

# **Establishing Britain as a world leader in the fight against modern slavery**

## **Report of the Modern Slavery Bill Evidence Review**

Baroness Butler-Sloss, Frank Field MP (Chair) and Sir John Randall MP

Supported by

James Ewins, Lucy Maule, Anthony Steen

Andrew Wallis and Tim Weedon

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# CONTENTS

- i. Members of the Review Panel
- ii. Members of the Review Legal Steering Committee
- iii. Commissioning Letter from the Home Secretary, The Rt Hon Theresa May MP

## **1. Commentary by The Rt Hon Frank Field MP**

### **2. Overview of the report**

### **3. Summary of main recommendations**

### **4. Proposed legislation for the new Modern Slavery Bill**

#### CONSOLIDATION AND SIMPLIFICATION

- i. Definition, consolidation, simplification and improvement

#### A DISTINCT CHILD TRAFFICKING OFFENCE

- ii. A distinct child trafficking and child exploitation offence

#### STRONGER ACTION AGAINST CRIMINALS

- iii. Sentencing and aggravation of offences
- iv. Seizure and confiscation of criminal assets
- v. Modern Slavery and Human Trafficking Prevention Orders
- vi. Extra-territorial jurisdiction

#### IMPROVED PROTECTION AND SUPPORT FOR VICTIMS

- vii. Enshrining protection and support for victims in statute
- viii. Support for victims of all forms of modern slavery
- ix. Right of appeal
- x. Non-prosecution of victims
- xi. Improved protection for victims in court proceedings

#### THE ANTI-SLAVERY COMMISSIONER

- xii. The role of the Anti-Slavery Commissioner

#### SUPPLY CHAINS

- xiii. Encouraging transparency in supply chains

### **5. Further recommendations for particular consideration by the Parliamentary Joint Committee**

- i. A system of guardianship
- ii. Extension of the remit of the Gangmasters Licensing Authority
- iii. The overseas domestic worker visa

## **6. Proposals for non-legislative policy development**

### FOR VICTIMS

- i. National Referral Mechanism reform
- ii. Beyond the reflection period: reintegration support in the UK or as part of assisted returns
- iii. Compensation
- iv. Access to legal support
- v. Improvements to the protection and support for children

### FOR POLICE

- vi. Increased partnership between police and NGOs
- vii. Increased emphasis on victimless prosecutions
- viii. Increased policing priority

### FOR PRACTITIONERS AND THE PUBLIC

- ix. Training in the UK
- x. Training and prevention in source countries
- xi. National awareness raising
- xii. Increased number of regional, multi-agency networks

### MODERN SLAVERY IN INTERNATIONAL DEVELOPMENT

- xiii. Post-2015 development goal

## **7. Conclusion**

### **APPENDIX** – List of witnesses

## **Modern Slavery Bill Evidence Review Panel**

### **The Rt Hon. Frank Field MP (Chair)**

Frank Field is Labour MP for Birkenhead, Vice Chair of the Human Trafficking Foundation and Treasurer of the All Party Parliamentary Group on Human Trafficking and Modern Slavery.

### **The Rt Hon. the Baroness Butler-Sloss GBE (Vice Chair)**

Baroness Butler-Sloss is a Crossbench Peer, Vice Chair of the Human Trafficking Foundation and Co-Chair of the All-Party Parliamentary Group on Human Trafficking and Modern Slavery.

### **The Rt Hon. Sir John Randall MP (Vice Chair)**

Sir John Randall is Conservative MP for Uxbridge and South Ruislip and the former Deputy Chief Whip.

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### **Lucy Maule**

Lucy Maule is a Senior Researcher at the Centre for Social Justice (CSJ) and in addition to co-authoring this report, authored the CSJ report *It Happens Here: Equipping the United Kingdom to fight modern slavery*.

### **Tim Weedon**

Tim Weedon is Senior Parliamentary Researcher and Head of Office to Frank Field MP. Tim is the co-author of this report.

*The Panel was supported by:*

### **Anthony Steen (Review Advisor)**

Anthony Steen is the Founder and Chairman of the Human Trafficking Foundation, the Home Secretary's Special Envoy for Combating Modern Slavery, and Special Adviser to the All Party Parliamentary Group on Human Trafficking and Modern Slavery.

### **Andrew Wallis**

Andrew Wallis is the CEO of Unseen, a charity working to bring safety, hope and choice to survivors of modern slavery. He was Chair of the Centre for Social Justice's Slavery Working Group.

### **Ann Chinner (Lead Coordinator)**

Ann Chinner is a former Senior Civil Servant at HM Revenue and Customs and was Review Team Lead for the 2010 Independent Review on Poverty and Life Chances, based at the Cabinet Office.

## **Modern Slavery Bill Evidence Review Legal Steering Committee**

### **Peter Carter QC**

Peter Carter undertakes criminal law work for defence and prosecution, with the principal emphasis upon modern slavery and human trafficking, fraud, terrorism and homicide. Peter took on the *R v N* 2011 Appeal on behalf of a Vietnamese boy convicted of cultivating cannabis in a commercial cannabis farm. The appeal involved the definition in international and domestic law of human trafficking, exploitation and forced labour.

### **Nicholas Griffin QC**

Nicholas Griffin is a barrister based in London who works in the fields of public and criminal law. He is a member of the Bar Council's Law Reform Committee and has a particular interest in modern slavery and human trafficking, especially concerning children.

### **Gordon Nardell QC**

Gordon Nardell's current practice covers commercial and regulatory disputes. Before taking silk he served on the Attorney-General's Panel of civil advocates. Prior to moving to the Bar he practised at the Council of Europe and later the UK Parliamentary Counsel Office where he was a member of the drafting teams for the Competition Act 1998, Human Rights Act 1998 and Financial Services and Markets Act 2000.

### **Parosha Chandran**

Parosha Chandran is an award-winning human rights barrister. In 2012, Parosha was appointed as an Expert Consultant by the Organization for Security and Co-operation in Europe (OSCE) Special Representative on Combating Trafficking in Human Beings, Maria Grazia Giammarinaro. Parosha acted for two of the four successful appellants in the landmark non-punishment criminal appeal case of *R v L and others* [2013]. In these cases the Court of Criminal Appeal quashed the convictions of victims of human trafficking whose crimes arose as a manifestation of their trafficking and exploitation.

### **Caroline Haughey**

Caroline Haughey prosecutes and defends across a wide variety of the most serious and high profile criminal cases. Caroline prosecuted the first cases in Britain of modern slavery and is regularly instructed to prosecute trafficking and slavery cases within England and Wales as well as lecturing on the subject both nationally and internationally. She is a member of the Bar of England and Wales as well as being called to the Northern Ireland Bar.

### **James Ewins (Secretary)**

James Ewins was called to the Bar in 1996. James was Deputy Chair of the Centre for Social Justice's Slavery Working Group and was formerly Director of the International Justice Mission's Bangalore office.



Home Secretary

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The Rt Hon Frank Field MP  
House of Commons  
London  
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10 October 2013

Dear Frank,

### **Modern Slavery Bill**

I attach great importance to the initiative the Government is taking in its work in countering modern slavery and as part of our strategy we will introduce a new anti-slavery bill. I believe this is the first time any government has brought together, in a single Act, its legislative measures to counter this growing evil.

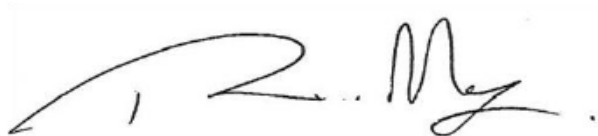
I intend that the bill will also make some legislative history. I am anxious to have not only a pre-legislative stage to this measure but, before that, to open up the debate by hosting a series of evidence sessions.

I am writing to invite you to lead this stage. I am pleased to tell you that the Centre for Social Justice will host these events on the bill and that the Human Trafficking Foundation has agreed to bring key witnesses from abroad so that they can draw upon best practices elsewhere.

I would wish you to complete these events on this short bill within a two month period – earlier if possible – so that my department can consider your work in its final drafting of this anti-slavery bill. My officials will, of course, be working closely with you so that the ideas coming from this work can feed into the continuous thinking we are undertaking here in the Home Office. I know this is a very tight timetable but, as I shall also be seeking permission to hold a parliamentary pre-legislative scrutiny process, I would not expect politicians, at this stage, to seek to give evidence.

My plans are for this bill to be introduced in the next parliamentary session so that the bill is passed and implemented in this Parliament.

Thank you for undertaking this work for me, and I look forward to receiving your report.

A handwritten signature in black ink, appearing to read 'T. May', enclosed within a thin black rectangular border.

**The Rt. Hon Theresa May MP**

# **I. Commentary by The Rt Hon Frank Field MP**

## **The politics of the Modern Slavery Bill**

Over two hundred years after William Wilberforce's success in abolishing the slave trade, the British Parliament has a second opportunity to abolish slavery entirely. But slavery flourishes to this day, though, unlike two hundred years ago, it is now invisible. It continues on behind front doors, in factories and on farms, in brothels and on the streets of our towns and cities. To give just a few examples, and this is by no means a comprehensive list of either the forms of modern slavery taking place in Britain nor of the primary nationalities that are being exploited, today, across the country, there are Vietnamese boys forced to work on cannabis farms, Nigerian women held in domestic servitude, Polish and British men controlled by criminals as forced labourers and British and East European girls trafficked into prostitution.

Victims of modern slavery are hidden in plain sight, often trapped by forces more subtle than lock and key. The first anti-slavery Act, Wilberforce's 1807 Slave Trade Act, pushed slavery underground. This report argues for a set of reforms which will ensure that Britain again becomes a world leader in fighting the insidious curse of slavery.

This opportunity comes in the form of a new Modern Slavery Bill, to be introduced to Parliament next year.

This report, requested by the Home Secretary, considers the evidence on modern slavery, which will underpin the new Bill. It sets out the basis for certain clauses which are a prerequisite for a world class Bill, and it details the many policy changes (that do not require new primary legislation) we believe the Government should make to help maintain the impetus of its drive against modern slavery. This report finally sets out a number of further issues upon which more time is needed to arrive at fully considered and comprehensive conclusions. We recommend here that the Joint Committee of Both Houses<sup>1</sup> (which will next consider the Bill) should look at these issues closely before the final Bill is published.

It is the Government's intention to publish a preliminary draft Bill alongside this report. Throughout our evidence gathering we have worked closely with the Home Office to build a number of initial draft clauses (including consolidating, simplifying and improving existing legislation, a range of stronger measures against criminals, and the establishment of a new Anti-Slavery Commissioner). The published Bill will then be revised following scrutiny of the additional recommendations in this report and the findings of an Inquiry conducted by a Parliamentary Joint Committee, which will scrutinise the Bill before it is formally introduced to Parliament in its final form.

Modern slavery, as Pope Francis has said, is a most heinous crime committed against fellow human beings. It destroys all that is sacred in a person enslaved, and it is often carried out by traffickers and enslavers in order to amass illegal profit. The UN and other supranational organisations calculate that today the fast-growing modern slavery and human trafficking

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<sup>1</sup> A Joint Committee is a Committee which sits in Parliament and draws its membership from both Parliamentary



trade is worth a minimum of US\$32 billion a year and is either the second or third (depending on the method of calculation) most profitable of all illicit trades, behind only the illegal drugs trade, and, by some measures, the arms trade. Its scale too is vast. The EU estimates that there are almost 880,000 people who are forced to work in slave labour conditions across Europe and it would be surprising, given the free market economy, if we did not have a fair share of these enslaved individuals here in our own country.

The stance and the whole tenor of this report has been shaped by the evidence we received from victims of modern slavery. The personal cost to each of the survivors in giving us evidence was high as each victim risked tearing off at least part of the scar tissue they had laid down to soften the horrors that they have endured. The Panel's thanks goes out to each of them. Few writers will have the skills to portray the intensive nature of these horrors. The best we have been able to do is to develop and recommend measures that put the victims centre stage and, with as much ingenuity and resource as we can muster, turn the full might of the law against the traffickers and slave masters.

That we are now so close to passing a Modern Slavery Act owes much to those dozens of NGOs who have campaigned relentlessly over decades, desperately trying to awaken the public consciousness against this undetected great evil. These NGOs include, but are by no means limited to, those who contribute to the excellent work of the Anti-Trafficking Monitoring Group. Their task has been far from easy. When Wilberforce campaigned against the slave trade, slaves were visible, shackled in the open. Then, the overwhelming majority of the public saw little wrong with this state of affairs. Wilberforce's task was to change public attitudes to slavery and he did so by changing the public conscience against a trade in fellow human beings that was all too visible.

The political task today is much more difficult, because today in the modern world slavery is hidden underground and difficult to detect. Can there be anyone who is not appalled by the idea of destroying the freedom of a human being, apart from those who deal in modern slavery? Now, however, the public has to be awakened to recognise a trade which is thriving behind closed doors, the shackles of which are now largely unseen and, therefore, almost totally uncomprehended. One aim of this report is to further begin raising public awareness of the nature and extent of this evil.

The politics of modern slavery changed following a concerted effort by NGOs, the All Party Parliamentary Group on Human Trafficking and Modern Slavery and as other MPs formed an interest in and campaigned on this issue during the early part of the last decade. This effort was encapsulated by the Centre for Social Justice's (CSJ) report in March 2013 entitled *It happens here: equipping the United Kingdom to fight modern slavery*.

At the launch of that report I made a plea to the hundreds of activists present that we should all call a spade a spade and refer to human trafficking (and its associated activities of exploitation) by its real name - modern slavery, and furthermore, that we should commit ourselves to lobbying for a new Bill.

Over the summer it became a major objective for Tim Weedon, my Senior Parliamentary Researcher and the joint author of this report, and me to gain a Government commitment to a new Bill. In doing so we were blessed by a number of special events that can best be described as providential benevolence.

First, Iain Duncan Smith (IDS), the Secretary of State for Work and Pensions, invited us to present the case for a new Bill to the Social Justice Cabinet Committee. In the lead-up to this meeting, two Special Advisers played a critical role. Philippa Stroud, who advises IDS, and Fiona Cunningham, who advises the Home Secretary, Theresa May. The key role these two individuals have undertaken in achieving a Bill must not go unacknowledged.

A major breakthrough occurred at that Committee meeting. There the Home Secretary, Theresa May, while reporting on the Home Office's current efforts against modern slavery informed the meeting that she would consider introducing a new Act. At a stroke, an outsiders' campaign had been taken into the heart of Government.

Due to the complex nature of modern slavery, there was no immediate consensus across Whitehall on what such a Bill should contain. In these circumstances, the Home Secretary broke with convention and gave me the task of publically calling for evidence in order to help develop and inform the new Bill's contents. This entirely new process is in addition to the pre-legislative hearings that a Joint Committee of Both Houses will undertake. The point of this additional stage in the crafting of the Bill is that it offers both the opportunity to build evidenced proposals in a public forum, and the chance to build an agreement between all parties on what measures the Act should contain. This report details the basis for the clauses already included in the draft Bill and recommendations which will now be considered to inform the next stage in the drafting of the Bill.

It is important to note that it is the Government's stated wish to develop a relatively short Bill with a limited number of clauses, as they are eager for it to pass through Parliament before the next election, and hence the publication timing of the preliminary draft Bill. But it is also true that the Home Secretary wants a Bill that is as effective as possible given that timescale, as demonstrated by having commissioned this review. We have included in this report clauses that we have advised on and that are now contained in the draft bill, and have also set out for the Home Secretary the importance of the additional legislative recommendations, many of which are designed to complement those already in the preliminary draft. They will now be reviewed and considered, along with the policy proposals that we have put forward. However, the Home Secretary is to be congratulated on making an excellent start and there is of course also the real prospect of future legislation that builds on this first Modern Slavery Act.

An immediate issue for us was how we would organise this evidence review.

The CSJ agreed, in collaboration with the Human Trafficking Foundation, to organise our evidence sessions. Christian Guy, the Director of the CSJ, also worked quickly to raise a budget so that this work could be accomplished expeditiously. The Home Office kindly secured additional funds, and the Tudor Trust deserve particular thanks for their support in generously financing our entire overseas evidence gathering as well as securing the input of important witnesses in the UK. My thanks go to Ann Chinner, who acted as Lead Coordinator, and to Amy Oliver and Andrew Forsey from my Parliamentary Office, and Patrick White (formerly head of my office), for their significant efforts.

Our central concerns while working on this report have been to identify those measures that will be most fundamental in identifying victims of slavery, to provide the adequate support to help their recovery, and to increase the number of successful prosecutions, which is currently very low. The report makes clear that these three ambitions are all

mutually reinforcing. It is these objectives, and the politics surrounding a new Modern Slavery Act, that we have kept in mind as we set about drawing up our recommendations for the Home Secretary on the shape of her Bill.

Two groups in particular have proved crucial to us in completing our task.

The first was the Review Panel itself, chaired by myself. I am deeply indebted to my two Vice Chairs, Baroness Butler-Sloss, Co-Chair of the All Party Parliamentary Group on Human Trafficking and Modern Slavery and my fellow Vice Chair of the Human Trafficking Foundation, and Sir John Randall MP, whose extensive knowledge, skills of political negotiating and key questioning have been invaluable. The Panel was supplemented by Lucy Maule, a Senior Researcher at the CSJ and Tim Weedon, who Heads my Parliamentary Office. Both Lucy and Tim, in addition to their Panel duties, have jointly authored the following report. We were also supported by Andrew Wallis, the Director of Unseen and James Ewins, who has overseen our legal work.

This Panel has reviewed all the evidence from victims, NGOs and state services and together synthesised the recommendations contained in this report. I have enjoyed working with this exceptionally talented group of people and my sincere thanks goes to each of them. This report would not exist without them.

The second group, brought together by Baroness Butler-Sloss, was made up of the most knowledgeable and talented lawyers in Britain on human trafficking and modern slavery. This eminent group consisted of Peter Carter QC, Parosha Chandran, Nicholas Griffin QC, Caroline Haughey, Gordon Nardell QC, and James Ewins, who acted as the group's secretary. They have completed remarkable work, and I am very grateful to all of them.

It is this group that has advised on our legislative recommendations which aim to meet our two central legislative aims.

The first requirement is that the Bill shifts the emphasis of our anti-slavery efforts to protecting victims of slavery whilst effectively pursuing the slave masters and traffickers. Protecting the victim is a hugely important moral imperative in itself but such action reaps rewards for the state. It is rare for a criminal prosecution to be successful if victims do not themselves provide evidence to criminal investigations. A determining factor, however, in whether victims have the resilience and personal confidence to provide such evidence is how effective and good quality support is provided to them.

The second is that the Bill should be prosecution friendly, i.e. easy for prosecutors and supporting staff to use. For the first time all the relevant powers and duties will be contained in one Act; our aim being to produce a single piece of legislation for use by prosecutors, judges, the Serious Fraud Office, the Crown Prosecution Service, social workers, NGOs and all frontline organisations who fight against modern slavery.

Anthony Steen, Chair of the Human Trafficking Foundation, deserves a special mention given the vital role he played in both acting as Review Advisor and by inviting key witnesses to give evidence to the Review from home and from abroad.

We have been fortunate that a very large number of people and organisations have eagerly given oral as well as written evidence and, indeed, some have actively lobbied to do so.

In our evidence sessions we interviewed close to one hundred witnesses, including NGO and shelter staff, police chiefs and Commissioners, international experts and, as I have already mentioned, victims of slavery themselves. We were particularly fortunate to take evidence from:

- Dr Maria Grazia Giammarinaro, the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, from the Organisation for Security and Co-operation in Europe;
- Luis CdeBaca, the Ambassador-at-Large and Head of the Office to Monitor and Combat Trafficking in Persons at the US State Department;
- Corinne Dettmeijer-Vermeulen, the Dutch National Rapporteur on Trafficking in Human Beings; and
- Dr Venla Roth, Senior Officer at the Finnish Office of the National Rapporteur for Trafficking in Human Beings.

