha Mills	Founder and CEO	NIARA
70	Anna Fisher	Chair	Nordic Model Now!
71	Yvonne Hall	Managing Director	Palm Cove Society
72	John Martin	Artistic Director	Pan-Arts
73	Dr Jennifer Obaseki	Director	Professionals Against Gender Based Violence
74	Lesley Gladwell	CEO	ReBuild
75	James Tullett	Chief Executive	Refugee & Migrant Forum of Essex and London
76	Mia Hasenson-Gross	Executive Director	René Cassin
77	Maya Foa	Executive Director	Reprieve
78	Zoe Trodd	Director	Rights Lab
79	Stephany Banu	Founder	RoConnect
80	Hannah Stott	Consultant	Safe to Grow
81	Sherry Peck	CEO	Safer London
82	Sabir Zazai	Chief Executive	Scottish Refugee Council
83	Kirsty Allan	Director	Searchlight Scotland
84	Sian Lea	Managing Director	Shiva Foundation
85	Luljeta Nuzi	CEO	Shpresa Programme
86	Lara Bundock	CEO	Snowdrop Project
87	Trevor Pickup	Chief Executive	Society of St James
88	Judith Banjoko and Retna Thevarajah	Joint Interim CEOs	Solace Women's Aid
89	Red Godfrey-Sagoo	Chief Executive Officer	Sophie Hayes Foundation
90	Paul Bott	Chief Executive	St John of God
91	Jeff Norman	CEO	Stop Slavery Today
92	Dr Cheryl Mvula MBE	Leader	STOP THE TRAFFIK Kent Group
93	Katie Warner & Helen Pain	Leaders	STOP THE TRAFFIK Southampton Group
94	Pippa Hockton	CEO	Street Talk
95	Minh Dang	Director	Survivor Alliance UK
96	Paul K Harkness	Chairman of Trustees	Survivors of Human Trafficking in Scotland
97	Amanda Gow	Head of Tamar	Tamar
98	Matthew Evans	Director	The AIRE Centre
99	Isabella Clarke-Price	Associate Director	The Anti-Slavery Collective
100			The Modern Slavery Survivors Collective
101	Mick Clarke	CEO	The Passage
102	Nicola Macbean	Director	The Rights Practice
103	Major Kathy Betteridge	Territorial Director of Anti-Trafficking & Modern Slavery	The Salvation Army

104	David Ryall	Director	The Santa Marta Group
105	Marissa Begonia	Director	The Voice of Domestic Workers
106	Revd Dr Dan Pratt	Founder	Together Free Foundation
107	Andrew Wallis OBE	CEO	Unseen
108	Dr Rosie Riley	Founder and CEO	VITA
109	Robin Brierley	Executive Director	West Midlands Anti Slavery Network
110	Trevor Burnard	Director	Wilberforce Institute
111	Caroline Hattersley	Director	Women at the Well
112	Lisa Longstaff	Co-ordinator	Women Against Rape
113	Alphonsine Kabagabo	Director	Women for Refugee Women
114	Carmen González	CEO	Wonder Foundation

Quotes from key stakeholders include:

“I have serious concerns about this Bill as it is presently drafted. Modern slavery can be an incredibly complex crime to investigate, prosecute and ultimately secure convictions. It is even harder without the support of survivors and witnesses. I have said before, having a criminal record can be as a direct result of the exploitation an individual has been subjected to. Excluding victims with criminal convictions from support or recognition provided by the NRM will be a travesty. Survivors will be less likely to trust and ultimately work with police to help bring offenders to justice. These exploiters are some of the most dangerous organised criminals in the UK. Under this Bill there would be no Operation Fort – one of the UK’s largest modern slavery investigations and biggest justice success stories to date.”

Phil Brewer, former Detective Superintendent and Metropolitan Police Service Lead Responsible Officer for combatting modern slavery (2016-2019)

“The proposed changes to how alleged victims of slavery should report ignores the reality of how exploitation manifests itself and leads to victims of slavery becoming a sub-class of victim - their rights less important than those of, for example historic sexual abuse who are not chastised by law but rather protected by it because of their delay in coming forward. The inevitable fall out is that victims will be more reluctant to come forward and engage, prosecutions more challenging and criminals and their gangs inevitably more successful.”

Caroline Haughey OBE QC, Author of the Home Office’s Modern Slavery Review & joint legal adviser on the Modern Slavery Act

‘My Traffickers told me to plead guilty, it meant a lesser sentence for me but also meant no attention would be given to them. I thought trafficking only happened in films and only happened to people overseas. I was a naive 20yr old when I escaped, but left with a horrifying criminal record which resulted in limiting my career options and thus chained me to poverty and mental health battles. I was so ashamed that I kept my past a secret...25 years later, I came to learn that trafficking was very much real and very much hidden in the UK and that’s when I realised I had been a victim’

Survivor from the Modern Slavery Survivors Collective on the expectations in Clause 46 around early identification and Clause 62 on penalising criminal records

“There is a real risk this will limit victim engagement in prosecutions and therefore significantly undermine the ability of law enforcement to bring traffickers to justice.”

The Independent Anti-Slavery Commissioner Dame Sara Thornton on Clause 62 of the Bill