

HTF Advisory Forum

22 Feb 24

Minutes

Lord Randall and Baroness Butler-Sloss introduced the forum.

Home Affairs Select Committee Report and Government Response

Dame Diana Johnson MP

Dame Diana spoke about the findings of the Home Affairs Committee's inquiry and report on Human Trafficking.

The findings of the report found that tackling human trafficking is no longer a priority for the UK government. The Home Office has demonstrated a lack of commitment regarding migration policy, and the government has not provided a modern slavery strategy. Modern slavery prosecutions remain low, due to police forces not prioritising human trafficking. In 2022, only 286 referrals were made to the crown prosecution. Measures such as devolved decision making panels are examples of schemes that could have a positive impact but they are not widely available.

Human trafficking will continue to be attractive and profitable if we do not tackle the demand. The Independent Anti-Slavery Commissioner's strategic plan did not previously contain the term 'sexual exploitation', which is a point of consideration for the future strategic plan.

Recommendations from the report include cross organisational working, utilising the Victim Navigator programme, the National Crime Agency reviewing and upscaling their efforts, and the government to publish annual reports on modern slavery and human trafficking.

Q&A

Q. Have you considered that the recommendations on sex work could make it unsafe for women?

A. The HASC inquiry was focusing on human trafficking and therefore sexual exploitation and the role of adult services websites, especially considering the passing of the online safety bill. We are considering an inquiry into sex work and prostitution

Q. How do you measure reduction of human trafficking?

A. NRM not the complete picture and data is a challenge. Need to consider the role of the Modern Slavery Unit in collecting data.

Q. Will the HASC look into the role of visa sponsorship in relation to the care sector?

A. Exploitation of care workers is a huge concern. As is the dismissing of the Independent Chief Inspector of Borders and Immigration and he made clear the situation for care workers is precarious.

Q. What are you doing to keep modern slavery on the agenda now the report is published?

A. Will keep questioning and holding the Minister accountable. The sector needs to ask political parties what they're going to do.

Q. What are the HASC views regarding modern slavery not sitting within the remit of the Home Office?

A. The HASC hasn't formed a view on this, but one option is it could sit in the cabinet office.

Q. Women still have convictions for 'child prostitution'. What can be done to expunge this?

A. Excellent point. Need to evaluate this. The government says it 'keeps it under review'.

Q. We welcome the HASC report suggesting the increase in non statutory agencies as First Responders. Is there anything we can do to support these asks?

A. MP stands for Must Persevere. We need to keep pushing and need the APPG to do the same.

Q. What is the plan after the election?

A. I don't know what the HASC will do; depends who chairs. Hopefully they will hold government to account. It is a cross party committee and therefore cross party report and we welcome policy making from it.

Impact of the Safety of Rwanda Bill on Survivors of Human Trafficking

Zoe Bantleman, Immigration Law Practitioners Association

Zoe spoke about the impact of recent legislation, particularly the Illegal Migration Act and the Safety of Rwanda Bill on survivors of human trafficking.

Zoe spoke about a hypothetical case: Story of Lin

Lin is trafficked into the UK and found in a lorry at the age of 15. She is discovered to be 5 months pregnant, having been sexually exploited, and is moved in with a foster family. Under new legislation, she may be screened in a Home Office interview for 15-30 minutes, without legal advice or representation.

The Home Office could use invasive scientific methods to assess her age, exposing her embryo to radiation. If she refuses to consent, she may be disbelieved or presumed to be over the age of 18.

If she is found to be an unaccompanied child, she may be housed in a Home Office hotel, from which children have gone missing. The Home Office would have a duty to make arrangements for her removal on her 18th birthday.

If she is wrongly assessed to be an adult, the Home Secretary would believe he has a duty to make arrangements for her removal as soon as reasonably practicable. She may receive a removal notice on the same day as she arrives in the UK, saying that she is to be removed to Rwanda, and that she has 8 days to make a suspensive claim. She cannot raise that Rwanda is an unsafe country. Any protection or human rights claim she makes would be inadmissible and there would be no right of appeal against that decision.

Even if Lin is referred into the National Referral Mechanism and receives a positive reasonable grounds decision, there is no obligation to grant her leave to remain in the UK, no duty to provide her with the necessary assistance and support during her recovery period under the Modern Slavery Act, and she may be removed from the UK before a conclusive grounds decision is made. This does not comply with international legal agreements to which the UK is, and Rwanda is not, a party.