Every single witness impressed the Panel with their knowledge and passion. Tim Weedon and I also benefited from attending the Pope's summit on modern slavery in Rome in November and from visiting, with Anthony Steen, individuals working on modern slavery in Israel. Each of our evidence gathering sessions were insightful and inspiring. A full list of those who appeared as witnesses or submitted written evidence is contained in the Appendix. My thanks goes to them all.

There are two further groups who have played an important part in our work. The All-Party Parliamentary Group on Human Trafficking and Modern Slavery, established by Anthony Steen, formerly led by Peter Bone MP and now co-chaired by Fiona Mactaggart MP and Lady Butler-Sloss, has been incredibly supportive of our efforts. The Group is currently undertaking an in depth inquiry into the best methods for the collection of modern slavery statistical data, which we believe will be incredibly useful for future policy work.

The second group can be found in 10 Downing Street. Staff here, headed by Ed Llewellyn, have been incredibly supportive of our efforts. Of greatest importance has been the Prime Minister, of course. Thanks partly to Anthony Steen's efforts, the Prime Minister is probably one of the most informed leaders in the West on modern slavery and human trafficking. His commitment has now manifested itself in his support of the Home Secretary as she introduces a new Modern Slavery Bill to Parliament.

I also very much welcomed the decision to appoint the Parliamentary Under Secretary of State responsible for Crime and Security, James Brokenshire, to guide the Bill through Parliament. He has made an excellent start.

Finally, special thanks must go to the Home Secretary herself. She will rightly be remembered as the Home Secretary who was determined to expose and deal with modern slavery in the UK.

We began our evidence by listening intently to the victims of slavery themselves. We concluded our efforts with further testimonies from the victims who have been captured by this heinous crime. I trust and hope that they will welcome what follows.

## Reaching for the stars

Those who present this report naturally wish for Britain to set the standard for the rest of the world in countering modern slavery. We believe that, if implemented, our recommendations will achieve exactly that, hence our chosen title for the report.

The following report details the key recommendations that we have spent the last two months preparing. In addition to those clauses which already appear in the first draft Bill and which we have advised on, we have drawn up additional clauses that will now be considered. Taken together these recommendations offer the Government the opportunity to reach world leader status on this issue. The recommended measures form a blueprint which has been designed specially to have a number of different policy levers which can be used, in a mutually reinforcing way, to meet three key aims:

- to dramatically increase the number of prosecutions and convictions;
- to improve the identification of victims of modern slavery and practices which involve modern slavery; and,
- to ensure the provision of adequate support to victims to help expedite their recovery.

Here I have highlighted some key recommendations – including legislative and practical policy changes – I feel are essential and on each measure I encourage the Government to ‘reach for the stars’. They are however but a summary of what follows in later chapters.

### I. Improved protection for the victims of slavery

The whole emphasis of our report has been to strike a new balance between protecting and supporting victims of modern slavery whilst at the same time acquiring an Act which is prosecution-friendly. Throughout our evidence-gathering process we were frequently lobbied that the provisions for the protection of victims should be set out in national legislation. Part of that will be achieved through our recommendation to place the National Referral Mechanism on a statutory footing. We believe the Bill should go further and detail the protections, entitlements and support that victims are entitled to. This should lead to a more consistent support regime for victims around the country, which in turn should give victims the confidence that their needs will be met.

We also recommend that the Bill should include a new clause putting on a statutory basis the existing Crown Prosecution Service guidance on the non-prosecution of victims. Too many victims of slavery still find themselves convicted for crimes which they have been forced to carry out by their slave masters.

Despite even the Lord Chief Justice stating that the victims of modern slavery should not be prosecuted if their crime was the result of their status as a slave, victims are still being prosecuted and sent to prison or young offender institutions. The Modern Slavery Bill provides an opportunity to change that.

## 2. Supply chains

Modern slavery exists in supply chains the world over including in this country, but much of the UK's slave labour exists abroad and used in the supply chains that produce some of our imports.

In the report we detail the effectiveness of legislation passed by the State of California which requires businesses to report on their efforts to eradicate modern slavery from their direct supply chains.

We understand the consequential pressures on the Government of raising the possibility of doing the same in Britain. Nobody wants a meaningless box-ticking exercise that merely adds red tape for British businesses. But, on the other hand, we recognise the success California's approach has had in proving to be an important first concrete step towards the eradication of modern slavery in supply chains. If introduced sensibly, we believe a similar set of requirements to those used in California could be very effective in Britain.

As a first step the Modern Slavery Bill should contain measures that require companies to:

- State in their annual reports and on their websites the concrete measures they have taken to eradicate modern slavery from their supply chains; and,
- Appoint a special non-executive director with the responsibility of heading their anti-slavery activities.

The Act should lay down that these reporting requirements will commence at least two years after the Modern Slavery Bill has received Royal Assent. The new Anti-Slavery Commissioner will need to review how the new statutory code of practice works, and if necessary, make recommendations to the Government for its reform.

## 3. The National Referral Mechanism (NRM)

I have already discussed placing the NRM on a statutory footing, but from the evidence we heard it is clear that the current system needs to significantly change if it is to work effectively in modern slavery victims' best interests. Our recommendations will feed into the Home Secretary's current work on reviewing the NRM.

In this report, we recommend that NRM decisions on whether individuals are victims of modern slavery or not are no longer made by UK Visas and Immigration. This is an important move in order to build confidence in the NRM for victims and those who refer victims to it.

Furthermore, there are three important issues upon which more time is needed to arrive at a fully considered and comprehensive conclusion. We hope the Joint Committee of Both Houses that will be established to give pre-legislative scrutiny to the Government's Modern Slavery Bill will return to these issues and draw up clauses for inclusion in the Bill.

## 1. The status of overseas domestic workers

Up until 2012, those overseas domestic workers who managed to escape slavery and exploitation were able to seek employment with a new employer. To prevent possible abuse of the visa system, the Government changed this policy so that individuals who leave their employer now do not have the right to seek a new employer. This opens up the possibility of exploitation as individuals find it impossible to escape their situations. It shows how quickly the debate is changing in that only last year the change was simply seen by many as an immigration issue.

However, as a first response, this report argues that this visa rule should be abolished in order to give exploited staff the opportunity to escape their positions. But we recognise that this is but one potential solution and much further discussion is required, particularly within different departments in the Home Office.

We therefore encourage the Joint Committee to consider this issue further, perhaps by commissioning an NGO with specialist knowledge in this area to undertake further research into the nature and scale of this problem. Clearly the resulting modern slavery from this change is an unintended consequence, but action needs to be taken to strengthen the hand of the victims of domestic servitude.

## 2. The Gangmasters Licensing Authority (GLA)

The Panel agrees that it would be desirable to consider extending the powers of the GLA so that they have the scope to be able to begin investigations in sectors outside of their current remit, such as construction, hospitality and catering. This requires careful practical consideration given the current budgetary restrictions throughout Government.

## 3. A system of guardianship

Adult victims are vulnerable enough, but this vulnerability is multiplied out of all recognition for children who cannot make, nor should they be deemed capable of making, adult decisions on their own behalf.

A guardian would be an individual with the legal right to make independent and impartial decisions on the child's behalf, guided by what is in the best interests of the child. In this report we suggest that the Government initiate small scale pilots, working with organisations like Barnardo's, to understand more fully how a national service might operate, but we recommend that the Joint Committee consider the practicalities of this type of support further.

## **A debate on the move**

From the very beginning of our inquiry, we have shared our thinking with the Home Office, and we have of course gained much insight from our exchanges. The Home Secretary has been keen to maximise the power she has in countering modern slavery in our country. These exchanges have helped bring about four important new policy developments, which the Home Secretary must be commended for setting in hand:

- She has, for the first time, established a Modern Slavery Unit in the Home Office;
- Secondly, she is working on a Modern Slavery Action Plan to be launched next year;
- Thirdly, she has initiated her own review of the National Referral Mechanism; and,
- Finally, she has made combating modern slavery and human trafficking central to the Serious and Organised Crime Strategy and a priority for the new National Crime Agency.

Each of these moves will be informed by the conclusions and recommendations contained within this report as they proceed (particularly chapter 6, which contains proposals for non-legislative policy developments).

We are on the verge of a new era. The Bill provides a unique opportunity to make Britain once again a world leader in the fight against slavery.

The report encourages the Government to make the most of the opportunity that it has created for itself. The Home Secretary by establishing this Review has shown that her draft Bill will be informed by our recommendations, and signals how serious her intent is. I urge her to 'reach for the stars' in developing her draft Bill into what we would expect of a world leader on this issue.



## **2. Overview of the report**

This report brings together the views of a wide range of witnesses, and makes the case for a world-leading Bill. The report reflects the widely-recognised importance of the ‘three Ps’ – Prevention, Protection and Prosecution – which should shape any nation’s response to this crime. A fourth ‘P’ of Partnership should also be added as an essential element to this response, which should be fostered between the police, statutory authorities, Government agencies, Non-Governmental Organisations (NGOs) and civil society.

*Chapter 4* discusses the Panel’s proposed clauses for the Modern Slavery Bill.

*Chapter 5* expands upon additional areas of legislative change that we request are considered by the Joint Committee. These are very important areas, but they have not yet undergone due scrutiny by the Panel within the timeframes of the Review and therefore deserve further investigation by the Joint Committee.

*Chapter 6* details the areas of non-legislative policy which should run alongside the development and passage of the Bill, and which are crucial to any efforts to tackle the issue of modern slavery in Britain.

### **3 Summary of main recommendations**

#### **Proposed legislation for the new Modern Slavery Bill**

##### **CONSOLIDATION AND SIMPLIFICATION**

###### **i. Definition, consolidation, simplification and improvement**

The offences under **sections 57 to 59** of the *Sexual Offences Act 2003* and *section 4 of the Asylum and Immigration (Treatment of Claimants) Act 2004*, **as amended respectively by sections 109 and 110 of the Protection of Freedoms Act 2012**, and the **slavery and forced labour** offence under *section 71 of the Coroners and Justice Act 2009* should be brought together under the new Modern Slavery Bill and simplified in their language, in order to rid the law of confusion.

In its efforts to increase prosecutions and fulfil this Government's pledge to make the UK a hostile place for those who seek to exploit adults and children in modern slavery, consolidation, clarity and improvement of legislation is essential. In order to deliver the results that we require of them, prosecutors need a clear and easy to use single piece of legislation.

##### **A DISTINCT CHILD TRAFFICKING OFFENCE**

###### **ii. A distinct child trafficking and child exploitation offence**

A separate child trafficking offence should be included in the Bill, recognising for the first time a criminal offence of 'child exploitation'. This should recognise the specific vulnerabilities of being a child and ensure that non-sexual exploitation of children is better recognised as a standalone crime.

##### **STRONGER ACTION AGAINST CRIMINALS**

###### **iii. Sentencing and aggravation of offences**

The Panel believes that the provision of a maximum sentence of life imprisonment demonstrates the gravity with which Parliament expects courts to treat the offence. The Sentencing Council should be invited to produce guidelines as a matter of priority.

The Council should recommend that any offence which is committed, to the knowledge of the accused, against a person who is being held as a modern slave or has been trafficked into the situation in which (s)he finds herself or himself should be treated as an aggravating feature, justifying a longer sentence than would otherwise fit the tariff.

The Panel also recommends that the Modern Slavery Bill includes a sentence of imprisonment of up to 14 years for a person found guilty of facilitating an offence leading to another person being held in slavery or servitude or the trafficking of another person.

#### **iv. Seizure and confiscation of criminal assets**

The Panel believes that a greater focus on seizures of criminals' assets is absolutely crucial to making Britain a hostile country for modern slavery and human trafficking. The Panel recommends that all modern slavery offences be categorised as lifestyle offences in order to automatically trigger the Proceeds of Crime Act 2002.

Financial investigations must become a mandatory element of anti-modern slavery investigations and must begin at the same time, if not sooner (the Panel is aware of some cases where the evidence of large sums of money has led to evidence of modern slavery).

The Panel also recommends extra focus on tracing assets abroad and enforcing court orders abroad on the confiscation of assets.

The evidence heard by the Panel strongly supported an emphasis on removing the assets of traffickers and enslavers who have profited from their crimes against human victims. The Panel is also convinced of the moral need for effective procedures to enable victims to receive compensation in recognition of the harm they have suffered at the hands of the criminals who trafficked and/or enslaved them.

The Panel recommends that following the successful conviction of the trafficker or enslaver by the criminal courts, a request for a confiscation order related to the proceeds of crime should be automatically linked to a request for a compensation order, so as to respect and recognise the harm suffered by the victims who were able to stand as witnesses for the prosecution. In order to do so, it is recommended that all offences under the Bill should be categorised as offences of violence.

The Panel also recommends that a significant element of the confiscation order obtained against the trafficker or enslaver should be allocated to a special victims compensation fund, within the existing Criminal Injuries Compensation Scheme, to enable a greater focus on compensation awards being made to victims of trafficking whose traffickers have not been brought to justice or whose assets were unidentifiable and for those victims who were unable, owing to their vulnerability for example, to appear as witnesses in a prosecution.

The Government should also consider using a portion of reclaimed assets to contribute towards policing efforts to tackle modern slavery. Recovered assets should be ring-fenced for the above purposes. The Misuse of Drugs Act, 1971, should be consulted as a model for ring-fencing.

#### **v. Modern Slavery and Human Trafficking Prevention Orders**

In light of the evidence from police officers and lawyers experienced in how to most effectively tackle modern slavery and human trafficking, the Panel recommends that the Government issue modern slavery and human trafficking prevention orders to any person who is not a national of the United Kingdom who has been convicted of an offence of

modern slavery or human trafficking anywhere in the world and who is resident outside of the United Kingdom in order to ensure that they will not be permitted to enter the United Kingdom. Failure to declare such a conviction on entering the United Kingdom should be an offence for which a person can be imprisoned for a maximum of five years and will render the person for deportation whether an EU or non-EU national.

#### **vi. Extra-territorial jurisdiction**

Modern slavery is a global phenomenon, and the international nature of crimes of modern slavery requires express recognition and prohibition in the UK. The Panel believes that provision must be made for the UK to prosecute extra-territorial crimes. Of course, the Panel acknowledges that there may be difficulties in obtaining evidence in some cases, but where there is not, the UK must show that its law will not permit such perpetrators to find refuge from prosecution here.

### **IMPROVED PROTECTION AND SUPPORT FOR VICTIMS**

#### **vii. Enshrining protection and support for victims in statute**

The Bill should offer on a statutory basis what assistance is available to all potential victims of modern slavery. This provision should set out what is available for victim assistance, including: 1) the provision of information on the NRM; 2) what legal assistance can be provided; 3) the availability of compensation; 4) what healthcare and specialist counselling can be provided; and crucially 5) what will happen after the 45 day period, including with regards to living accommodation and access to benefits. The provision should specify that assistance will be offered on an informed and consensual basis; that assistance is not conditional on a person's willingness to cooperate with law enforcement; and that all assistance is gender sensitive and tailored to the individuals need.

The protections, entitlements and support that victims are entitled to should be clearly defined in law to help ensure that victims (and the NGOs that support them) are more confident to come forward. Formalising these provisions in law should in turn increase the accountability of the agencies responsible for delivering this support.

#### **viii. Support for victims of all forms of modern slavery**

The Panel is concerned about the evidence it has heard on the current restriction of the NRM only to victims of human trafficking. It recommends that the Government considers how this may be improved, possibly through making a statutory NRM accessible to all victims of modern slavery.

#### **ix. Right of appeal**

The Panel recommends that the Modern Slavery Bill include a provision for an appeal or review mechanism against an NRM decision. It is appreciated by the Panel that a full appeal procedure may be cost-prohibitive. But at the very minimum the Panel would hope for the establishment of an independent person (who is experienced in the field of modern slavery)

or body outside of the decision-making Competent Authorities who, in the event of an appeal from a refusal, could review the decision.

## **x. Non-prosecution of victims**

The Panel strongly believes that the current CPS guidance on non-prosecution of victims must be put into legislation in order to be effective, having been advised that successive DPP-issued guidance has failed to prevent victims from being prosecuted. The Panel recommends that the Modern Slavery Bill includes a statutory statement of the policy of non-prosecution of victims of modern slavery, creating an obligation across all sectors of the criminal justice system to make further enquiries if there is evidence to suggest that a defendant may be a victim of modern slavery.

## **xi. Improved protection for victims in court proceedings**

Where a victim or significant witness provides evidence to the prosecuting authorities a pseudonym should be adopted from the first point of contact and may be used throughout proceeding unless the trial judge believes that this will be seriously prejudicial.

The court should consider special measures as a presumption when a victim of modern slavery is involved.

Where a witness has been subjected to witchcraft, juju or other form or ritual anywhere in the world the defence should not be allowed to cross examine the witness on this matter without the consent of the judge.

Law enforcement, prosecutors and the courts should at all times keep in mind the experience and abuse of all victim of this type of crime. Disclosure should not include material unrelated to the facts or defence case. In cases of this nature, prosecutors need be certain the relevancy test is strictly adhered to.

Greater witness protection should be ensured and lifelong anonymity should be granted to victims. A helpful model is the provisions of anonymity for victims of some offences under the Sexual Offences Act.

## **THE ANTI-SLAVERY COMMISSIONER**

### **xii. The role of the Anti-Slavery Commissioner**

The Panel is convinced that the appointment of an independent Anti-Slavery Commissioner will mark a significant step forward in the UK's fight against this crime. It is essential that the Commissioner is equipped with the appropriate powers of inquiry, of entry, and of information-gathering, making a tangible impact on the UK's knowledge and understanding of this crime and its impact on victims.

The Anti-Slavery Commissioner must be independent from Government and accountable to Parliament and as such act as a bridge between civil society and Government.

The Anti-Slavery Commissioner should represent and give a voice to the concerns and best interests of victims and survivors of modern slavery.

A key focus of the Anti-Slavery Commissioner must be to provide independent scrutiny of Government policies and laws and the activities by statutory and non-statutory agencies that directly or indirectly impact on efforts to eradicate modern slavery.

The Anti-Slavery Commissioner should have the power to launch or request independent research and inquiries to monitor and identify trends in modern slavery in the UK, as distinct from investigating individual cases.

The Anti-Slavery Commissioner should collect data and information from a wide range of sources, both statutory and non-governmental. It is notable that there need be no tension between the provision of such data and victim confidentiality as the Anti-Slavery Commissioner will require only anonymous data.

The Panel's full recommendations for the role of the Anti-Slavery Commissioner are contained in section 4.12.

## **SUPPLY CHAINS**

### **xiii. Encouraging transparency in supply chains**

The Panel recommends that the Government adopt legislation, which should apply to all companies over a certain size that do business in the UK, which builds and improves on the California Transparency in Supply Chains Act.

UK legislation should crucially also include a requirement to disclose the concrete steps a company is taking towards eradicating slavery from their supply and product chains and business practices within annual reports as well as prominently on their websites.

Furthermore the Panel recommends that the Government encourage companies appoint at senior board level a special non-executive director with the responsibility of heading up the company's anti-slavery business activities.

The Panel recommends that the Government enact the suggested legislation as soon as possible, but that companies should be given a period of at least two years after Royal Assent before they are required to make disclosures. This will ensure that they are given the time to take action and an opportunity to seek advice before having to publically disclose information about their supply chains.

The Panel believes that the Government should set the very best example possible by first meeting the same requirements through all local and national Government procurement before requiring companies to disclose their information.

## **Further recommendations for particular consideration by the Parliamentary Joint Committee.**

### **i. A system of guardianship**

A system of guardianship, or a system equivalent to guardianship, should be established for all trafficked children. The Home Secretary may wish to consider launching a small number of pilot guardianship schemes (or equivalent schemes) in order to establish the benefits and challenges of the schemes, and understand what reforms might work best.

