

# Tackling the blind spot of the UK anti-slavery regime

The role and responsibility of prisons in securing  
the rights of modern slavery survivors

## Research Summary

November 2023

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This is a summary of the report: *Tackling the blind spot of the UK anti-slavery regime: the role and responsibility of prisons in securing the rights of modern slavery survivors*, based on research conducted by the University of Essex and the International Organization for Migration (IOM) in the UK in partnership with Hibiscus Initiatives. The project was funded through an open call for proposals by the Modern Slavery and Human Rights Policy and Evidence Centre (Modern Slavery PEC), which in turn is funded and supported by the UK Arts and Humanities Research Council (AHRC). The full report can be accessed on the Modern Slavery PEC website at [modernslaverypec.org/resources/modern-slavery-uk-prisons](https://modernslaverypec.org/resources/modern-slavery-uk-prisons)

The Modern Slavery PEC has actively supported the production of this Research Summary. However, the views expressed in this summary and the full report are those of the authors and not necessarily of the Modern Slavery PEC.

## Key findings

1. Although no statistics are consistently collected and analysed on the number of survivors of modern slavery in UK adult prisons, there is a high likelihood of unidentified survivors of modern slavery currently being imprisoned across the UK.
2. Challenges to the identification of modern slavery survivors in prisons in practice include: barriers to disclosure in prison; an apparent lack of systematic information-sharing between prisons and the designated Home Office Competent Authorities; and prison staff not being authorised to act as First Responders. These noted challenges often appeared to be further compounded by a need for more training and awareness raising for both prison staff and potential survivors of modern slavery in prison.
3. Both survivors formally identified through the National Referral Mechanism (NRM) as well as those potential survivors whom prison staff have reasonable grounds to believe to be victims of modern slavery, are entitled to support in line with Articles 10 and 12 of the Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT) and Article 4 of the European Convention on Human Rights (ECHR). However, even when adult survivors of modern slavery in prisons are identified through the NRM, a lack of specialised support is reported. The research findings highlight unmet needs for appropriate accommodation and specialist mental health support in prisons. Adequate and coordinated support with different actors is also found to be crucial in order to prevent re-trafficking of modern slavery survivors both in prison and following their release. Furthermore, once survivors are bailed or released, awareness of rights and entitlements is key to ensuring that specialist support can be quickly accessed.
4. The research found several examples of good practice in the identification and support of survivors of modern slavery, but they were often described as ad hoc and dependent on individual commitment and effort rather than systematic institutionalised practice.

## Background

*“I was scared when he was arrested because he knew that I had my sister and my niece here, and he was also from the same village, he knew my family back home as well (...) and also they gave me a solicitor who never went through my case, she just said you have to be quick because I have to see another client, and my only fear was not to go back. And she said to claim guilty because my ex-boyfriend that had done that to me, he said he didn’t do it, and I said he didn’t do it, I said I did it myself. But I had hoped that the police (...) because you know, my back was full of scars, you know, I couldn’t have done that to myself. So they closed the case, they didn’t investigate any further, and they charged me with perverting the course of justice. And I ended up in prison.”*

Survivor Interview

Little is known about what happens when individuals who have experienced modern slavery end up in prisons, and whether and how international and domestic rules designed to protect and support survivors of modern slavery apply behind prison walls.

Modern slavery survivors may end up in prison for several reasons. Sometimes, individuals are trafficked with the sole purpose of being compelled to engage in criminal offences, such as shoplifting, cannabis cultivation, or drug trafficking. Individuals who were compelled to commit crimes may benefit from the non-punishment principle enshrined in several international treaties as well as the UK Modern Slavery Act 2015, although it must be noted that this principle does not provide a complete immunity from prosecution and punishment, including imprisonment. In other cases, there may be no nexus between one’s experience of modern slavery and the offending which resulted in their imprisonment, meaning that their imprisonment may be warranted.

*“I mean, if they ended up in prison, for [one] reason or another, it means that they weren’t supported, because I think that’s the quickest way (...) it’s the quickest way to put us into prison rather than supporting us.”*

Survivor Interview

Whether or not the imprisonment of survivors of modern slavery is justified in the first place, international instruments that contain obligations of states to protect victims of human trafficking – most notably, the European Convention on Human Rights (ECHR) and the Council of Europe Convention Against Trafficking in Human Beings (ECAT) – do not offer a basis for excluding from such protection individuals

who have committed criminal offences. On the contrary, international law requires that every victim of human trafficking is identified and offered support and protection without discrimination on any grounds. Accordingly, prisons, like all other public authorities, are duty bound to identify and support victims of modern slavery.

In the UK, the policy on victim identification accompanying the UK Modern Slavery Act 2015 ('Statutory Guidance')<sup>1</sup> stipulates that prisons 'have responsibility for identifying and supporting survivors of modern slavery and for raising awareness of the issue amongst prisoners/individuals in detention and staff'. Until 2022, there has been no guidance to allow operationalisation of this responsibility, and even after such guidance has been issued for England and Wales by His Majesty's Prison and Probation Service (HMPPS) ('HMPPS Modern Slavery Guidance')<sup>2</sup>, there has been little evidence from practice to demonstrate that this duty has been duly discharged. Accordingly, there is currently no knowledge of how the existing mechanism for victim identification and protection operates in prisons in the UK.