Q&A

Q. Should First Responders make referrals knowing that person may be ineligible for support?

A. A positive reasonable grounds decision could still be useful, e.g. regarding the Adults at Risk policy if they're in detention.

Q. Parliamentarians amending the Rwanda bill are not going to have impact. Is there basis for a judicial review and legal challenge?

A. Plenty. But will this happen before the first flight takes off?

Q. What would happen to the child of a survivor of trafficking who was being removed to Rwanda?

A. They would not be barred from citizenship in the UK. Rwanda doesn't have capacity for all removals so the mum may be in the UK for years still. The longer the child is in the UK, the more rights they have. But it is a long time to wait in limbo.

Q. What are essential numbers that frontline workers can give survivors in detention?

A. The number for a public lawyer, as well as an immigration lawyer and ask for Home Secretary bail.

Analysis of Duty to Notify Data

Noemi Magugliani, British Institute of International & Comparative Law

Noemi presented analysis of Duty to Notify data.

Duty to Notify data is not available or accessible and adult survivors are increasingly refusing to enter into the National Referral Mechanism.

Reasons that survivors choose not to enter the NRM include denial of exploitation experience or victim status, wishing to put the experience behind them, wishing to continue in current work, afraid of being stigmatised, and being afraid of traffickers.

Denial of exploitation experience and/or victim status was predominant in police DtN reports (37%), while the code was minimally present in UKVI reports (less than 2%). In UKVI reports, 7% entries related to PV not being ready to be referred, and around 10% to referral having detrimental impact on wellbeing – codes that were hardly present in police reports (combined, less than 4%).

Q&A

Q. Any plans to repeat the research to compare DTN data over the years?

A. Would love to. The codes for the data are in place so the work is part done. There was an openness from the Home Office to share the data initially so we are hopeful. Although there is a big gap between this and openly publishing the data.

Q. There were misconceptions about needing to be willing to engage with prosecutions. What can be done about this?

A. Training for First Responders, and a lot of the report was about this.

Public Order Disqualification

Chris Buttler KC Matrix Chambers

Chris talked through what the public order disqualification, introduced through the Nationality and Borders Act 2022 means for survivors.

The Home Secretary bears a duty to secure necessary assistance and support to identified potential victims.

Decision-makers are told to balance “high indicators” of “threat to public order” against “low indicators”.

12 month custodial sentence treated as “high harm” regardless of when and why the offence was committed. This is problematic as up to 50% of victims of modern slavery are criminally exploited.

This withdrawal in support will drive victims back into the hands of traffickers.

Q&A

Q. For the risk assessment, threats to family is a key concern for survivors. What can be done about this?

A. Article 4 isn't applied to family members but the victim may be protected if the threats to family members increased their own risk of re-trafficking.

Q. What about crimes people were forced to commit?

A. Not all offences are covered by sec. 45 and the CJS doesn't always do what it needs and sec.45 not always remembered by courts.

Slavery and Trafficking Survivor Care Standards

Nicola Wright, Nottingham Rights Lab

Nicola asked the forum for feedback on how the care standards are being currently used, and if and how they should be updated.

The Care Standards were first made in 2014, and last updated in 2018. There have been many changes in the last 10 years, including a shift in government stance, and an increased recognition in the sector of the need to include survivor voice.

Just over 50% of attendees said that they use the document at work.

Updates from the sector

Peter Wieltschnig, Focus on Labour Exploitation

The UK care sector is suffering from labour shortages and low pay, leaving the health and care sector at high risk. There should be a holistic response when tackling exploitation where the more immediate needs of workers are addressed and a long term structural approach is considered. There should be transparency with victims on their access to rights and entitlements.

Louise Gleich, Justice & Care and the Centre for Social Justice

Louise spoke on the findings of Justice & Care's recent report '[Criminal exploitation: Modern slavery by another name](#)'. Criminal exploitation is the most prevalent type of exploitation in the UK, and of those referred into the National Referral Mechanism, the majority were British nationals, under the age of 18. Young women are going under the radar and not being referred. There is a trend of young people with no obvious vulnerability being targeted. The policing response is patchy, with some people engaging with the police who say that policing are getting better, whilst others disagree. Prevention is better than a cure, and Justice & Care recommends that the Modern Slavery Act should be amended to put in criminal exploitation, and have a specific offence of cuckooing.