### **ii. Extension of the remit of the Gangmasters Licensing Authority (GLA)**

To consider extending the investigative powers of the GLA, in recognition of its value in detecting issues of forced labour.

### **iii. The overseas domestic worker visa**

The Panel recommends that the Joint Committee consider reinstating the rights to change employer afforded to overseas domestic workers visa holders. The Panel also believed that checks should be made when issuing overseas domestic worker visas to specifically consider the vulnerability of the applicants to exploitation.

## **Proposals for non-legislative policy development**

### **FOR VICTIMS**

#### **i. National Referral Mechanism reform**

The Panel recommends that the Government remove the NRM Competent Authority from the remit of UK Visas and Immigration; increase the range of First Responders; allow the input of specialist child practitioners when making decisions about cases involving children; consider increasing the length of the reflection period; and, improve the capturing of information.

#### **ii. Beyond the reflection period: reintegration support in the UK or as part of assisted returns**

The Panel recommends that a 'survivor support pathway' should be developed in the UK in order to ensure that outcomes for survivors are improved and that their long-term recovery is protected and maintained. This could include a 'mentor' who would ensure that the individual is, for example, gaining access to work and housing – there is a significant need for ongoing support beyond the 45-day reflection period.

A special, short-term temporary residence visa and work permit should be established for survivors who have been conclusively identified as victims of modern slavery but who do not have any other reason to qualify for leave to remain in the UK.

The Panel recommends that the Government put significant efforts into developing a pilot safe voluntary return and reintegration scheme for foreign national victims of modern slavery to have the option of returning to their home country. This pilot should be based on the widely agreed areas of best practice.

### **iii Compensation**

Victims of modern slavery must be considered by Criminal Injuries Compensation Scheme (CICA) in exactly the same way as other victims of crime. The CICA Panels should be expected to consider expert evidence and where the person has been provided conclusive grounds under the NRM this can be used in considering a determination of the right to an award. The new Anti-Slavery Commissioner should be responsible for ensuring the CICA is sufficiently trained and experienced to consider claims in respect of modern slavery. Victims of modern slavery should be facilitated to gain compensation from CICA on the basis that modern slavery is a violent crime.

Specialist training on modern slavery should be provided for CICA tribunal members. Improved policy guidelines should also be provided for lawyers to ensure for procedures that treat victims of modern slavery as vulnerable witnesses.

### **iv. Access to legal support**

The Panel recommends that some form of legal support should be made available to victims of modern slavery at the point when they are identified by a First Responder and referred into the NRM in the first instance, and not only after they have received a reasonable grounds decision.

### **v. Improvements to the protection and support for children**

The Panel recommends that the Government improve accommodation options, including increased specialist fostering; provide training for social workers to identify and respond to modern slavery; instruct Ofsted to monitor local authority responses to trafficked children; and improve age assessments.

## **FOR POLICE**

### **vi. Increased partnership between police and NGOs**

Police and NGOs should develop their partnerships in order to share their expertise and ensure that victims receive the best possible response. This should be overseen by each individual force's Police and Crime Commissioner.

### **vii. Increased emphasis on victimless prosecutions**

Police should be tasked to bring lessons from the approach to domestic violence to cases involving modern slavery, moving away from the perceived necessity of victim testimony and instead also focussing on other forms of evidence.



### **viii. Increased policing priority**

The Panel strongly believes that it is essential that modern slavery and human trafficking becomes a higher policing priority for forces across the country. All police should be taught about the issue of modern slavery, how to identify and investigate it, through training by the College of Policing.

There should be a named single point of contact in every police force, whose responsibility it is to be up to date with the latest developments in how to tackle this crime, and share information with other forces and the NCA. Specialist units embedded in an increased number of police forces should be considered.

## **FOR PRACTITIONERS AND THE PUBLIC**

### **ix. Training in the UK**

It is the recommendation of the Panel that the Anti-Slavery Commissioner oversees and helps to standardise the training materials used to train frontline professionals. It is crucial that knowledge is shared and developed in a consistent way.

### **x. Training and prevention in source countries**

Improved prevention work and the development of anti-trafficking programmes in source countries should be developed by the Department for International Development, in partnership with organisations with experience working with adult and child survivors of modern slavery.

### **xi. National awareness raising**

The Panel recommends a nationally coordinated awareness-raising campaign, using television advertising that draws on the expertise of NGOs working on this issue.

### **xii. Increased number of regional, multi-agency networks**

The Panel recommends increasing the number of regional networks in recognition of the valuable information sharing and partnership working that develops through these forums. The Anti-Slavery Commissioner should oversee these networks, identify examples of best practice and develop a funding plan to replicate these practices in networks around the country.

## **MODERN SLAVERY IN INTERNATIONAL DEVELOPMENT**

### **xiii. Post-2015 development goal**

The Panel agrees with the Anti-Trafficking Monitoring Group that slavery eradication should be made a Post-2015 Development Goal. In order to work towards achieving this, the Panel recommends that in addition to its prevention work, the Department for International

Development adopts a policy of requiring its funded operational programmes to directly address the challenges of modern slavery in the countries where it works.

## 4 Proposed legislation for the new Modern Slavery Bill

### CONSOLIDATION AND SIMPLIFICATION

#### 4.1 Definition, consolidation, simplification and improvement

There is almost universal agreement among police, legal practitioners, support organisations and academics that consolidating and simplifying the offences of human trafficking, forced labour, slavery and servitude is crucial to the improvement of prosecutions and the wider understanding of the problem of modern slavery. *The **human trafficking** offences currently encased under **sections 57 to 59** of the Sexual Offences Act 2003 and section 4 of the Asylum and Immigration (Treatment of Claimants) Act 2004, **as amended respectively by sections 109 and 110 of the Protection of Freedoms Act 2012**, and the **slavery and forced labour** offence under section 71 of the Coroners and Justice Act 2009, should **all** be brought together under the Modern Slavery Bill, and the language simplified in order to rid the legislation of any confusion or risk of misinterpretation.*

Bringing together these offences will also serve the important purpose of disentangling modern slavery from the sphere of immigration – particularly the offence under section 4 of the Asylum and Immigration (Treatment of Claimants) Act 2004 which sits under immigration law – and placing the offences and their interpretation firmly into the arena of criminal activity.

*“It is paramount for the Bill to consolidate the existing legislation and that all forms of modern day slavery be covered under a unified piece of legislation reflecting that trafficking and forced labour can occur both concurrently and consequently.”*

Anti-Slavery International, in written evidence to the Review

To capture the gravity of the phenomenon which this Bill seeks to address, modern slavery must be understood to extend beyond the definition of slavery in Article 1 of the 1926 Slavery Convention (updated and adopted by the UN in 1955):

*‘Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised’.*

References to the right of ownership are inappropriate. It risks the snare of legal formalism. What matters is a state of control which exploits another person.

In its evidence gathering, the Panel has also heard that a distinction must be drawn between human trafficking and forced labour, in recognition that these offences can be carried out separately or in conjunction with each other against an individual.

*“Keep a separate forced labour definition that refers to the ILO (International Labour Organisation) Convention 29. This can take the form of adopting the current definition of s.71 of the Coroners and Justice Act 2009. Any legislative arrangements on forced labour should be accompanied by providing the criminal justice actors with lists of indicators developed by the ILO for identification of situations of forced labour.”*

Anti-Slavery International, in written evidence to the Review

This concept was agreed by numerous organisations and agencies who submitted evidence to the Panel.

Furthermore, any legislative definition should make it clear that ‘human trafficking is not an immigration crime but reflects that UK citizens can be trafficked and exploited within our own borders’.<sup>2</sup>

In bringing the offences together in one new Bill, it is simultaneously important that, on a policy level, training is given to police, prosecutors and members of the judiciary in the interpretation and application of these offences. This is expanded upon in section 5.9.

**The offences under sections 57 to 59 of the Sexual Offences Act 2003 and section 4 of the Asylum and Immigration (Treatment of Claimants) Act 2004, as amended respectively by sections 109 and 110 of the Protection of Freedoms Act 2012, and the slavery and forced labour offence under section 71 of the Coroners and Justice Act 2009 should be brought together under the new Modern Slavery Bill and simplified in their language, in order to rid the law of confusion.**

**In its efforts to increase prosecutions and fulfil this Government’s pledge to make the UK a hostile place for those who seek to exploit adults and children in modern slavery, consolidation, clarity and improvement of legislation is essential. In order to deliver the results that we require of them, prosecutors need a clear and easy to use single piece of legislation.**

## **A DISTINCT CHILD TRAFFICKING OFFENCE**

### **4.2 A distinct child trafficking and child exploitation offence**

The Panel heard evidence on the importance of specifying a separate offence of child trafficking and exploitation. The lack of a specific child exploitation offence currently makes it harder than it should otherwise be to successfully prosecute those who traffic and enslave children. This seemed to the Panel to be anomalous given other legislation takes into account the serious and different nature of offences committed against children. As one example, the specific vulnerabilities of children are addressed as separate offences in the Sexual Offences Act in recognition that if a child is sexually abused or exploited a separate response in law is required to that for an adult.

However, in cases involving the non-sexual exploitation of children, which Baroness Doocey asserted in her evidence was the case for the majority of child trafficking cases – for

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<sup>2</sup> CSG TARA, in written evidence to the Panel

example child domestic servitude – there is little appropriate existing criminal legislation that reflects the complexities of the especially serious damage that results from exploiting a child. The Panel believes this seriousness must be reflected in the law.

The Modern Slavery Bill should therefore bring clarity to the criminality of non-sexual forms of child trafficking and child exploitation.

The current laws on human trafficking and modern slavery fail to recognise the particular vulnerability that a child can be exposed to. There is no specific offence of child exploitation, and therefore if ‘movement’ (for which there are criminal offences) is hard to prove, children are discriminated against because the police must settle for charging those caught trafficking children for non-sexual exploitation with lesser offences than they would had the victim been an adult.

It is often the very nature of their being a child that provides the trigger for their exploitation. A distinct child trafficking and child exploitation offence should be defined in law for the first time. The legislation should set out the specific vulnerabilities of children and ensure that all forms of child exploitation are seen as criminal offences in their own right. ‘This would ensure that all authorities are able to work unhindered by ambiguity about definitions’.<sup>3</sup>

*“A child (i.e. anyone under 18) could not give consent to being exploited, so the threshold for investigation and prosecution would be at a lower level than that for an adult, where the authorities will take into consideration whether the adult has consented to any part of being involved in the act being investigated.”*

Baroness Doocey, in written evidence to the Review

A provision in the Bill to this effect might well overlap with other statutory protection for children but the Panel did not see that as a reason for not proceeding with this recommendation. The existence of other protections does not remove the need for a specific provision in this Bill.

**A separate child trafficking offence should be included in the Bill, recognising for the first time a criminal offence of ‘child exploitation’. This should recognise the specific vulnerabilities of being a child and ensure that non-sexual exploitation of children is better recognised as a standalone crime.**

## **STRONGER ACTION AGAINST CRIMINALS**

### **4.3 Sentencing and aggravation of offences**

Both oral and written evidence to the Review reflected significant support for tougher sentences for the criminals behind crimes of modern slavery.

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<sup>3</sup> Baroness Doocey, in written evidence to the Panel, 27 November 2013

*“As they have often ruined the lives of innocent people, their sentences should be on par with those applied to the worst crimes in the UK.”*

Croydon Community Against Trafficking, in written evidence to the Review

However, a number of respondents pointed out that many offenders do not even receive the current maximum sentence of 14 years, and furthermore that very few traffickers receive sentences longer than five years. There was therefore concern that should the maximum sentence be increased, there is still a strong likelihood that the actual sentences handed down will not be affected.

The Government reported in 2011 that the average sentence for those convicted of trafficking for sexual exploitation was 27.2 months imprisonment, and the average sentence for non-sexual trafficking offences was 55.2 months.

The Panel was struck by the apparent inconsistency of sentences given to convicted traffickers and enslavers, and felt that a change to the maximum sentence duration, backed up with proper guidance provided to the judiciary, would be an appropriate reform. The Panel agrees that:

*“Unless all offenders receive serious sentences the Government’s aim of sending a strong message to traffickers will not be achieved.”*

CARE International, in written evidence to the Review

**The Panel believes that the provision of a maximum sentence of life imprisonment demonstrates the gravity with which Parliament expects courts to treat the offence.**

**The Sentencing Council should be asked to produce minimum sentence guidelines as a matter of priority. As with other offences, the Sentencing Council and the Court of Appeal have devised a tariff system to promote consistency in sentencing. The Council should recommend a high starting point for sentences and then a series of aggravating and mitigating circumstances which would increase or decrease that presumptive sentence.**

**The Council should recommend that any offence which is committed, to the knowledge of the accused, against a person who is being held as a modern slave or has been trafficked into the situation in which (s)he finds herself or himself should be treated as an aggravating feature, justifying a longer sentence than would otherwise fit the tariff.**

**The Panel also recommends that the Modern Slavery Bill includes a sentence of imprisonment of up to 14 years for a person found guilty of facilitating an offence leading to another person being held in slavery or servitude or the trafficking of another person.**

## 4.4 Seizure and confiscation of criminal assets

*“The National Crime Agency has established the Economic Crime Command to bring an absolute focal point to the proceeds of crime...I fundamentally believe that organised criminals are motivated by two things: profit and power. Sometimes they almost feel we are being underhand when we seize assets, because we are dipping into their pension fund.”*

Gordon Meldrum, Head of Organised Crime Command, National Crime Agency, in oral evidence to the Review

*“Seizure of assets is critical in every case, whether it’s a large case or not.”*

Liam Vernon, Head of the UK Human Trafficking Centre, in oral evidence to the Review

*“Confiscation of assets is a greater punishment to the criminal than loss of freedom in a prison sentence.”*

Josephine Butler Society, in written evidence to the Review

The Panel found widespread agreement from both oral and written correspondents that the case for stepping up efforts to recover the ill-gotten gains of criminals that have profited from modern slavery should be prioritised.

Most forms of modern slavery today function for the same purpose as slavery throughout history: to maximise profit by minimising or eliminating the cost of labour. The average slave two centuries ago could generate a 15% to 20% annual return on investment for his or her exploiters. It is of course vulgar to use such terms when describing victims, but we must address the issue from an economic point of view. Profit drives the trade. That same return today is several hundred percent per year. It is over 900% per year for sex trafficking.<sup>4</sup>

According to the United Nations, modern slavery and human trafficking is the fastest growing form of international crime,<sup>5</sup> and in 2000 was the third largest income generating criminal activity in the world after the illicit drugs and arms trades,<sup>6</sup> though many now believe it to be second only to drugs. A 2005 report by the International Labour Organization estimated that modern slavery and human trafficking generated US \$32 billion in illicit profits in just one year, with half of this profit made in industrialised countries.<sup>7</sup> Today’s figure is almost certain to be significantly higher.

A key move in combating modern slavery is to disincentive the criminals by ensuring that every effort is taken to seize the illegal profits and assets made from slavery.

The Panel also heard on a number occasions of the vital importance of beginning financial investigations as soon as the broader modern slavery investigation begins.

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<sup>4</sup> Siddharth Kara, Adjunct Lecturer in Public Policy and Fellow at the Carr Center for Human Rights Policy at Harvard Kennedy School. Accessed via <http://www.forbes.com/sites/rahimkanani/2012/01/08/how-to-end-sex-trafficking-and-modern-day-slavery-with-siddharth-kara/>

<sup>5</sup> [http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/march\\_2011/human\\_sex\\_trafficking](http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/march_2011/human_sex_trafficking)

<sup>6</sup> [http://www.unodc.org/unodc/en/about-unodc/speeches/speech\\_2000-11-28\\_1.html](http://www.unodc.org/unodc/en/about-unodc/speeches/speech_2000-11-28_1.html)

<sup>7</sup> [http://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@declaration/documents/publication/wcms\\_081882.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_081882.pdf)

*“Financial investigations must start very early. Within a short period of time, all of the money disappears.”*

Maria Grazia Giammarinaro, OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings, in oral evidence to the Review

The Panel heard that unless assets are seized and frozen within a very short timeframe, (around 48 hours, according to the Anthony Steen, the Home Secretary’s Special Envoy for Combating Modern Slavery) after an arrest it will be very difficult to confiscate those assets. If it takes any longer it is likely that the assets will have been moved out of the jurisdiction of the arresting police force.

**The Panel believes that a greater focus on seizures of criminals’ assets is absolutely crucial to making Britain a hostile country for modern slavery and human trafficking.**

**The Panel recommends that all modern slavery offences be categorised as lifestyle offences in order to automatically trigger the Proceeds of Crime Act 2002.**

**Financial investigations must become a mandatory element of anti-modern slavery investigations and must begin at the same time, if not sooner (the Panel is aware of some cases where the evidence of large sums of money has led to evidence of modern slavery).**

**The Panel also recommends extra focus on tracing assets abroad and enforcing court orders abroad on the confiscation of assets.**

**The evidence heard by the Panel strongly supported an emphasis on removing the assets of traffickers and enslavers who have profited from their crimes against human victims. The Panel is also convinced of the moral need for effective procedures to enable victims to receive compensation in recognition of the harm they have suffered at the hands of the criminals who trafficked and/or enslaved them.**

**The Panel recommends that following the successful conviction of the trafficker or enslaver by the criminal courts, a request for a confiscation order related to the proceeds of crime should be automatically linked to a request for a compensation order, so as to respect and recognise the harm suffered by the victims who were able to stand as witnesses for the prosecution. In order to do so, it is recommended that all offences under the Bill should be categorised as offences of violence.**

**The Panel also recommends that a significant element of the confiscation order obtained against the trafficker or enslaver should be allocated to a special victim compensation fund, within the existing Criminal Injuries Compensation Scheme, to enable a greater focus on compensation awards being made to victims of trafficking whose traffickers have not been brought to justice or whose assets were unidentifiable and for those victims who were unable, owing to their vulnerability for example, to appear as witnesses in a prosecution.**



**The Government should also consider using a portion of reclaimed assets to contribute towards policing efforts to tackle modern slavery.**

**Recovered assets should be ring-fenced for the above purposes. The Misuse of Drugs Act, 1971, should be consulted as a model for ring-fencing.**

#### **4.5 Modern slavery and human trafficking prevention orders**

A large number of civil society respondents were sceptical about the ability of modern slavery and human trafficking prevention orders to act as a deterrent to criminals.

The aim of the orders would be to restrict movements or impose other prohibitions on convicted traffickers or other persons found to have been involved in trafficking.

However, many witnesses from the police and legal professions, including Detective Inspector Kevin Hyland, Head of the Metropolitan Police's Human Trafficking Unit, explained that modern slavery and trafficking prevention orders, if properly enacted, could be an effective tool in tackling modern slavery and human trafficking.

**In light of the evidence from police officers and lawyers experienced in how to most effectively tackle modern slavery and human trafficking, the Panel recommends that the Government consider issuing modern slavery and human trafficking prevention orders to any person who is not a national of the United Kingdom who has been convicted of an offence of modern slavery or human trafficking anywhere in the world and who is resident outside of the United Kingdom in order to ensure that they will not be permitted to enter the United Kingdom. Failure to declare such a conviction on entering the United Kingdom should be an offence for which a person can be imprisoned for a maximum of five years and will render the person for deportation whether an EU or non-EU national.**

**The Government might also wish to consider including the following restrictions:**

- **Limitations on purchase of travel tickets for others;**
- **Limitations on travel;**
- **Restrictions on renting or purchasing property;**
- **Disqualification as a director if appropriate.**

#### **4.6 Extra-territorial jurisdiction**

It has been made clear to the Panel that in order to take a credible and effective lead in the global fight against modern slavery, the UK must not permit those who commit modern slavery offences abroad to find shelter in the UK. If a British citizen commits a modern

slavery offence abroad, he or she should be liable for conviction in the UK. The Panel heard that perpetrators of such offences abroad are currently able to pursue their lives in the UK, in some cases, with impunity.

**Modern slavery is a global phenomenon, and the international nature of crimes of modern slavery requires express recognition and prohibition in the UK. The Panel believes that provision must be made for the UK to prosecute extra-territorial crimes. Of course, the Panel acknowledges that there may be difficulties in obtaining evidence in some cases, but where there is not, the UK must show that its law will not permit such perpetrators to find refuge from prosecution here.**

## **IMPROVED PROTECTION AND SUPPORT FOR VICTIMS**

It is indisputable that victims of modern slavery suffer from an evil with few equivalents. They are subject to horrors that most people never think about, let alone face. That survivors should therefore receive the support and care that they need to regain their human dignity is without question. It should be provided regardless as to whether they are willing, let alone able, to give evidence, for the sole reason that it is the right thing to do. The Panel, who heard countless harrowing examples of modern slavery from victims themselves, fully endorses this view.

Though clearly of by some distance secondary importance, the Panel would be remiss if it failed to distinguish a significant benefit to the State that can be gained from improved victim identification and care and the provision of humanitarian support: the assistance victims can provide in giving evidence. It is rare for a criminal prosecution to be successful if victims do not themselves provide evidence to criminal investigations. In some cases victims do not have to be present but can provide witness statements. When this is not possible, victims can still assist the police in building the intelligence picture around the crime.

Maria Grazia Giammarinaro, the Organization for Security and Co-operation (OSCE) in Europe's Special Representative and Co-ordinator for Combating Trafficking in Human Beings, carried out an official country visit to the UK in 2011 and published her report to the Government the following year. The OSCE is the world's largest security orientated intergovernmental organisation and has a particular interest in increasing modern slavery and trafficking prosecutions.

In her report Ms Giammarinaro called on the Government to combine its criminal justice response to modern slavery and human trafficking with a human-rights centred approach, noting that victim protection helps enhance the effectiveness of investigations and prosecutions.

The Panel were delighted to again welcome her to the UK, this time to give evidence to the Review. In her evidence Ms Giammarinaro again strongly emphasized the need to combine the two approaches.

“In order to strengthen the criminal justice response, we need a multi-faceted range of criminal and social measures, which should include strengthening victims' access to assistance, support and compensation.”

Maria Grazia Giammarinaro, the Organization for Security and Co-operation (OSCE) in Europe's Special Representative and Co-ordinator for Combating Trafficking in Human Beings, in oral evidence to the Review

Many other expert individuals and organisations made the same point to the Panel.

*“Support for the victims of a violent crime like trafficking and enslavement cannot be optional. Countries with high conviction rates support victims so that they can recover and testify, and then go on to rebuild their lives. Whether it is a visa system that guarantees security (as in the US) or direct support that ensures rehabilitation and reintegration (as in India), those who are freed from slavery must receive the care they deserve.”*

Professor Kevin Bales, Professor of Contemporary Slavery at the Wilberforce Institute for the Study of Slavery and Emancipation and Co-Founder of Free the Slaves, in oral evidence to the Review

*“Victims are the primary source of intelligence on trafficking but they need to feel safe and supported in order to provide effective evidence.”*

Ashiana Sheffield, in written evidence to the Review

*“Improving the victim's position will also promote crime combating.”*

Dr Venla Roth, Office of the Finnish Rapporteur, in written evidence to the Review

The Panel strongly believes that improved victim identification and the provision of dignified and compassionate care is fundamental to increasing successful prosecutions.

*“No country in the world has ever successfully combated human trafficking by criminal legislation alone; any increase in prosecution will require improved protection for victims.”*

Parosha Chandran, Barrister and Expert Consultant to the OSCE Special Representative on Combating Trafficking in Human Beings, in written evidence to the Review

Luis CdeBaca, Ambassador-at-Large in the Office to Monitor and Combat Trafficking in Persons at the U.S. Department of State heads up the Trafficking in Persons Report, an annual report that ranks governments worldwide based on their perceived efforts to acknowledge and combat modern slavery and human trafficking. Ambassador CdeBaca, strongly emphasised the above point to the Review: he stated that the countries around the world that were most effectively tackling modern slavery and increasing the level of successful prosecutions were employing this combined strategy.

*“You can't separate what you do with victims from how you get prosecutions.”*

Nadine Finch, Barrister, in oral evidence to the Review

In order to provide evidence, victims must first be properly identified. Once they are identified, a determining factor in whether victims have the resilience and personal confidence to provide such evidence is how (and whether) effective and good quality support is provided to them.

Victims who find themselves well supported physically and mentally are more likely to agree to give evidence to criminal investigations and to act as witnesses in court. Without such trusted support victims will be reluctant to cooperate and the criminal justice mechanisms in place to deal with modern slavery will, while they exist, remain ineffectual.

*“When we started focusing on how to effectively respond to modern slavery in the United States, we very quickly realised that prosecution alone is not enough. We can't prosecute our way out of this crime. Prosecution is a very important part of the response, but we also need to enact*

*systematic and structural changes to ensure that victims feel they can come forward and be made safe.”*

Luis CdeBaca, Ambassador-at-Large, Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, in oral evidence to the Review

The Panel is clear that successful prosecution of enslavers and traffickers will depend on the evidence of their victims. In some cases it will be possible to base a prosecution on other evidence, such as from an informer or evidence obtained by surveillance, but that is unlikely.

The Panel also agrees that hostile, sceptical or culturally ignorant treatment of victims can assist the perpetrators to evade justice and continue offending. If a victim of modern slavery is provided with safety and security, there is far greater chance of that victim feeling able to tell a jury what happened to him or her.

#### **4.7 Enshrining protection and support for victims in statute**

During its evidence gathering, the Panel has frequently heard the need expressed for provisions for the protection of adult and child victims of modern slavery to be set out in national legislation. A step forward in achieving this is to place the National Referral Mechanism (NRM) on a statutory footing, ensuring that being recognised as a victim of modern slavery ensures a guaranteed legal status, and in turn leads to a package of help to which all victims are entitled.

As part of its obligations under the *Council of Europe Convention on Action against Trafficking in Human Beings*, the previous Government introduced the ‘National Referral Mechanism’ to help identify victims of trafficking. Anyone who the relevant authorities have ‘reasonable grounds’ to believe has been trafficked is entitled to a reflection and recovery period, during which they can access services such as those provided by the Salvation Army network.

Many witnesses, however, pointed out that a key shortcoming of the NRM is the fact that it was introduced without any statutory basis. Currently, therefore, support measures are provided on the basis of interpretations of various European and international conventions and protocols. The services provided to victims by a range of ‘subcontractors’ in England and Wales, and by Migrant Help in Scotland and Northern Ireland and by Trafficking Awareness Raising Alliance (TARA) also in Scotland, have no foundation or regulation in law. If these services were recognised in law it would ensure that minimum care standards and facilities were available in all shelters.

This move would hopefully deal with the Panel’s concern that the current support for victims is not always adequate.

As TARA makes clear, victims need reassurances that their needs will be met.

*“In order to ensure that victims of human trafficking are confident that the UK will provide adequate protections it is vital that protections, entitlements and support are clearly defined in legislation and are not afforded through a ‘policy’ approach that can be subject to different interpretations according to organisational roles and responsibilities. Clear, legally defined obligations towards supporting potential victims of trafficking will improve confidence in the state to*

*provide protection for them, further encourage cooperation and lead to the successful prosecution of perpetrators.”*

Community Safety Glasgow TARA (Trafficking Awareness Raising Alliance) Service, in written evidence to the Review

*According to Anti-Slavery International, the lack of legislative prescriptions “has led to [an] arbitrariness of application, and access of victims [to support], without any formal ability for potential victims to appeal against decision. Furthermore, there is no legal category of victim of trafficking. This puts trafficked persons in a situation of uncertainty and sends an unclear message to statutory bodies. In practice, trafficked persons are not able to access the support and the protection they are entitled to, and courts do not consider themselves bound by the NRM decisions.”*

The Panel believes that another benefit of offering on a statutory basis what assistance is available to all potential victims of modern slavery would be to reassure NGOs that support victims to refer victims to authorities after they themselves are alerted to their situation. The Panel heard that NGOs are often the first to find victims, but do not also come forward to authorities with them in part due to concerns over the guarantees of support and protection.

**The Bill should offer on a statutory basis what assistance is available to all potential victims of modern slavery. This provision should set out what is available for victim assistance, including: 1) the provision of information on the NRM; 2) what legal assistance can be provided; 3) the availability of compensation; 4) what healthcare and specialist counselling can be provided; and 5) what will happen after the 45 day period, including with regards to living accommodation and access to benefits. The provision should specify that assistance will be offered on an informed and consensual basis; that assistance is not conditional on a person’s willingness to cooperate with law enforcement; and that all assistance is gender sensitive and tailored to the individuals need.**

**The protections, entitlements and support that victims are entitled to should be clearly defined to help ensure that victims (and the NGOs that support them) are more confident to come forward. Formalising these provisions should in turn increase the accountability of the agencies responsible for delivering this support.**

#### **4.8 Support for victims of all forms of modern slavery**

In their evidence to the Panel, the Joseph Rowntree Foundation (JRF) and a number of other organisations explained that the NRM is currently not accessible for all victims of modern slavery, but for victims of human trafficking only. While the Panel heard that there have been some anomalous cases whereby some victims of forced servitude or slavery have in the past been able to access assistance under the NRM on a discretionary basis, this assistance is not guaranteed. As a result, a whole category of victim of modern slavery are excluded from state support. This particularly affects victims of forced labour, as while forced labour is sometimes the outcome of trafficking, not all victims of forced labour have been trafficked.

*“The Bill must include protections for victims of all forms of modern day slavery, not just trafficking. As demonstrated in cases of forced labour uncovered in England and Wales (the so-called ‘Connors cases’ of mainly British men that have been kept in forced labour in England for up to 20 years), victims of forced labour need the same protection and assistance as victims of trafficking. In the past, some forced labour victims (those uncovered in the Bedfordshire slavery cases) have been able to obtain assistance under the NRM on a discretionary basis. However this needs to change. It is not acceptable to have the welfare of potential victims based on essentially a ‘discretion’ lottery in which only victims of certain forms of modern day slavery are guaranteed protection.”*

Anti-Slavery International, in written evidence to the Review

*“The restriction of the NRM to victims of human trafficking also means that those who have suffered modern day slavery but without all the elements that would constitute human trafficking are also excluded both from assistance and from national statistics.”*

CARE International, in written evidence to the Review

The Panel recognises this flaw. Different victims of modern slavery are likely to have been subjected to different conditions, but it is the considered view of the Panel that support mechanisms should not discriminate between those victims of modern slavery who have been trafficked and those who have not.

In addition the Panel believes that support should be available to all victims of modern slavery regardless of nationality or immigration status.

**The Panel is concerned about the evidence it has heard on the current restriction of the NRM only to victims of human trafficking. It recommends that the Government considers how this may be improved, possibly through making a statutory NRM accessible to all victims of modern slavery.**

## **4.9 Right of Appeal**

There is currently no right for victims to formally appeal a negative NRM decision or have them reviewed by an independent body. The only option is by judicial review, which is not an option now that legal aid has been withdrawn for that purpose.

**The Panel recommends that the Modern Slavery Bill include a provision for an appeal or review mechanism against an NRM decision. It is appreciated by the Panel that a full appeal procedure may be cost-prohibitive. But at the very minimum the Panel would hope for the establishment of an independent person (who is experienced in the field of modern slavery) or body outside of the decision-making Competent Authorities who, in the event of an appeal from a refusal, could review the decision.**

## **4.10 Non-prosecution of victims**

A great number of witnesses explained to the Panel that existing Crown Prosecution Service (CPS) policy on non-prosecution of victims of modern slavery and human trafficking

was not being followed either consistently or adequately by the criminal justice system.<sup>8</sup> The Panel agree that the CPS policy is not widely known about and not adequately implemented across the justice sector.

The Panel was disappointed to learn that in spite of the landmark judgement of the Court of Criminal Appeal in *R v L & Others [2013] (EWCA Crim 991)* in June 2013, victims of modern slavery continue to be criminalised for crimes they are forced to commit by their enslavers. The case involved four victims, including three Vietnamese children, who were trafficked within the UK and forced to work for criminal gangs, were arrested after police raids on cannabis factories and later convicted of drug offences. The Court of Appeal overturned the convictions and issued guidance to courts about how potential trafficking victims should be treated by the criminal justice system.

*“We’ve had guidance on non-prosecution from way back, and we’ve had case law from 2008 and it’s still happening; they’re still being prosecuted.”*

Michelle Brewer, Barrister, in oral evidence to the Review

Victims of modern slavery are victims of serious crime. Victims who find themselves in this position have usually been caught undertaking illegal activities at the behest of their controllers. This may be children and young persons compelled into forced labour in cannabis farms and factories; those who are forced to run a brothel as part of their enslavement; or those in possession of false immigration documents that were given to them by their perpetrator. Once liberated from their conditions of slavery, it is an affront to the dignity of victims of modern slavery that they find themselves subject to the criminal justice system not as witnesses, but as defendants. Being detained or imprisoned further can also result in cumulative trauma.

The Panel believes that the ability to investigate cases of modern slavery and disrupt the criminal networks often behind the crime is fundamentally undermined if victims compelled to commit crimes, as a result of their enslavement are then themselves criminalised. This does nothing to enhance the criminal justice purpose of successfully prosecuting enslavers and traffickers, and of course also causes further untold damage to victims who should be receiving care and support, and indeed who then could assist the state in acting as key witnesses.

Victims of modern slavery are afraid of authority. They are often both vulnerable and traumatised. The criminal justice system is now beginning to recognise that victims of sexual assault do not necessarily give consistent accounts of their experience when asked on different occasions. Yet victims of modern slavery are denied recognition as victims on the very same grounds. That situation does nothing to ensure a successful prosecution of the perpetrator.

Victims are often disbelieved and prosecuted for the offences they were compelled to commit as a result of their exploitation and sometimes in an effort to escape from it. Once prosecuted on the basis that their account is incapable of belief, it is difficult for a prosecutor then to put the same witness forward as a witness of truth. If called, the witness will be cross-examined on the basis that he or she gave inconsistent accounts and

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<sup>8</sup> Crown Prosecution Service guidance on human trafficking, accessed via: [http://www.cps.gov.uk/legal/h\\_to\\_k/human\\_trafficking\\_and\\_smuggling/#a32](http://www.cps.gov.uk/legal/h_to_k/human_trafficking_and_smuggling/#a32)

was disbelieved. That situation does nothing to ensure a successful prosecution of the perpetrator and fails to give the protection they need.

**The Panel strongly believes that the current CPS guidance on non-prosecution of victims must be put into legislation in order to be effective, having been advised that successive DPP issued guidance has failed to prevent victims from being prosecuted. The Panel recommends that the Modern Slavery Bill includes a statutory statement of the policy of non-prosecution of victims of modern slavery, creating an obligation across all sectors of the criminal justice system to make further enquiries if there is evidence to suggest that a defendant may be a victim of modern slavery.**

**It should be made clear in the Modern Slavery Bill that if new information or evidence supports the fact that the suspect has been enslaved or trafficked and has committed the offence whilst in a coerced situation, there is a strong public interest to stop the prosecution.**

Naturally the Panel would not wish for this scheme to be in anyway subject to abuse, and as a result an appropriate guidance should be determined and applied to new cases.

#### **4.11 Improved protection for victims in court proceedings**

The Panel has heard of the importance of protecting victims who are prepared to act as witnesses in their trafficker's prosecution. This is critical, and reflects the view held by many witnesses that successful prosecutions should have the victim's wellbeing at the centre.

**Where a victim witness provides evidence to the prosecuting authorities a pseudonym should be adopted from the first point of contact and may be used throughout proceeding unless the trial judge believes that this will be seriously prejudicial.**

**The court should consider special measures as a presumption when a victim of modern slavery is involved.**

**Where a witness has been subjected to witchcraft, juju or other forms or ritual anywhere in the world the defence should not be allowed to cross examine the witness on this matter without the consent of the judge.**

**Law enforcement, prosecutors and the courts should at all times keep in mind the experience and abuse of all victims of this type of crime. Disclosure should not include material unrelated to the facts of or defence of the case. In cases of this nature, prosecutors need to be certain that the relevancy test is strictly adhered to. Greater witness protection should also be ensured.**



**Lifelong anonymity should be granted to victims. A helpful model is the provisions of anonymity for victims of some offences under the Sexual Offences Act.**

## **THE ANTI-SLAVERY COMMISSIONER**

### **4.12 The role of the Anti-Slavery Commissioner**

As stated in the Centre for Social Justice's March 2013 report into modern slavery in the UK, *It Happens Here*, "Measures to address modern slavery and provide support for victims and survivors in the UK are the remit of numerous government departments, local government agencies and a wide range of NGOs from across civil society. Such diverse activity requires independent oversight and coordination for it to be effective. There is significant need in the UK for the appointment of a single individual to oversee efforts to fight modern slavery in the UK, in light of the disparate national response."<sup>9</sup>

During its evidence gathering, the Panel found overwhelming support for the introduction of an Anti-Slavery Commissioner. A significant number of witnesses and written evidence respondents believed it to be the most important measure in the fight against modern slavery that the Government could enact. The Panel spoke to a number of survivors of various forms of modern slavery. Many (those that had gone on to focus on how to best support other victims in particular) informed the Panel that they believed a new Anti-Slavery Commissioner could have a huge impact in improving support for victims, especially if a key aspect of the new role involves acting as a voice for victims of modern slavery.

In particular, it was appreciated by the Panel that as there is currently insufficient empirical data and a consequential lack of understanding of the various issues related to modern slavery, the appointment of a Commissioner would be vital. A Commissioner would ensure that such deficiencies of data were addressed in the medium to long term, enabling those who deal with modern slavery not only to understand and respond effectively to present phenomena, but to recognise and proactively work to combat developing phenomena.

Witnesses to the Evidence Review all supported the view that the UK urgently requires coherent leadership on the issue of modern slavery, and that this coherence should manifest itself in the role of an Anti-Slavery Commissioner.

### **The role**

Having considered all the evidence contributed to the Review on this issue, the Panel makes the following specific recommendations for the new role of Anti-Slavery Commissioner.

#### **Independence**

- The Anti-Slavery Commissioner must be independent from Government and accountable to Parliament and as such act as a bridge between civil society and Government.

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<sup>9</sup> The Centre for Social Justice, *It Happens Here: Equipping the United Kingdom to fight modern slavery*, London: CSJ, March 2013, p53

- The Anti-Slavery Commissioner should have a duty to research and present to Parliament an annual report on the state of modern slavery in the UK, the measures taken to address it and recommendations for improvements to be made.

### **A voice for victims**

- The Anti-Slavery Commissioner should represent and give a voice to the concerns and best interests of victims and survivors of modern slavery.

### **Ensuring accountability and coordinated delivery**

- A key focus of the Anti-Slavery Commissioner must be to provide independent scrutiny of Government policies and laws and the activities by statutory and non-statutory agencies that directly or indirectly impact on efforts to eradicate modern slavery.
- The Secretary of State should consider stipulating a range of public bodies which will be required to report to the Anti-Slavery Commissioner on their functions to address issues relating to modern slavery. These departments or bodies should include: the Association of Chief Police Officers, the National Health Service, the Department for Education, the Mayor's Office for London, all directly elected mayors, Local Authorities, Social Services, the National Crime Agency and the Ministry of Defence.
- The Anti-Slavery Commissioner should also have the power to make recommendations to appropriate regulatory bodies regarding changes and improvements in their policies and practices.
- The Anti-Slavery Commissioner must have the statutory power to request data and information (including classified information) from all relevant government bodies, including the police, the Crown Prosecution Services, the Gangmasters Licensing Authority, local authorities, UK Visas and Immigration, Immigration Enforcement, First Responders, as well as NGOs.
- The Anti-Slavery Commissioner should have the power to hold all relevant agencies to account in cases of non-compliance with policies and laws.
- The Anti-Slavery Commissioner must have powers to launch inquiries, powers to enter premises and to investigate the actions of any agency tasked with combating modern slavery.
- The Anti-Slavery Commissioner should conduct regular audits of both the shelters that provide support services to victims of modern slavery under the Ministry of Justice contract. The Anti-Slavery Commissioner should also be responsible for developing minimum standards for shelters.
- The Anti-Slavery Commissioner should be empowered to look widely at all aspects of British law and policy connected to the global fight against modern slavery, including aid, trade and diplomacy.

- The Anti-Slavery Commissioner should be mandated to work closely with international equivalents, such as the *Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children*, The Finnish National Rapporteur on Trafficking in Human Beings, and the US Ambassador-at-Large at Office to Monitor and Combat Trafficking in Persons, as well as all other equivalent bodies.
- The Anti-Slavery Commissioner should also be mandated to work with the National Crime Agency and international partners to increase bi-lateral law enforcement agreements and more effective prevention measures.
- The Anti-Slavery Commissioner should establish a Memorandum of Understanding with specific key agencies where there may be some overlap in their remit. The Panel recommends that a Memorandum of Understanding (MOU) is established with the Children's Commissioner to ensure a smooth flow of information on any work the Anti-Slavery Commissioner is doing on the issue of trafficked children. An MOU could also be agreed with the National Crime Agency, so that any mapping of trends is completed collaboratively.

#### **A focus on data and trends**

- The Anti-Slavery Commissioner should have the power to launch or request independent research and inquiries to monitor and identify trends in modern slavery in the UK, as distinct from investigating individual cases.
- The Anti-Slavery Commissioner should collect data and information from a wide range of sources, both statutory and non-governmental. It is notable that there need be no tension between the provision of such data and victim confidentiality as the Commissioner will require only anonymous data ( The Anti-Slavery Commissioner should utilise the findings of the December 2013 Data Inquiry conducted by the All Party Parliamentary Group on Human Trafficking and Modern Slavery.)
- The Anti-Slavery Commissioner should mandate the police and other statutory bodies, as well as NGOs that provide support services to victims, to collect data in a standardised form.
- The Anti-Slavery Commissioner should positively engage with NGOs to allow for development of more effective information and intelligence sharing.
- The Anti-Slavery Commissioner should focus on analysing the demand behind the phenomenon of modern slavery and the markets that enable modern slavery and human trafficking to take place. This would include reviewing the domestic market for prostitution and making longer-term recommendations.
- The Anti-Slavery Commissioner should also focus on the important contemporary and emerging trends such as the role of the internet in coercing potential victims of modern slavery.

## **Promoting best practice**

- The Anti-Slavery Commissioner should be responsible for developing a system of accredited training packages to be used by statutory authorities.
- The Anti-Slavery Commissioner should highlight examples of best practice in tackling slavery and supporting victims from across the country.

*‘Action against human trafficking becomes more efficient, multidimensional and human rights friendly if there is an independent monitoring mechanism with a strong mandate and independent authority to report on deficiencies and make recommendations for improvement’.*

Dr Venla Roth, Office of the Finnish National Rapporteur on Trafficking in Human Beings, in written evidence to the Review

**The Panel convinced that the appointment of an independent Anti-Slavery Commissioner will mark a significant step forward in the UK’s fight against this crime. It is essential that the Anti-Slavery Commissioner is equipped with the appropriate powers of inquiry, of entry, and of information-gathering, making a tangible impact on the UK’s knowledge and understanding of this crime and its impact on victims.**

**This believes that the suggested duties will bring welcome accountability to the work of government, statutory agencies, NGOs and businesses, highlighting excellent practice and encouraging improvements where needed.**

The Panel is delighted that the Home Secretary has recognised the crucial need for this role.

The Panel also believes that a new Anti-Slavery Commissioner can play a key role in enacting many of the longer-term non-legislative actions recommended in this report.

## **SUPPLY CHAINS**

### **4.13 Encouraging transparency in supply chains**

#### **Background**

There is widespread acknowledgement that modern slavery exists today, in substantial numbers, in the supply chains of companies that sell goods to consumers around the world. Whilst most consumers do not purchase sex, they do purchase clothing, sugar, cars, and so on. Many such products sold in the UK – ranging from chocolate and coffee to computers and mobile phones – are tainted by slavery.

Given the complexity of company supply chains and the multitude of contractors, recruiters and suppliers used throughout a production process, there can be great unknown risks to companies from modern slavery.

Over the past year, tragedies such as the Rana Plaza collapse in Dhaka, Bangladesh, and the revelations of appalling forced labour abuses in infrastructure building projects in Qatar (being built in preparation for hosting the 2022 FIFA World Cup) have highlighted not only the prevalence of modern slavery in supply chains, but also the need to understand much better how business structures allow modern slavery to occur.

Other recent high-profile cases have uncovered forced labour in an incredibly wide range of industries, from conflict minerals in the Congo, which have made their way into our most common high-tech devices, to indentured servitude in commercial fishing in Thailand and New Zealand to child labourers in the cocoa and coffee industries in Latin America and Africa. Clearly slave labour continues to know no boundaries. It is not isolated to a given industry or geography.

Closer to home, the spring 2013 UK horsemeat scandal also highlighted how little basic awareness many companies have over what is happening in their supply chains at all, let alone over how labour is secured within them. It is now almost a decade since forced labour first came to the British public's attention as a result of the death of 23 Chinese cockle pickers subject to forced labour who drowned in Morecambe Bay. And last year members of the Connors family were found guilty of forcing destitute men into servitude in Bedfordshire. Their victims, who slept in sheds and horseboxes, were verbally abused, beaten and exploited for financial gain at a caravan site near Leighton Buzzard. They were made to work for nothing in the Connors' block paving business.

Modern slavery and forced labour is a problem that applies to both global supply chains and supply chains within the UK.

In 2009 the International Labour Organization (ILO), a United Nations agency dealing with labour issues, estimated that the 'cost of coercion' in terms of lost wages and illegal recruitment fees amounts to at least US \$21 billion each year.<sup>10</sup>

### The Californian example

Despite its widespread prevalence, modern slavery remains widely undetected throughout company supply chains.

In response, legislators in California passed the 2010 California Transparency in Supply Chains Act: the first law of its kind. The Act came into effect on 1 January 2012. It applies to all retailers and manufacturers with annual revenues of more than US \$100 million that do business in California. The Act requires these businesses to disclose information about their efforts to eradicate slavery and human trafficking from their direct supply chains where they make tangible goods for sale.

The Act requires businesses to publicly post information on their website describing the extent to which they engage in the following:

- Verification of product supply chains to evaluate the risks of modern slavery;
- Perform supplier audits to evaluate compliance with company standards;

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Access via [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_106268.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_106268.pdf)

- Require certification by direct suppliers that materials incorporated into company products comply with the laws regarding modern slavery of the country or countries in which they are doing business;
- Maintain internal accountability standards and procedures for employees or contractors that fail to meet company standards on modern slavery; and
- Train relevant company employees and management on modern slavery, particularly concerning the mitigation of risk within supply chains.

Businesses are required to post their disclosures with a “conspicuous and easily understood” link on their website homepage leading to the required information. Companies do not face monetary penalties for failure to disclose this information, but they will receive an order from the Californian Attorney General to take specific action.

The Panel is aware that there is widespread agreement that the Californian Act is proving to be an important first step towards the eradication of modern slavery in supply chains, enabling companies to engage with the issue in a ‘safe’ arena.

The Panel was informed that many companies have been made aware of the existence of modern slavery in supply chains because of the Act. As the Act requires greater transparency around each company's anti-slavery effort, this transparency creates an opportunity for an honest dialogue, which in turn helps shape new methods of identifying and dealing with instances of modern slavery.

David Arkless, co-chair of the Global Business Coalition Against Trafficking (gBCAT), which counts global brands such as Coca-Cola, ExxonMobil, Ford, Hilton Hotel Group, ManpowerGroup and Microsoft among its members, informed the Panel of his support for legislation that encourages transparency. Mr Arkless, formerly ManpowerGroup’s Global President of Corporate and Government Affairs, believes that the Californian legislation has had a fundamental positive impact on business. He says that a direct result of the legislation is that corporate leaders in the US are now increasingly prepared to talk about modern slavery, rather than immediately referring the issue to their Corporate Social Responsibility departments, where it can too often get lost with other agendas.

The California Act does of course also rely on the relationship between companies and consumers and the impact that modern slavery in supply chains can have on ‘brand’ image and until there is a recognised standard to which companies should adhere, it is difficult for consumers to begin to make a choice between one company and the next. A new website, ‘KnowTheChain’, launched by the Tronie Foundation and a group of organisations committed to ending modern slavery, now aggregates disclosure statements and is beginning to allow for such comparisons to be made.

### Recommendations for the UK

After hearing a wide range of evidence on this issue, the Panel firmly believes that the presence of modern slavery in supply chains requires both a mandatory and voluntary response. The Panel welcomes initiatives such as the ‘Stronger Together’ initiative recently launched by the Home Secretary between suppliers and retailers. The British Retail

Consortium, Food and Drink Federation and Fresh Produce Consortium have agreed to share any information they may have on the exploitation of workers with the Gangmasters Licensing Authority. This is firmly supported by the Panel.

However, the majority of evidence received emphasised that voluntary codes alone would not represent an effective enough first step.

Voluntary codes have been found in many instances to be wanting. They have come under criticism in the wake of the Rana Plaza tragedy, many have commented that voluntary codes are not enough to avoid terrible human tragedies. In its 'Ten lessons from the Bangladesh tragedy', Corporate Social Responsibility in *Asia, a leading sustainable business advisor*, puts "Codes of conduct are not working" number one and "Brands cannot hide behind industry initiatives" as third.<sup>11</sup>

Business has a crucial role to play in ensuring that the UK has a comprehensive response to modern slavery and the Panel believes that the Government has a vital role to play in introducing sensible and effective legislation which will allow businesses to more easily take a lead on this issue. Many companies are beginning to map supply chains, but without legislation to level the playing field, businesses will be reluctant to put their head above the parapet for fear of public relations issues or competitive disadvantages. Legislation can draw a helpful 'line in the sand' for businesses, allowing them to move forward on this issue and step over the line together.

The Panel firmly believes that any such legislation must be pro-business. Ambassador CdeBaca explained to the Panel that he had been informed that many senior business leaders are very worried about the reputational risk of modern slavery being uncovered in their supply chains, and that some form of regulatory scheme would actually allow them to confront it without having to unilaterally announce any necessary eradication measures – which would be akin to telling their consumers that they have slavery in their supply chains.

*"The California Act and anything the British Government decides to do, especially something with a little more teeth than the California Act, gives companies the ability to address issues in their supply chains without being the one mover in their particular sector who is willing to admit [that slavery might exist in their supply chains]. Disclosure regulation actually helps companies. Legislation represents a very interesting way to protect companies by moving them towards adopting these policies."*

Luis CdeBaca, Ambassador-at-Large, Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, in oral evidence to the Review

The Panel was made aware that multinationals are sometimes against regulation legislation not because they are against the proposed measures, but because such measures are often poorly designed. It is therefore very important that the Joint Committee consider the design of the measure in much greater detail. The Panel recommends that if possible this proposal should be linked to existing reporting structures. This move is not about creating burdens for companies, but about helping them focus on increasing transparency.

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<sup>11</sup> Accessed via <http://csr-asia.com/csr-asia-weekly-news-detail.php?id=12251>

Ambassador CdeBaca was also clear on why a voluntary code would not be effective enough:

*“I think that the problem with a voluntary code is that unless you have a secretariat set up to then go out and look at compliance with that code, that can then have some transparency in what its findings are, then you’re very much letting the fox run the chicken coop.”*

**The Panel recommends that the Government adopt legislation, which should apply to all companies over a certain size that do business in the UK, which builds and improves on the California Transparency in Supply Chains Act.**

The Panel agrees that the California Act is very positive in its encouragement of businesses to increase transparency and address exploitation where it is identified.

It is important that major companies report on measures taken to eradicate modern slavery from their supply and product chains and business practices, and that relevant company officers are trained in the necessary skills to detect cases and abuses and remediate them.

But Panel believes that the legislation should go one step further than California in order to truly establish the UK as a world leader on this issue.

In meeting the requirements of the Californian legislation, companies can meet compliance by merely stating on their websites that they do not do anything with regards to modern slavery in supply chains. The Panel is aware that some California-based companies have completed filings that are little more than a paragraph long stating that their anti-slavery policy is that they do not have an anti-slavery policy.

**UK legislation should therefore also crucially include a requirement to disclose the concrete steps a company is taking towards eradicating slavery from their supply and product chains and business practices within annual reports as well as prominently on their websites.**

**Furthermore the Panel recommends that the Government encourage companies appoint at senior board level a special non-executive director with the responsibility of leading the company’s anti-slavery business activities.**

**The Panel also believes that it would be helpful for companies to be provided with independently established guidance on best practice.**

The Government should focus on how best to work with businesses to encourage engagement on the issue of modern slavery in supply chains.

**The Panel recommends that the Government enact the suggested legislation as soon as possible, but that companies should be given a period of at least two years after Royal Assent before they are required to make disclosures. This will ensure that they are given the time to take action and an opportunity to seek advice before having to publically disclose information about their supply chains.**



**The Panel believes that the Government should set the very best example possible by first meeting the same requirements through all local national, and international Government procurement before requiring companies to disclose their information.**

**The Panel further recommends that the Department for International Development (DfID) and UK Trade and Investment (UKTI) should be encouraged to assist multinational corporations with advice on the risks of utilising local supply chains, in developing countries where DfID operates, as they undertake business activities abroad, and the sharing of best practice on managing risks.**

Whilst modern slavery is of course not confined to the supply chains of large multinationals, the Panel believes that companies of a relatively large size are most adequately resourced to come under this regulation. The Joint Committee should carefully consider the size of companies (in terms of global annual revenues) that should fall under the legislation.

**As slavery is not isolated to select industries, the Panel believes that the legislation should apply to companies operating across all sectors.**

Mr Arkless, the gBCAT co-chair, indicated to the Panel the support he believes exists amongst businesses for transparency legislation. He shared with the Panel two recent letters he had written on the matter. The first, from September 2013, states that his organisation has been closely following the development of proposed UK supply chain transparency legislation. The letter goes on to state that such legislation “will be positive for the reputation of British businesses and ‘brand UK’ ”, and that Mr Arkless is convinced that such an act will be well received by British businesses. It is worth reiterating, as the letter in question makes clear, that gBCAT includes some of the world’s leading multinationals amongst its members.

The second letter from Mr Arkless is addressed to the Home Secretary, dated 10 December 2013. It states:

*“With the impending progress on a modern day anti-slavery Act in the United Kingdom, I would like to reiterate the support from global corporations on the Act and consequent initiatives.*

*I do understand that there has been some concern in both political and business circles regarding the inclusion of measures to ensure that companies verify their supply chains for non-abuse of human beings.*

*Our experience in the US after President Obama helped us launch the Global Business Coalition Against Trafficking has proven that the best companies in the world already implement measures regarding verification and certification of their suppliers.*

*In my discussions with many FTSE 100 UK companies, I believe there is a groundswell of support for this Act.*

*Whatever we can do to support this measure, we will, and you can count on a vociferous campaign from corporations that want to do the right thing.”*

The Panel is under no illusion that the suggested legislation alone will eradicate slavery from supply chains. But it would be a very positive and significant systemic step to take in the fight against it.

## **5 Further recommendations for consideration by the Parliamentary Joint Committee**

In this section the Panel takes the opportunity to comment upon areas of legislative change that require special focus by the Joint Committee, which will scrutinise and recommend amendments of the draft Bill before it is formally introduced into Parliament. These areas are of particular concern to the Panel, but deserve further scrutiny and evidence which was not possible to complete or acquire within the short timeframe of the Review.

### **5.1 A system of guardianship**

The Panel heard from numerous witnesses who reported that a system of guardianship for child victims of modern slavery is a necessary component in keeping them safe.<sup>12</sup> Separate from a social worker, who is part of a local authority, a guardian would be an independent individual with the legal right to make independent and impartial decisions on the child's behalf, guided by the best interests of the child.

Given that child victims of modern slavery are often traumatised and frightened, and in recognition of the multiple administrative processes that a child may have to go through, a system of guardianship is seen by many as essential. Establishing a system of guardianship would reflect political recognition of the particular vulnerabilities of these children, who may be going through all or a combination of asylum interviews, the NRM, age assessments and interviews with police or lawyers. The multitude of systems can often be overwhelming, and a trusted adult who is charged with representing the child's best interests through the varied processes could go a long way to offering better protection to these vulnerable children and young people.

A guardian should be able to advocate for the child, ensuring that decisions are made in the child's best interests, advise and inform the child of their legal rights and be an essential link between the child and the various organisations and processes that he or she is involved with. Continuity and accessibility of a guardian are essential, and the guardian should be a constant point of contact for the child.

As stated, a guardian should have a separate role from a social worker. Recent research by the Children's Society and Refugee Council has stated that social workers 'do not have the time to spend with each child to support them to attend numerous solicitor appointments, Home Office meetings, sort out practical difficulties such as bills, completing forms or indeed just spend time being with the child to provide emotional support'.<sup>13</sup> It is this role that a guardian would fulfil, whilst ensuring – crucially – that those agencies with legal responsibilities regarding the child's welfare do not abdicate these responsibilities because the child has someone to look after their interests.

*“Most of the young people we are talking about have no concept about this meeting-driven paper-driven care system, and youth offending system and/or police system that they get involved in.*

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<sup>12</sup> Anti-Slavery International, Stop the Traffik, Dalit Freedom Network, Office of the Children's Commissioner, CARE International, ECPAT, in written evidence to the Review

<sup>13</sup> The Children's Society/Refugee Council, *Still at Risk: A review of support for trafficked children*, London: The Children's Society/Refugee Council, September 2013, p74

*Suddenly lots of adults from different agencies become involved in their lives, nothing seems straightforward, often the young people we have worked with will have met three, four, five, six, seven adults in the first couple of weeks, who all say they are going to do something, and the child has no idea who they are, who they work for and what a lot of the terminology means.”<sup>14</sup>*

According to the children’s charity Barnardo’s, many trafficked children will not be placed under a care order, and therefore the lack of anyone with parental responsibility for a trafficked child is a serious concern. A guardian would take parental responsibility for the child and mitigate the risk that the child has nobody to represent their interests or support them. The guardian would also help to protect the child from any enduring links they may have with their trafficker. This could be a misplaced loyalty to the person who has caused them harm, or even familial links.

*“Since child victims of trafficking may still be under the control of their traffickers, specialist child guardians would help to sever these ties, as well as encourage integration into society, navigate the child through the complex processes by attending all key meetings, be someone they can call upon for advice and challenge public authorities when they fail.”*

ECPAT UK, in written evidence to the Review

Until now, organisations such as ECPAT UK, AFRUCA and the Refugee Council have offered their own systems of help for trafficked children, but the availability of these are subject to the changing resources of these organisations and as their ‘guardians’ do not have any statutory responsibility for the child, and so are limited in how they can act on the child’s behalf.

*“The Refugee Council’s Trafficked Girls’ and Young Women’s Adviser performs a role similar to that of a guardian as we envisage it, though without statutory powers. She has worked with approximately 30 victims in the last three years who have received proper care and support and refugee status after periods of intensive intervention; the children would not have had these positive outcomes without the intervention of our Adviser.”*

Refugee Council, in written evidence to the Review

*“[Staff at a voluntary sector organisation] have helped me the most, they helped with my immigration status, I was afraid to go back to my country, they found me a solicitor and took me to lots of appointments. They brought me to their young woman’s group. They helped me with English classes. They helped me with food. I used to get some food at their office and that really helped me to cope. They kept calling social services and helped me to get a social worker, they kept telling them that I was so unhappy in my accommodation and needed to move. They kept listening to me. They wanted to help me, they thought about me, they didn’t just say wait and go away.”<sup>15</sup>*

However, given the timeframe of this Review the Panel has not had sufficient time to develop more detailed proposals as to how the system might operate, or indeed whether there might be effective similar alternatives. The Panel believes that it is imperative that trafficked children are fully recognised as children at serious risk of harm. Their particular vulnerabilities – especially the high risk of going missing – mean that appropriate protections must be put in place to keep them safe.

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<sup>14</sup> Voluntary organisation, quoted in *ibid*, p75

<sup>15</sup> Young person, quoted in *The Children’s Society/Refugee Council, Still at Risk: A review of support for trafficked children*, London: The Children’s Society/Refugee Council, September 2013, p76

The Panel therefore recommends that the Joint Committee consider the issue of introducing a system of guardianship in order to best protect and promote the interests of child victims of modern slavery.

### **Recommendations for the Joint Committee to consider:**

**A system of guardianship, or a system equivalent to guardianship, should be established for all trafficked children. The Home Secretary may wish to consider launching a small number of pilot guardianship schemes (or equivalent schemes) in order to establish the benefits and challenges of the schemes, and understand what reforms might work best. Specific consideration should be given to the progress of amendment 26B to the Children Act 1989, currently tabled under the Children and Families Bill.**

## **5.2 Extension of the remit of the Gangmasters Licensing Authority**

*“Wherever there are long supply chains, criminals will seek to exploit them.”*

Paul Broadbent, Chief Executive of the Gangmasters Licensing Authority in oral evidence to the Review

Within the Panel sessions there was much debate over the role and remit of the Gangmasters Licensing Authority (GLA). The GLA was established in 2005 under the Gangmasters (Licensing) Act 2004 in response to the death of a number of Chinese workers who had been forced to pick cockles off the coast of northwest England. It is tasked with administering a system of licensing to regulate labour providers which supply workers in the fresh produce supply chains.

It is increasingly clear however that, in 2013, *‘the extent of labour exploitation and the sophistication of labour exploitation and the entrepreneurialism of some gangs has moved on’* and there is a strong case for the work of the GLA to be reassessed.<sup>16</sup>

One of the most pressing concerns raised during the Panel’s hearings is the limitations on the GLA’s ability to investigate beyond licence offences. This means that valuable information and intelligence on issues and instances of forced labour is at risk of being lost or not being properly investigated. With its investigative remit limited to looking into an unlicensed gang master or an organisation’s use of an unlicensed gang master, the GLA cannot take forward any other investigations, and must pass these to the police. However, valuable information, time and, crucially, victims, can fall through the gap between the GLA and police.

*“As first responders the GLA is on the front line for human trafficking and forced labour but has no power to investigate, secure or preserve evidence in this respect. This sometimes results in vital evidence being lost or frustrated and suspects evading apprehension.”*

Parosha Chandran, Barrister and Expert Consultant by the OSCE Special Representative on Combating Trafficking in Human Beings, in written evidence to the Review

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<sup>16</sup> Paul Broadbent, Chief Executive of the Gangmasters Licensing Authority, in oral evidence to the Panel

*“If it’s forced labour we don’t have powers to investigate, even in our sector. We can only stop them being an unlicensed gang master.”*

Paul Broadbent, Chief Executive of the GLA, in oral evidence to the Review

*“A key barrier to the effective joint investigation of labour exploitation, forced labour and human trafficking for labour exploitation is when the GLA is faced with an evolving situation that requires immediate action that the GLA lacks powers to enforce, for example, securing evidence from offenders operating outside the GLA sector when it is obvious that serious and organised criminality is occurring then and there.”*

Parosha Chandran, Barrister and Expert Consultant to the OSCE Special Representative on Combating Trafficking in Human Beings, in written evidence to the Review

Furthermore, when a license offence occurs alongside other offences concerned with forced labour, the GLA has no power to seize and retain evidence relating to those offences. With the clear possibility of non-GLA offences not being investigated properly, some witnesses argued that there is a need for the investigative powers of the GLA to be extended in order to be able to secure the best evidence possible whilst there is the opportunity to do so.

*“Amendment to [GLA] legislation to include the offences of forced labour and human trafficking could enable it to provide more responsive and proportionate protection to victims of labour exploitation through the ability to seize primary evidence and investigate the offences of forced labour and human trafficking at the initial point of contact.”*

Parosha Chandran, Barrister and Expert Consultant to the OSCE Special Representative on Combating Trafficking in Human Beings, in written evidence to the Review

**The Panel’s first recommendation for the Joint Committee to consider therefore is whether the investigative powers of the GLA under the Gangmasters (Licensing) Act 2004 should be extended beyond license offences to include powers to investigate the higher offences of forced labour. This is not something that the Panel has been able to agree on within its two month timeframe.**

It goes without saying that the GLA’s role as an inspector of the less ‘extreme’ cases of labour exploitation must be maintained, and that in extending its powers of investigation to higher offences, its crucial role of inspecting worker rights is not lost. With any increase in investigative powers, it is important to avoid the risk that *‘still very serious crimes of forced labour go unchallenged because they are regarded as ‘less serious’ than others’*.<sup>17</sup>

In 2012, the GLA reported that a high number of GLA-licensed businesses were operational in other sectors such as non-food, construction and hospitality and catering.<sup>18</sup> Those operating in these unregulated sectors may be using very different – and potentially exploitative – employment models to those they are using within the GLA-regulated sectors, with impunity. It is therefore crucial that the GLA’s area of operation is expanded to mitigate this risk.

**The second recommendation is for the broadening of the GLA’s remit into areas beyond the agricultural sectors it is limited to under the 2004**

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<sup>17</sup> Forced Labour Monitoring Group, in written evidence to the Panel, 19 November 2013

<sup>18</sup> JRF, in oral evidence to the Panel, 2 December 2013 and Centre for Social Justice, *It Happens Here: Equipping the United Kingdom to fight modern slavery*, London: Centre for Social Justice, p89

**Act. The Panel recommends the construction, hospitality and catering sectors in particular.**

**It is also the recommendation of the Panel that the Government reconsider the departmental host for the GLA. Currently placed in DEFRA, a move to the Home Office or to HMRC – if the remit of the GLA is extended – would be more sensible and reflect this new wider remit in new sectors.**

Important recognition must be given to the current limited resources available to the organisation. Any possible extension of powers and remit must go hand in hand with an expansion in the available resources, and an increase in the opportunities for partnership working with other relevant bodies such as the police, the National Crime Agency, HMRC and the Department for Work and Pensions. Joint taskforces should be more widely considered. These should be important considerations for the Joint Committee.

Nonetheless, the Panel believes that extending the role of the GLA remains a crucial step forward in the UK's fight against modern slavery. It is unrealistic to assume that labour exploitation and modern slavery does not take place in sectors that are not within the GLA's operational remit, and GLA operations in these sectors will help uncover more cases of modern slavery. The GLA is held up internationally as an example of excellent practice in tackling the exploitation of workers. The extension of its remit will ensure that its recognised expertise is applied to sectors that are in need of similar levels of accountability.<sup>19</sup>

### **Recommendations for the Joint Committee to consider:**

**Whether to extend the remit of the GLA to cover wider sectors of work, including the construction, hospitality and catering industries.**

**Whether to possibly extend the investigative powers of the GLA, in recognition of its value in detecting issues of forced labour.**

**Whether to reconsider the departmental host for the GLA.**

## **5.3 The overseas domestic worker visa**

*“We used to spend a lot of time going to the police...but now domestic workers won't come to the police with us...because we have to tell them they are in breach of the immigration rules. People are being driven underground.”*

Kate Roberts, Kalayaan, in oral evidence to the Review

An area which the Panel feels demands particular attention is that of the rights of overseas domestic workers living and working in the UK. In April 2012 fundamental changes were made to the overseas domestic worker visa, withdrawing the right of domestic workers to change their employer whilst they are in the UK. Effectively, a domestic worker's

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<sup>19</sup> Forced Labour Monitoring Group, in oral evidence to the Review

immigration status is directly linked to the individual employer who brings them into the country.

*“You are not allowed to change employer while you are in the UK or change to a different type of employment.”<sup>20</sup>*

UK Border Agency website

A distinct danger arising from the removal of the right to change employer is that it exposes domestic workers to the risk of exploitation. Since April 2012, if an employer exploits their domestic worker during their time in the UK, the domestic worker will have three very difficult options: to stay and submit to the abuse involved; to leave the situation and return home; or to leave and remain in the UK as an illegal immigrant. There are distinct issues with the viability of each of these options. The first risks consigning the worker to a situation of modern slavery. The second is often considered unacceptable due to pressures to provide for a family and fears of shame upon return. The final option leaves the domestic worker extremely vulnerable, with no recourse to compensation or a safe place to go.

Domestic workers are extremely isolated individuals. They often work long hours behind closed doors with very few links into the local community. This can enhance their vulnerability to abuse and exploitation.

*“If I had screamed, no-one could hear me. If I’d cried or even if I’d shouted as loud as I can, no-one could hear me.”*

Domestic worker, formerly abused by her employer, in evidence to the Review

This uncertain legal state can also be used against vulnerable workers. There are fears that ‘any indication of insecure immigration status is seized upon by those who wish to exploit vulnerable individuals’, whereby immigration status and threat of arrest by immigration authorities is used as a means of control over a domestic worker by their employer.<sup>21</sup> Similarly, it is often the case that domestic workers arrive in the UK with very little knowledge or awareness of their rights and entitlements, further exaggerating the power imbalance between employer and employee.

*“Almost none are interviewed properly at the point when they apply, and often their employer acts as an interpreter. They are mostly asked to sign the paper in a language they don’t understand.”*

Kate Roberts, Kalayaan, in oral evidence to the Review

**It is therefore the recommendation of the Panel that the Joint Committee consider the reinstatement of the right to change employer in order to safeguard against exploitation. Furthermore the Joint Committee should consider the checks made when issuing overseas domestic worker visas for the first time to ensure, as far as is possible that applicants are not already subject to exploitation.**

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<sup>20</sup> UK Border Agency website [accessed via: <http://www.ukba.homeoffice.gov.uk/visas-immigration/working/othercategories/domesticworkers/>]

<sup>21</sup> Kalayaan, in written evidence to the Panel



## **Recommendations for the Joint Committee to consider**

**Consider reinstating the rights to change employer afforded to overseas domestic workers visa holders.**

**Checks should be made when issuing overseas domestic worker visas to specifically consider the vulnerability of the applicants to exploitation.**

## 6 Proposals for non-legislative policy developments

This section details the proposals of the Panel for non-legislative activity to enable the UK to improve its fight against modern slavery.

### FOR VICTIMS

#### 6.1 National Referral Mechanism reform

An important area of policy on which the Panel has heard extensive evidence is the National Referral Mechanism (NRM). Beyond enshrining this mechanism in statute, as explored above in section 3.7, the Panel believes that the governance and functioning of the NRM should be fundamentally reviewed. The Panel therefore very much welcomes the fact that during conversations between the Panel and the Home Office during the course of this Review, the Home office announced it would initiate such a review.

**The Panel recommends that the Home Office’s NRM review should be conducted in consultation with the Human Trafficking Foundation. The Home Office should utilise the Foundation’s role in providing a collective voice for all the very different organisations working in the sector.**

Outlined below are some key recommendations to improve a victim’s experience of the NRM and to increase the trust between it and key stakeholders.

##### **I. Remove the NRM Competent Authority from the remit of UK Visas and Immigration.**

Witnesses have almost universally expressed concerns over the current NRM system. The NRM is the process by which victims of trafficking are identified and supported. Two ‘competent authorities’ work within the NRM to decide if individuals referred to them are victims of human trafficking: UK Visas and Immigration (UKVI) and the UK Human Trafficking Centre (UKHTC). The decision is filtered to the UKVI if the person concerned has an issue with their immigration status.

The Panel is deeply concerned that the fundamental distinction between an individual’s immigration status and their status as a victim of modern slavery is not formally recognised by the relevant authorities. The fact that any victim is required to make the case for a decision about their welfare as a victim of trafficking to the very same agency which may at the same time be considering their immigration status leads to significant distrust of the independence of that decision and a fear among victims and support agencies that a person’s immigration status may unduly influence UKVI decisions as a competent authority.

The Panel believes that the decision over whether an individual has been a victim of trafficking should therefore be made either by a separate Competent Authority independent of both the UKVI and UKHTC, or solely by the UKHTC. This sole competent authority may then inform the UKVI of their decision should there be a requirement for leave to remain for the individual to be applied for. Whilst it may be acceptable for the UKVI to contribute relevant information to the decision over whether someone is a victim of

modern slavery, and whilst it may have a legal role to play in legitimising the immigration status of an individual during their reflection period and even beyond, the Panel is firmly of the view that the NRM decision itself should not be made by this agency. Frustration at the inappropriateness of the UKVI maintaining this role is palpable across the field.

The recommendation of the Panel therefore is that the Competent Authority status is removed from the UKVI and that either a new expert, multi-agency Panel is established to make all NRM decisions regardless of the nationality or immigration status of the person or that the UKVI's NRM functions be removed and the entire competent authority role be taken by the UKHTC (which has a good track record).

*“Maintaining a clear distinction between immigration and asylum decision-making processes and NRM decisions is crucial for sustainable outcomes for victims.”*

The Salvation Army, in written evidence to the Review

An interesting new idea put forward in the consultation on the Scottish Human Trafficking Bill proposes a system which ‘builds on the best in the NRM whilst shedding any perceptions of conflicts of interests in decisions...[and] places on a statutory basis a system dedicated to answering the fundamental question of whether a person has been a victim of human trafficking’.<sup>22</sup> This proposal in Scotland would develop an independent ‘Identification, Referral and Assistance, and Monitoring Service for Survivors of Human Trafficking’. This will essentially act as the NRM, referring victims into ‘coordinated assistance packages’ and taking responsibility for monitoring the outcomes of those individuals who are referred. This idea of a referral mechanism which sits independently to law enforcement and immigration could go a long way to restoring faith in the system, leading to increased referrals and subsequent improvement in the access to support for victims. The Panel recommends that the Joint Committee hears evidence from Jenny Marra MSP, who is leading the consultation on the Scottish Bill.

## **2. Increase the range of First Responders.**

A number of witnesses raised the point that the First Responders tasked with referring potential victims into the NRM should be increased in range and numbers in order to improve the potential for identification of victims of modern slavery. In particular, the Panel recommends that the prison service be made a First Responder, reflecting the reality at present that numerous victims may be identified when they are in prison or detention. Furthermore, the Panel recommends that all First Responders receive further training in identifying potential victims and making a referral. This training should be overseen by the Anti-Slavery Commissioner (see section 4.12) in order to ensure consistency across all First Responders.

## **3. Allow the input of specialist child practitioners when making decisions about cases involving children.**

The Panel found that there is significant concern that decisions made within the NRM on whether or not a child has been trafficked are being made without the input of child protection specialists.<sup>23</sup> It is therefore the recommendation of the Panel that this is rectified

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<sup>22</sup> Human Trafficking (Scotland) Bill, Consultation by Jenny Marra MSP

<sup>23</sup> CSG TARA, in written evidence to the Panel

immediately and that, in cases involving children, child protection experts are appointed to contribute to competent authority decisions.

#### **4. Consider increasing the length of the reflection period (also see section 6.2).**

The reflection period is the 45-day period that is given to an individual who has received a positive reasonable grounds decision from the NRM. This is intended to give the victim time to reflect and recover. However, numerous witnesses suggested that this period is too short and the reflection period should be extended to 90 days.<sup>24</sup> The Panel believes that the Government should consider an extension as part of the current review of the NRM, with a view that such a move could give more reassurance to victims by offering this longer period and would at least give more time to conduct a comprehensive assessment of their immediate needs. This does not however negate the need for longer term reintegration support, as explored in the next section. Given the length of time taken to make decisions through the NRM and the significant ongoing support needs after the reflection period is over, the reflection period should be only the first step in expediting the victim's resilience and independence.

#### **5. Improve the capturing of information.**

A significant issue raised by numerous witnesses was the need for better collecting of information on the shape and size of the problem of modern slavery in the UK. With this in mind, it has been suggested by some that the NRM could be used to collect such information by becoming a two-tier system. An initial 'tier one' referral could be made anonymously, and would be solely for the purpose of ensuring that information about the victim's case is not lost. This tier would not entail any support services for the victim nor any sharing of their personal information. A 'tier two' referral could then be made if the individual wished to have access to such support.

Concerns were voiced that requiring the NRM to capture information will not fit with the original purpose of the system - there is a risk of 'overloading' the NRM.<sup>25</sup> However, other evidence submitted to the Panel reflects the fears that valuable information is being lost when individuals are not referred into the NRM at all, so offering this basic referral of information may be useful. Given that a huge part of the problem with tackling modern slavery in the UK is a lack of information, this two-tier system would go some way to improving the collection of information. The Joint Committee should give further consideration as to whether this 'tier one' referral could be a mandatory duty upon agencies, giving due scrutiny to data protection issues and the best interests of the victim.

*"There should be an option to have cases recorded anonymously even if the victim does not want to go through the whole NRM process. However victim's fears about testifying must be treated as valid."*

International Justice Mission UK, in written evidence to the Review

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<sup>24</sup> AFRUCA, International Justice Mission UK, International Justice Mission UK, CARE International, Kalayaan in written evidence to the Panel

<sup>25</sup> Dr Aidan McQuade, Anti-Slavery International, in oral evidence to the Panel

An alternative to a mandatory anonymous referral could be a mandatory duty to offer an NRM referral. This would help to tackle the problem raised by many witnesses of low awareness of the NRM among statutory agencies and other organisations.

*“An alternative would be to create a statutory duty to offer a referral to the NRM. Such a duty would therefore rest only on the first responders and statutory agencies and would have no implications for individual survivors. It would be possible to create a recording mechanism for these referral offers so that they could be included in overall analysis of the scale of trafficking in the UK.”*  
CARE International, in written evidence to the Review

*“A ‘successful’ referral takes a holistic approach to the victim – matching need with service. It secures a quick and safe transfer, allows time to secure a move on prior to exit, and it ideally leaves the victim with a contact in their new location, ensuring follow-up care is offered when necessary.”*  
City Hearts, in written evidence to the Review

## **6.2 Beyond the reflection period: reintegration support in the UK or as part of assisted returns**

A serious issue raised by a wide range of witnesses from the voluntary sector and the police is the lack of continued support and reintegration assistance in the UK or in an individual’s home country should they wish to return home.

For the majority of victims the recovery and reflection period can only represent a very early and limited stage in the intricate and long term process of sustained recovery. The Panel heard frequently that individuals too often do not receive the support they need in order to rebuild their lives and increase their resilience against re-trafficking, which is a significant risk for some. At the end of the reflection period, there is often a steep cliff-edge where support ends.

Long-term reintegration support is crucial if individuals are to rebuild their lives, and also if they are going to be able and equipped to contribute to an often lengthy prosecution process should their perpetrators have been apprehended. This support should include access to training and education, as well as emotional and psychological support and therapeutic care.

*“If we do not have a long term view and approach to survivor care we will not get the prosecutions and investigations the legislation will allow as survivors will be unsupported to go through this process.”*

Kate Garbers, Co-Founder and Project Director, Unseen, in written evidence to the Review

**It is the recommendation of the Panel that greater attention is given to the outcomes for survivors, and that a programme of longer-term reintegration support is put in place.**

### Reintegration in the UK

*“The current system will get somebody into a safe house, get them on benefits and move them on – that’s only really addressing one issue...I had never spoken to a psychiatrist or psychologist about my experiences.”*

Survivor, in oral evidence to the Review

*“I had ideas about what I wanted to do with my life afterwards but they were routinely ignored or I wasn’t really asked about them...you have 45 days to get out...”*

Survivor, in oral evidence to the Review

Under the NRM, a person who has received a negative Conclusive Grounds decision must exit support services within five days. For a positive Conclusive Grounds decision, the exit time is extended to 14 days, or 28 days in exceptional circumstances.<sup>26</sup> It is widely agreed that in the majority of cases this is not sufficient time to ensure the individual is able to leave safely and move on to a stable environment. It is also important to note that the provision of support for someone who has had a positive conclusive grounds decision does not differ hugely from someone who has received a negative decision.

*“The service we get from support organisations is terrific...but what we have experienced is a lack of flexibility at the end of that period, in terms of transitioning support for those victims.”*

Detective Chief Inspector Nick Sumner, in oral evidence to the Review

*“Victims are only within the mechanism for 45 days, significantly too short a period to have a meaningful effect on their future welfare and for investigators to build the trust and support of that person for any future prosecution.”*

Detective Inspector Keith Roberts, Kent Police, in written evidence to the Review

Witnesses who offer support to victims have explained that applications for housing or benefits, accessing the job market, waiting lists for counselling and leave to remain processes are just some of the applicable processes that victims must contend with. These take a long time to be concluded and often remain undetermined at the point when the individual must leave their care.

*“If victims are to recover they need a realistic and sustainable offer of accommodation when their 45-day period has finished or their conclusive grounds decision been received. A two week period is allowed for exit. Currently the Benefit system and Local Authority Housing Services rarely match that time scale, leaving some victims at risk of homelessness.”*

The Salvation Army, in written evidence to the Review

*“Trafficked people should be recognised as a priority group for housing.”*

International Justice Mission UK, in written evidence to the Review

*“A lot of the worry has been about the uncertainty of my immigration status. If leave to remain was granted automatically to victims of trafficking, this would not be such a stressful time.”*

Survivor, in written evidence to the Review

Some support organisations working within and outside of the Ministry of Justice aftercare contract are developing their own internal reintegration programmes with the limited funding they are able to acquire. However, as these are ad hoc, a survivor’s continued reintegration support is very much dependent upon which organisation they are referred to.

The Panel believes there is a role here for local authorities to take more of a lead in ensuring that vulnerable victims of modern slavery are equipped with all that they need to move forward and rebuild a resilient and productive life.

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<sup>26</sup> The Salvation Army, in written evidence to the Review

*“A mentoring system would be ideal – somebody who has a caseload of five to ten people and checks in with them once a week to see if they need a hand...to fully ensure that someone is where they want to be and is getting access to training and things like that, and getting access to psychological help and checking that their housing situation remains okay to them. That’s the first thing I would do.”*

Survivor, in oral evidence to the Panel

*“An ongoing issue for the service is the accessibility and suitability of move-on accommodation for victims of trafficking after they leave the service. It has often been difficult to secure accommodation with the local authority for individuals with no ‘local connection’ and those who are not deemed to be ‘priority need.’”*

The Salvation Army, in written evidence to the Review

*“Step by step help is needed on how to start life in England.”*

Survivor, in written evidence to the Review

*“Local authority engagement with these vulnerable adults must be improved.”*

The Salvation Army, in written evidence to the Review

In evidence to the Review, the US Ambassador-at-Large on Trafficking in Persons, Luis CdeBaca, informed the Panel that the US has a system whereby victims are granted a three year ‘T Visa’, which allows them leave to remain and work in the US, as long as they do not refuse a reasonable request for information which could contribute to the prosecution of their traffickers. This arrangement reflects the recognition in the US that unless victims are protected and made to feel safe, prosecutions will remain extremely difficult. This system also goes some way to empowering the victim and restoring some sense of autonomy over their future.

*“What we have seen is that even our most anti-immigrant congressmen and senators...they’re voting for the T visa to be expanded because they feel that the fraud prevention that we have built into it, the fact of this cooperation requirement, has been successful over the last 13 years”*

Luis CdeBaca, Ambassador-at-Large, Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, in oral evidence to the Review

The Panel is also aware that in 2009 Taiwan passed the Human Trafficking Prevention Act, which enabled victims of trafficking to apply for a temporary residence visa and work permit. Ambassador CdeBaca, in his role as head of the US State Department Trafficking in Persons reports, informed the Panel that at the time there were concerns that this would ‘open the floodgates’. In reality this has not happened, but what has resulted is an increase in good outcomes for victims.

**The Panel recommends that a ‘survivor support pathway’ should be developed in the UK in order to ensure that outcomes for survivors are improved and that their long-term recovery is protected and maintained. This could include a ‘mentor’ who would ensure that the individual is, for example, gaining access to work and housing – there is a significant need for ongoing support beyond the 45-day reflection period.**

**A special, short-term temporary residence visa and work permit should be established for survivors who have been conclusively identified as victims of modern slavery but who do not have any other reason to**

**qualify for leave to remain in the UK. This visa should be for one year and one day<sup>27</sup>, and should allow the individual to work in certain, specified sectors.**

**The Panel believes that training and employment opportunities for survivors are crucial. A focus on employment and skills training and helping provide a positive lifestyle is essential to break the cycle of re-victimisation. The work of such organisations as HERA, which offers a training programme for women who have been victims of modern slavery, assigning them a mentor, teaching them how to set up their own business and introducing them to other business leaders, should be recognised as best practice.**

**The involvement of multinational employers in apprenticeships or similar programmes should be encouraged. For programmes to be effective, it is critical that they are offered in a discreet and sensitive manner, without carrying the stigma attached to a programme that is only offered to victims of modern slavery.**

#### Reintegration abroad: safe returns

The Panel also heard evidence of the lack of support available to those individuals who wish to return home. In some cases, it will be in the person's best interests to return, and this should be facilitated with due regard for the rights, safety and dignity of that person.

The Panel heard that many foreign national victims of modern slavery found in the UK do wish to return to their home countries, but that there is very little in the way of provision to help them to do so in a safe way.

At present, there is no standardised programme for the safe return of victims of modern slavery, whether returning to countries within or outside of the EU. Though there is some ad hoc help available through such organisations as Thames Reach, the International Organisation for Migration, or through the Assisted Voluntary Return for Irregular Migrants scheme delivered through Refugee Action, the Panel is convinced that there is a great need for a monitored and standardised returns scheme that ensures help is made available to every victim that requires it in order to make a smooth transition when returning to their country of origin. It is therefore the recommendation of the Panel that assistance to return home – which includes financial and social assistance – is given to every survivor should they indeed wish to return home.

Some witnesses have suggested the development of a reintegration fund, to help survivors to rebuild their lives whether in the UK or in their home country. The Panel believes it is also imperative that the UK build networks of trusted support organisations in home countries, so that survivors are returned to a supportive environment that mitigates the risks of re-trafficking or repercussions.

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<sup>27</sup> This is to ensure that, under the Nationality, Immigration and Asylum Act 2002, victims are still able to appeal an asylum decision should they be involved in that process. Under section 83 of the 2002 Act, appeals are only given to an individual who 'has been granted leave to enter or remain in the United Kingdom for a period exceeding one year'.



*“There is at present no safe, structured and resourced route by which victims from the EEA can return to their country of origin.”*

The Salvation Army, in written evidence to the Review

*“Where a non-British Citizen child who is the victim of modern slavery wishes to return to their country of origin or it is not considered to be in their best interests to remain in the UK, they should receive an enhanced assisted returns package to assist with their reintegration in their country of origin. Such a package should be tailored to the needs of the individual’s circumstances.”*

The Office of the Children’s Commissioner, in written evidence to the Review

A carefully developed pilot scheme to source jobs and reintegration support in countries of origin with backing from British multinationals would offer a range of tangible benefits. These include vocational training, a method of independent financial support, a sense of ownership over reintegration, a sense of worth and capacity, which can assist mental rehabilitation, a contribution to the community, which can offset any alienation or stigma, and an inherent protection from vulnerability to industries or work susceptible to re-victimisation.

Helping victims to become more self sufficient is also crucial in reducing the need for them to leave their communities to find work abroad and run the risk of being re-trafficked.

**The Panel recommends that the Government put significant efforts into developing a pilot safe voluntary return and reintegration scheme for foreign national victims of modern slavery to have the option of returning to their home country. This pilot should be based on the widely agreed areas of best practice.**

**There should be a reintegration assistance package available for any survivor to return home voluntarily. This should not be contingent upon the individual’s nationality.**

**Observance of appropriate rehabilitation and reintegration mechanisms should help guarantee the long-term safety and well-being of victims. The Government should develop more cooperative bilateral efforts between the UK and states of origin, similar to the anti-trafficking Memorandum of Understanding that the UK has with Nigeria.**

**A network of support organisations abroad should be developed, in order to improve the support available to individuals upon their return to their home countries. This network should be interlinked with agencies in the UK to ensure victims experience a smooth transition in their country of origin.**

### **6.3 Compensation**

The Panel is convinced that it is essential that victims of modern slavery are able to gain access to compensation. Evidence heard by the Panel raised several concerns that this is not currently the case.

The Panel were told of extreme difficulties in making applications for compensation to the Criminal Injuries Compensation Authority (CICA). The lengthy processes they employ, the lack of understanding of some of the coercive techniques utilised by traffickers, the reluctance to recognise trafficking as a crime of violence, the conflation with immigration and a lack of training on modern slavery for CICA employees creates a situation which makes it almost impossible to successfully apply to CICA for compensation.<sup>28</sup> Difficulties in accessing legal aid can also contribute to the challenges in accessing compensation (accessing legal aid is dealt with below at section 5.4).

**Victims of modern slavery must be considered by CICA in exactly the same way as other victims of crime. The CICA Panels should be expected to consider expert evidence and where the person has been provided conclusive grounds under the NRM this can be used in considering a determination of the right to an award. The new Anti-Slavery Commissioner should be responsible for ensuring the CICA is sufficiently trained and experienced to consider claims in respect of modern slavery. Victims of modern slavery should be facilitated to gain compensation from CICA on the basis that modern slavery is a violent crime.**

**As stated in the asset recovery section of this report, the Panel is convinced of the moral need for effective procedures to enable victims to gain access to compensation. The recommendation on how this might be achieved is detailed in that section.**

**Specialist training on modern slavery should be provided for CICA tribunal members. Improved policy guidelines should also be provided for lawyers to ensure for procedures that treat victims of modern slavery as vulnerable witnesses.**

## **6.4 Access to legal support**

As the Government reforms access to legal aid, the Panel have heard serious concerns that vulnerable victims of modern slavery will be denied this crucial means of support at the very moment they need it because they will not satisfy the new eligibility criteria. Though victims will be exempt from the proposed residency test, this exemption is based on a positive reasonable grounds decision from the NRM. As discussed above, the NRM system of identifying victims is fraught with challenges, making this criteria for legal aid extremely unsatisfactory.

**The Panel recommends that some form of legal support should be made available to victims of modern slavery at the point when they are identified by a First Responder and referred into the NRM in the first instance, and not only after they have received a reasonable grounds decision.**

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<sup>28</sup> International Justice Mission UK, in written evidence to the Panel

## 6.5 Improvements to the protection and support for children

The Panel has heard of numerous ways in which protection and support for children should be developed in the UK at a policy level. The Panel would also like to acknowledge the work of the Department for Education in developing the guidance on trafficked children, recognising the need for increased awareness and engagement at the frontline.

The most pressing areas for improvement to the protection and support for children are outlined below.

1. Improved accommodation options, including increased specialist fostering
2. Training for social workers to identify and respond to modern slavery
3. Monitoring by Ofsted of local authority response to trafficked children
4. Improved age assessment proceedings

### **I. Improved accommodation options, including increased specialist fostering.**

*“Nationally agreed safety standards and protocols on the accommodation of child victims of trafficking should be prioritised.”*

ECPAT UK, in written evidence to the Review

A recurring issue raised by witnesses has been the lack of safe accommodation for trafficked children.<sup>29</sup> Often trafficked children will be accommodated under Section 20 of the Children Act 1989, which does not give parental responsibility to the local authority and means that the risks the child faces are often not sufficiently recognised. They are therefore often placed in inappropriate accommodation.

*“Trafficked children can also often be placed in unsuitable and unsafe accommodation such as bed and breakfasts and mixed hostel accommodation.”*

Barnardo’s, in written evidence to the Review

Safe accommodation has in the past been described as ‘the big missing link’ in keeping child victims of modern slavery safe.<sup>30</sup> In light of this, the Panel recommends a significant increase in the availability of appropriate accommodation.

Safe accommodation should include specialist fosterers, in recognition that this will often be the safest and most appealing place for a child. Specially trained fosterers will be able to identify the risks in caring for a child who has been victimised in this way, but will also be able to provide a home environment to aid in the child’s recovery from their experience.<sup>31</sup>

The Government could consider increasing the number of specialist foster carers in each region of the UK, as part of a wider push to recruit more foster carers, which is needed to address the national shortage we have in the UK.

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<sup>29</sup> International Justice Mission UK, Love146, Stop the Traffik, in written evidence to the Panel

<sup>30</sup> Anonymous vulnerable children support worker, quoted in Centre for Social Justice, *It Happens Here: Equipping the United Kingdom to fight modern slavery*, London: CSJ, March 2013, p195

<sup>31</sup> Barnardo’s have run a pilot specialist foster programme which has seen positive outcomes for the young people involved.

Some witnesses have also recommended that a national safe accommodation database is established for social workers to find out the availability of accommodation. Secure accommodation should also be considered when it is in the child's best interests to keep them safe from those who have been exploiting them.

*“Everybody who is a victim of trafficking suffers. But children suffer more psychologically as they are more vulnerable. They need more support. Children should be placed in real families so they can know love and support. They can then grow up knowing there is another existence where people are not cruel.”*

Survivor, in written evidence to the Review

*“There are too few specially trained foster parents. Children placed with untrained foster parents go missing frequently and end up back with traffickers.”*

Andy Elvin, CEO, CFAB, in oral evidence to the Review

## **2. Training for social workers to identify and respond to modern slavery.**

In evidence to the Panel, several organisations have highlighted serious fears over the lack of knowledge and awareness among social workers on the subject of human trafficking and modern slavery. This should be rectified immediately by ensuring that modern slavery is placed on the curriculum for trainee social workers so that they are trained to identify indicators of modern slavery and are equipped to offer and signpost the appropriate support, including appropriate accommodation, counselling, support through any immigration issues or involvement with the police and help with returning home if this is in the child's best interests. There should also be training for qualified social workers. This could become part of their Continued Professional Development.

## **3. Monitoring by Ofsted of local authority response to trafficked children.**

The Panel is convinced that the accountability local authorities face for the way they respond to child victims of slavery must be radically enhanced. In order to improve this accountability and to raise the standard of response across the country, Ofsted should monitor local authority responses.<sup>32</sup> Particular focus should be given to the way in which local authorities protect children from going missing, which is important to prevent re-trafficking. Inspections should also include the activity of Local Safeguarding Children Boards (LSCBs) in responding to the issue.

*“Such monitoring should take note of the levels of training undertaken by social workers and social work managers, the approach taken to private fostering arrangements (identified as a key arena where trafficked children are not being identified) and the response to trafficked children who go missing from care.”*

CARE International, in written evidence to the Review

## **4. Improved age assessment proceedings.**

Several experts on child protection expressed concerns about the way in which age assessments are currently carried out. Child victims of slavery will very often be given false

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<sup>32</sup> CARE International, Love146, Stop the Traffik, in written evidence to the Panel

identity documents by those who seek to exploit them which will claim they are older than they actually are, therefore it is essential that these very vulnerable children are afforded the support measures they deserve and are treated as children.

*“Very little if any damage is done by temporarily treating an 18 or 19 year old as 17 year old and looking after them as a child victim of trafficking. Irreparable damage is highly likely to be done by treating a child as an adult.”*

Refugee Council, in written evidence to the Review

*“The benefit of the doubt is rarely given to young people, despite guidance stating that a young person’s age should only be disputed if it is seemingly clear that they are over 18 years of age.”*

Barnardo’s, in written evidence to the Review

**When there is an age dispute, the age given by the child victim of trafficking should take precedence until an age assessment can be carried out.<sup>33</sup>**

**No child should be denied access to services afforded children of similar ages until the result of an age assessment is verified.**

**The Children’s Commissioner for England also recommends the following amendments in order to improve the age assessment process:**

- **Amending Section 99(1) of the Children and Young Persons Act 1933 to clarify that ‘due inquiry’ includes referral to children’s social services for an age assessment to be conducted in line with case law requirements in civil law jurisdictions.**
- **Amending Section 150 of the Magistrates Court Act 1980 to ensure that the ‘deeming’ provisions in relation to age require the magistrate to obtain sufficient evidence of age, including a local authority age assessment to be conducted in line with case law requirements in civil law jurisdictions.**
- **Amending Section 1(6) of the Criminal Justice Act 1982 to ensure that the ‘deeming’ provisions in relation to age require the court or the Secretary of State to obtain sufficient evidence of age, including a local authority age assessment to be conducted in line with case law requirements in civil law jurisdictions.**

## **FOR POLICE**

### **6.6 Increased partnership between police and NGOs**

*“When victims are supported well, it makes our job an awful lot easier.”*

Detective Chief Inspector Nick Sumner, Metropolitan Police, in oral evidence to the Review

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<sup>33</sup> Supported by International Justice Mission UK and Office of the Children’s Commissioner, in written evidence to the Panel

A significant area for policy development is the partnership and interaction between police and NGOs.<sup>34</sup> Several examples of good work exist. In the South West the anti-slavery organisation Unseen works closely with police to brief officers on indicators of modern slavery before they are planning to enter a cannabis farm or brothel. In some cases Unseen will accompany the police on these visits to provide a non-authoritarian presence for vulnerable adults and children to speak to. The recent case of modern slavery in Lambeth also demonstrates excellent partnership between police and the Freedom Charity.

The willingness of the police to engage with NGOs is crucial. The Panel however has also heard from police representatives that any lack of information sharing by NGOs can undermine relationships which they wish to pursue. Trust is, of course, an essential tenet of good working relationships and it is incumbent upon both sides to recognise the priorities of each other. It is also important that the police are aware of the additional support that may be available for victims who are willing to engage with an investigation.<sup>35</sup> This is particularly relevant for those who have no leave to remain in the UK. For these individuals the police are able to apply for Discretionary Leave, but it is often the case that this is not applied for unless a support organisation requests it and follows it up.

**Police and NGOs should develop their partnerships in order to share their expertise and ensure that victims receive the best possible response. This should be overseen by each individual force's Police and Crime Commissioner.**

## **6.7 Increased emphasis on victimless prosecutions**

A recurring point raised by numerous witnesses was the need for prosecutions to be able to progress even without a victim who is willing to testify.<sup>36</sup> Recent developments in prosecuting perpetrators of domestic violence can be drawn on here. Former Director of Public Prosecutions, Keir Starmer, called for police to start '*focussing their energies on gathering other forms of evidence (rather than relying on victim testimony)*'.<sup>37</sup>

An over-reliance on victim testimony in cases of modern slavery can put the prosecution at risk, particularly given that the individual will often be severely traumatised and incredibly frightened which can mean in some cases that the victim will not proceed with the prosecution. Recently the CPS has recognised this and in its guidance states that '*As long as there is evidence which proves all the elements of the offence without the need for the victim to make a complaint (for example, electronic surveillance, monitoring of bank accounts and recovery of documentary exhibits) the CPS can still proceed to a prosecution for human trafficking*'.<sup>38</sup>

**Police should be tasked to bring lessons from the approach to domestic violence to cases involving modern slavery, moving away from the perceived necessity of victim testimony and instead also focussing on other forms of evidence.**

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<sup>34</sup> International Justice Mission UK, in written evidence to the Panel

<sup>35</sup> Detective Inspector Kevin Hyland, in oral evidence to the Panel

<sup>36</sup> Office of the Children's Commissioner, in written evidence to the Panel

<sup>37</sup> Centre for Social Justice, *Beyond Violence: breaking cycles of domestic abuse*, London: CSJ July 2012

<sup>38</sup> Inter-Departmental Ministerial Group on Human Trafficking, *First annual report of the IDMG*, London: Home Office, October 2012

## 6.8 Increased policing priority

*“Human trafficking and modern slavery are on the National Crime Agency control strategy as a tier one, highest level threat. Our responsibility thereafter is to ensure that all of law enforcement across the whole of the UK are aware of that and prioritise accordingly.”*

Gordon Meldrum, Director of Organised Crime, National Crime Agency, in oral evidence to the Review

The Panel heard evidence on the need for modern slavery to become an increased priority for all police forces. The role of Police and Crime Commissioners (PCC) is crucial in setting the agenda for forces to tackle this crime. All PCCs should be aware of the problem of modern slavery and be active in developing a localised response. The Home Secretary has stated that tackling modern slavery should be a national policing priority, and this must filter down to the regional and local levels. The organisation Victim Support suggested that PCCs organise activities to raise awareness in local communities and give profile to the work of local NGOs.

The Panel welcomes the embedding of a senior National Crime Agency officer from the Organised Crime Command in all ten regional organised crime units, as a positive step forward in improving information-sharing between the NCA and police forces.<sup>39</sup>

At present, some forces remain unaware of the issue of modern slavery, and are ill-equipped to deal effectively with this crime. Furthermore there is a particular concern that while police may be more familiar with the issue of trafficking for sexual exploitation, other forms of non-sexual exploitation are not duly recognised.

Some witnesses suggested an increase in the number of specialist units across the country, in order to spread knowledge and experience in the operational and strategic challenges when tackling this form of crime. There was universal agreement amongst all witnesses that at the very least standardised training in the basic awareness of the crime is essential.

*“Better training for the police to be able to recognise what is going on and to be able to more sensitively handle it would be ideal.”*

Survivor, in oral evidence to the Review

**The Panel strongly believes that it is essential that modern slavery and human trafficking becomes a higher policing priority for forces across the country.**

**All police should be taught about the issue of modern slavery, how to identify and investigate it, through training by the College of Policing.**

**There should be a named single point of contact in every police force, whose responsibility it is to be up to date with the latest developments in how to tackle modern slavery, and share information with other forces and the NCA.**

**Specialist units embedded in an increased number of police forces should be considered.**

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<sup>39</sup> Gordon Meldrum, Director of Organised Crime, National Crime Agency, in oral evidence to the Review

## FOR PRACTITIONERS AND THE PUBLIC

### 6.9 Training in the UK

The training of frontline professionals was a recurring theme during the course of the Panel's evidence gathering.<sup>40</sup> The Panel heard that, despite excellent efforts from some individuals and organisations, training for frontline staff including police, social workers, asylum caseworkers, NHS staff and others who may come into contact with victims of modern slavery is inconsistent, of variable quality and unmonitored. There is a great need for frontline practitioners to be trained in how to identify potential victims and ensure they access appropriate support.

One suggestion heard by the Panel is that this training should become part of Continued Professional Development (CPD) schemes in order to encourage engagement with the subject at a more sustainable and widespread level.<sup>41</sup> Specifically, it has also been recommended to the Panel that First Responders are trained in order to improve the consistency of referrals to the NRM.<sup>42</sup>

*“Training is urgently needed on how front line staff should think differently when confronted with a child who has been forced to commit crimes.”*

Croydon Community Against Trafficking, in written evidence to the Review

**It is the recommendation of the Panel that the Anti-Slavery Commissioner oversees and helps to standardise the training materials used to train frontline professionals. It is crucial that knowledge is shared and developed in a consistent way.**

### 6.10 Training and prevention in source countries

Given that a significant majority of known cases of modern slavery involve people from outside of the UK, there is a strong argument to suggest that prevention work in source countries is increased. The funding of prevention projects by the Department for International Development is a suggested means of doing this.<sup>43</sup> Focus should be on raising awareness of the risks of modern slavery. Particular efforts should be made to increase the availability of information at embassies and visa offices for domestic workers regarding employment rights.<sup>44</sup> The Metropolitan Police Service should increase its partnership work with police forces in source countries. For example, in late 2013 senior police officers from Nigeria will visit the UK to learn from the expertise of the Metropolitan Police Service's human trafficking unit.<sup>45</sup> More such exchanges should be planned in the future, once this visit has been evaluated.

*“All my friends at home are going to other countries. I had not heard of trafficking before I came to the UK. I was shocked at what happened to me. We need information in other countries, on TV,*

<sup>40</sup> AFRUCA, City Hearts, International Justice Mission UK, CARE International, Love146, Refugee Council and CCAT, in written evidence to the Panel, November 2013

<sup>41</sup> Stop the Traffik and CSG TARA in written evidence to the Panel, 8 November 2013

<sup>42</sup> The Salvation Army, in written evidence to the Panel, 5 November 2013

<sup>43</sup> Dalit Freedom Network, in written evidence to the Panel

<sup>44</sup> Josephine Butler Society, in written evidence to the Panel

<sup>45</sup> DCI Nick Sumner, in oral evidence to the Panel



*radio and the internet to inform people who are interested in travelling abroad of the risks. Also they need to be given a contact number or where to go, just in case; where to go if you are in a foreign country, with no ID and can't speak the language."*

Survivor, in written evidence to the Review

**Improved prevention work and the development of anti-trafficking programmes in source countries should be developed by the Department for International Development, in partnership with organisations with experience working with adult and child survivors of modern slavery.**

## **6.11 National awareness-raising**

Awareness-raising activities among public, government, businesses, public services, community and faith organisations are crucial to the UK's efforts to tackle modern slavery.<sup>46</sup> As the recent case in South Lambeth has illustrated, modern slavery can take place just metres from our doorstep. Alerting the public to the existence of this crime is essential, in order to improve detection rates, since vital information and intelligence can be held in local communities.

**The Panel recommends a nationally coordinated awareness-raising campaign, using television advertising that draws on the expertise of NGOs working on this issue.<sup>47</sup>**

Just as the combination of legislation and a public campaign to curb drink driving saw great success in alerting the public to the dangers of driving under the influence of alcohol, and caused behaviour change, so modern slavery should be brought to the attention of the public through the combined impact of the new Modern Slavery Bill and a strategic campaign to raise awareness. The work of organisations such as Stop the Traffik in raising the profile of the issue at a community level is an excellent example of the important work that must be done to alert communities to the risks.

Schools are one particular area that would benefit from education and awareness-raising on this issue.<sup>48</sup> In evidence to the Panel, Welsh Anti-Trafficking Coordinator Steve Chapman explained the importance of his work with police liaison officers, who play an important part in raising awareness in schools.<sup>49</sup>

## **6.12 Increase the number of regional, multi-agency networks**

The Panel received evidence to suggest that there is extensive value in developing regional forums to share information and expertise among frontline agencies.<sup>50</sup>

The first network established in the UK was located in the West Midlands and run by a former Chief Superintendent. The 'RAT Network' brings together on an equal footing the

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<sup>46</sup> Dalit Freedom Network, Finance Against Trafficking and Refugee Action in written evidence to the Panel

<sup>47</sup> Victim Support, in written evidence to the Panel

<sup>48</sup> Dalit Freedom Network, FPWP Hibiscus and Just Enough UK, in written evidence to the Panel

<sup>49</sup> Steve Chapman, Welsh Anti-Trafficking Coordinator, in oral evidence to the Panel

<sup>50</sup> Victim Support, in written evidence to the Panel

churches, the police, the probation service, social workers, the immigration service, NGOs and voluntary organisations. It meets monthly to share good practice and has now been working successfully for two years. It shines a beacon for change in the region for others to follow. Such as a new initiative which has just been set up in East Anglia, which mirrors the West Midlands model.

In Wales, the Gwent Consultation Group brings together the organisations and agencies which may encounter modern slavery and would benefit from an increased awareness and knowledge. A similar model works well in the South West, where agencies who would not normally share information are brought together by Bristol City Council, Avon and Somerset Police and Unseen, an anti-slavery charity, to learn from each other's experience and expertise. This gathering of professionals including health visitors, sexual assault referral clinics, GPs, social workers, police officers, border authority staff and NGOs has led to the development of joint procedures for responding to cases. These forums will often lead to a better understanding of the role each agency should take in tackling this crime. A similar network has also been established in the West Midlands.

*“Collaborative working is key to successful prosecution of these crimes and was recently evidenced in the multi-agency working around Operation Wanderer which has been acknowledged as a model of best practice for future operations.”*

Andrew Wallis, CEO of Unseen

**The Panel recommends increasing the number of regional networks in recognition of the valuable information sharing and partnership working that develops through these forums. The Anti-Slavery Commissioner should oversee these networks, identify examples of best practice and develop a funding plan to replicate these practices in networks around the country.**

## **MODERN SLAVERY IN INTERNATIONAL DEVELOPMENT**

### **6.13 Post-2015 development goal**

**The Panel agrees with the Anti-Trafficking Monitoring Group that slavery eradication should be made a Post-2015 Development Goal. In order to work towards achieving this, the Panel recommends that in addition to its prevention work, the Department for International Development adopts a policy of requiring its funded operational programmes to directly address the challenges of modern slavery in the countries where it works.**

## **7. CONCLUSION**

The Modern Slavery Bill presents a unique opportunity for the UK to step up its efforts in the fight against this evil crime.

This report has put forward a number of legislative recommendations, which the Panel hopes will be adopted in the new Modern Slavery Bill, and a wider set of policy proposals, which the Government will scrutinise and consider implementing as part of its recently announced Action Plan, as well as through the Home Office's NRM reform review.

At each stage of the Review's work the Panel has been focused on measures that will ensure we are much tougher on the criminals behind modern slavery whilst at the same time providing better care and support to their victims.

The Panel is in agreement that a range of tougher measures should be used against criminals, but that in order to significantly increase the number of successful prosecutions, which is a crucial objective, better care and support for victims must be provided so that they can feel safe and secure to be able to come forward and give evidence.

At the very beginning of the process the Panel set out to establish Britain as a world leader in the fight against modern slavery. The package of reforms in this report offer the opportunity to achieve just that.

## **APPENDIX: List of witnesses**

### **Survivors of slavery**

We would like to express particular gratitude to the many survivors of modern slavery who came to give evidence to the Panel.

### **Oral Evidence**

#### **Organisations**

Africans Unite Against Child Abuse (AFRUCA) – Debbie Ariyo, Founder and Chief Executive  
Anti-Slavery International – Dr Aidan McQuade, Director  
Anti-Slavery International – Klara Skrivankova, Trafficking Programme Coordinator  
Anti-Trafficking Monitoring Group (ATMG) – Vicky Brotherton, Researcher and Coordinator  
Bedfordshire Police – Detective Chief Inspector David Cestaro  
Black Association of Women Step Out (BAWSO) – Dr Mwenya Chimba, Director  
Children and Families Across Borders (CFAB) – Andy Elvin, Chief Executive  
The Children’s Society – Ilona Pinter, Policy Advisor, Asylum and Immigration  
Counter Human Trafficking Bureau (CHTB) – Philip Ishola, Director  
Crown Prosecution Service (CPS) – Pam Bowen, Senior Policy Advisor  
Croydon Community Against Trafficking (CCAT) – Peter Cox  
End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes UK (ECPAT UK) – Ryan Mahan, Information Officer  
ECPAT UK – Chloe Setter, Head of Advocacy, Policy and Campaigns  
Environmental Justice Foundation – Max Schmid  
Environmental Justice Foundation – Steve Trent, Executive Director  
Focus on Labour Exploitation (FLEX) – Claire Falconer, Legal Director  
Focus on Labour Exploitation (FLEX) – Roger Plant, Trustee and Advisor  
Forced Labour Monitoring Group – Dr Alex Balch  
Forced Labour Monitoring Group – Dr Sam Scott, Coordinator  
Gangmasters Licensing Authority (GLA) – Paul Broadbent, Chief Executive  
Greater London Authority – Andrew Boff AM, London Assembly Member  
Greater London Authority – *Tamara Barnett*, Senior Researcher, Safety, Crime and Policing, *London Assembly Conservative Group*  
Helen Bamber Foundation – TJ Birdi, Executive Director  
Helen Bamber Foundation – Professor Cornelius Katona, Medical Director  
Helen Bamber Foundation – David Rhys-Jones, Policy Advisor  
Immigration Advisory Service – Kalvir Kaur, Solicitor  
International Chamber of Commerce UK – Andrew Wilson, Director of Policy  
International Organisation for Migration (IOM) – Clarissa Azkoul, Chief of Mission  
IOM – Irina Todorova, Counter-Trafficking Specialist  
Joseph Rowntree Foundation – Dr Emma Stone, Director of Policy and Research  
Kalayaan – Marissa Begonia  
Kalayaan – Catherine Kenny  
Kalayaan – Kate Roberts, Community Advocate  
Kent Police – Detective Inspector Keith Roberts  
Merton Council Social Services – Stuart Barker  
Metropolitan Police Human Trafficking Unit – Detective Inspector Kevin Hyland  
Metropolitan Police Human Trafficking Unit – Detective Chief Inspector Nick Sumner  
National Crime Agency – Gordon Meldrum, Director, Organised Crime Command  
National Crime Agency – Liam Vernon, Head, Human Trafficking Centre  
Office of The Children’s Commissioner for England – Sally Ireland, Principal Policy Advisor (Children’s Rights)  
Office of the National Rapporteur for Trafficking in Human Beings, Finland – Dr Venla Roth, Senior Officer

Organisation for Security and Co-operation in Europe (OSCE) – Dr Maria Grazia Giammarinaro, Special Representative and Coordinator for Combating Trafficking in Human Beings  
Poppy Project – Dorcas Erskine, National Coordinator  
Poppy Project – Sally Montier, Training and Capacity Building Officer  
Refugee Council – Helen Johnson, Operations Manager, Children’s Section  
Salvation Army – Major Anne Read, Anti-Trafficking Response Coordinator  
The Sophie Hayes Foundation – Sophie Hayes, Founder  
South Yorkshire Police – Detective Chief Inspector David Powell  
Tesco – Giles Bolton, Ethical Trade Director  
Trafficking Awareness Raising Alliance (TARA) – Bronagh Andrews, Assistant Operations Manager  
United States Department of State – Luis CdeBaca, Ambassador-at-Large, Office to Monitor and Combat Trafficking in Persons  
Unseen – Kate Garbers, Project Director  
Virgin Unite – Diane Osgood, Director, Business Action  
Welsh Government – Stephen Chapman, Anti-Human Trafficking Coordinator for Wales

### **Individuals**

Professor Kevin Bales, *Professor of Contemporary Slavery*, Wilberforce Institute for the Study of Slavery and Emancipation  
Sue Berelowitz, Deputy Children’s Commissioner for England  
Michelle Brewer, Barrister, Garden Court Chambers  
Parosha Chandran, Barrister and Expert Consultant by the OSCE Special Representative on Combating Trafficking in Human Beings  
Dr Kathryn Cronin, Barrister, Garden Court Chambers  
Corinne Dettmeijer-Vermeulen, Dutch National Rapporteur on Trafficking in Human Beings  
Hugh Davies OBE QC  
Dr Elly Farmer, Clinical Psychologist  
Nadine Finch, Barrister, Garden Court Chambers  
Zahava Gal-On, Chair, Meretz Party, Knesset, Israel  
The Baroness Goudie  
Clifford Grieve, Superintendent (Retired), Kent Police  
Tatiana Jardan, Project Development Coordinator, Human Trafficking Foundation  
Superintendent Rubi Kayam, Anti-Trafficking Lead, National Police, Israel  
Tony Lloyd, Police and Crime Commissioner for Greater Manchester  
Shu Shin Luh, Barrister, Garden Court Chambers  
Fiona Mactaggart MP, Chair, All-Party Parliamentary Group on Human Trafficking  
Jenny Marra MSP, Member of the Scottish Parliament for North East Scotland, Lead Member on the Scottish Human Trafficking Bill  
Graham O’Neill, Lead Researcher, Anti-Trafficking Monitoring Group in Scotland  
Alison Saunders, Director of Public Prosecutions (DPP)  
Dr Merav Shmueli, Senior Assistant to the Anti-Trafficking National Coordinator, Minister of Justice, Israel

### **Written Evidence**

#### **Organisations**

Advantage Europe Ltd.  
Africans Unite Against Child Abuse (AFRUCA)  
Aldi  
Anti-Slavery International  
Anti-Trafficking and Labour Exploitation Unit – Juliette Nash, Co-founder  
Anti-Trafficking Monitoring Group (ATMG)  
Ashiana Sheffield  
Association of Chief Police Officers (ACPO) – Chief Constable Shaun Sawyer, National Policing Lead for Migration and Related Matters  
Barnardo’s

Black Association of Women Step Out (BAWSO)  
CARE International  
Children and Families Across Borders (CFAB)  
City Hearts  
Contemporary Slavery Centre  
Council of Europe Convention on Action against Trafficking in Human Beings (GRETA) – Petya Nestorova, Executive Secretary  
Croydon Community Against Trafficking  
Dalit Freedom Network  
Devon and Cornwall Police  
East Midlands Strategic Migration Partnership  
Ecumenical Council for Corporate Responsibility  
End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes UK (ECPAT UK)  
Environmental Justice Foundation  
Ethical Trading Initiative  
Finance Against Trafficking  
Focus on Labour Exploitation (FLEX) – Roger Plant, Trustee and Advisor  
Forced Labour Monitoring Group  
Gangmasters Licensing Authority (GLA)  
Helen Bamber Foundation  
Hibiscus Foundation – Olga Heaven, Founding Director  
Home Office, Scotland and Northern Ireland Immigration Enforcement  
Hope for Justice  
International Justice Mission UK  
International Organisation for Migration (IOM)  
Joseph Rowntree Foundation  
Josephine Butler Society  
Just Enough UK  
Kalayaan  
Keele University, School of Law  
Kent County Council Children’s Services  
Kent Police  
Lidl  
Love 146 Europe  
Metropolitan Police Human Trafficking Unit  
National Ugly Mugs Scheme  
National Working Group Network  
Queen’s University Belfast, School of Law  
Refugee Action  
Refugee Council  
Sainsbury’s  
Salvation Army  
Stop the Traffik  
Trafficking Awareness Raising Alliance (TARA)  
United States Department of State – Luis CdeBaca, Ambassador-at-Large, Office to Monitor and Combat Trafficking in Persons  
Verite  
Victim Support  
Virgin Unite  
Waitrose – John Gregson, Senior Manager, Communications and Public Affairs  
Welsh Government – Stephen Chapman, Anti-Human Trafficking Coordinator for Wales  
Wilberforce Institute for the Study of Slavery and Emancipation

**Individuals**

Dr Maggie Atkinson, The Children's Commissioner for England

Parosha Chandran, Barrister and Expert Consultant by the OSCE Special Representative on Combating Trafficking in Human Beings

The Baroness Doucey OBE

His Honour Judge Edmonds

Nadine Finch, Barrister, Garden Court Chambers

The Baroness Goudie

Gillie Jenkinson, Psychotherapy and PhD student

Dr Alexandra Stein, Associate Lecturer, Department of Psychological Sciences

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