This research is therefore the first attempt to collect empirical evidence on the experiences of adult modern slavery survivors in prisons. It marks the first opportunity to evaluate whether and how the recent HMPPS Modern Slavery Guidance – a globally pioneering effort to incorporate the issue of modern slavery into the prison governance framework in a comprehensive and systematic way – has contributed, or has a capacity to contribute, to their treatment in line with international human rights standards binding on the UK. This research has been approved by the HMPPS National Research Committee and will be used to inform future comprehensive guidance issued by HMPPS.

The relevance of this work extends beyond the UK. Namely, despite the fact that international obligations towards victims of modern slavery and human trafficking bind all public authorities, there has been a dearth of guidance at the international level to elucidate the role and responsibility of prisons in discharging these obligations. Furthermore, only a handful of jurisdictions contain a reference to the issue of modern slavery in prisons, albeit in a cursory manner. Notably, in June 2023, the Council of Europe's expert body in charge of monitoring compliance with the ECAT (GRETA) adopted a new questionnaire for State Parties, which includes for the first-time direct reference to identification of modern slavery survivors in prison. It remains to be seen the extent to which GRETA's reports will offer guidance to States on developing the role of prisons in tackling modern slavery. Accordingly, the findings of this research could shape not just further iterations of the HMPPS Modern Slavery Guidance and the development of similar policy in Scotland and Northern Ireland, but also has a potential to inform developments on an international level and in other jurisdictions.

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1. UK Home Office, Modern Slavery: Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and non-statutory guidance for Scotland and Northern Ireland, Version 3.5, updated 9 October 2023.

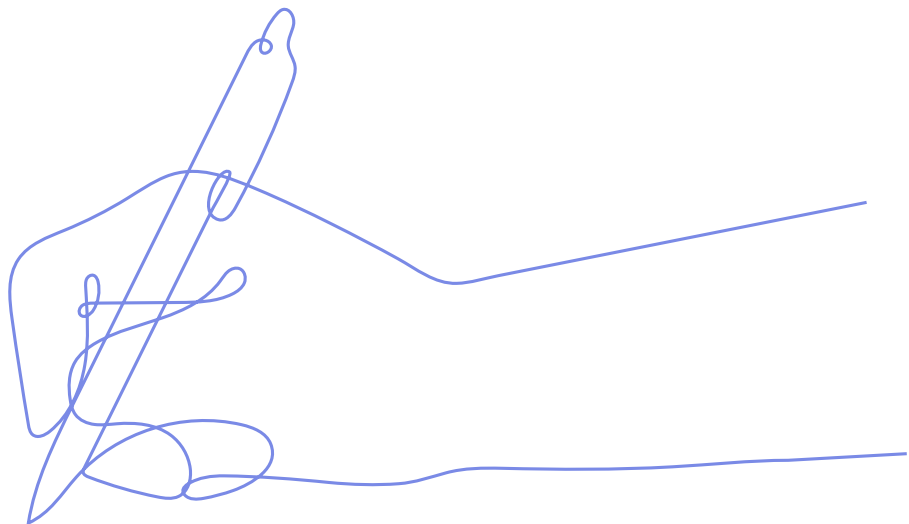
2. The HMPPS Modern Slavery Guidance was circulated to the staff in October 2022 and made public in January 2023. See HMPPS, 'Modern Slavery Guidance' (2023) <https://www.gov.uk/government/publications/modern-slavery-guidance>.

## Methodology

The research consisted of a mixed methods approach combining a comprehensive desktop review of academic literature, reports of international organisations and non-governmental organisations (NGOs), and a doctrinal analysis of relevant domestic and international legislation and policy, with the findings from empirical data collected. The empirical component consisted of 46 semi-structured interviews with research participants representing different stakeholder groups, which comprised: NGOs/support organisations, HMPPS including Modern Slavery Single Points of Contact (SPOCs), the Northern Ireland Prison Service (NIPS), the Scottish Prison Service (SPS), His Majesty's Inspectorate for Prisons (HMIP), Welsh government, solicitors, police officers, and other experts.

In addition, 8 interviews and one focus group discussion were conducted with adult survivors of modern slavery who had been in prison in the UK in the past (no survivors were interviewed while serving a prison sentence). To complement the findings from stakeholder and survivor interviews, a survey was shared with all SPOCs in prisons in England and Wales introduced following the adoption of the HMPPS Modern Slavery Guidance. Of the 117 SPOCs, 50 completed the survey.

It should be noted that although efforts were undertaken to ensure a variety of stakeholders with different perspectives were included, findings emerging from the empirical research are qualitative and should be understood as indicative in nature. Furthermore, this research project focused only on adult survivors of modern slavery, as such it did not capture the experiences of those under 18 years of age and did not include youth offender institutions.



## Findings

1. Although no statistics are consistently collected and analysed on the number of survivors of modern slavery in UK adult prisons, there is a high likelihood of unidentified survivors of modern slavery currently being imprisoned across the UK.

No official data is routinely collected and published on the number of modern slavery survivors in UK prisons. Published National Referral Mechanism (NRM) statistics record the number of referred cases involving criminal exploitation, but no data is collected on the number of people who have made use of the statutory defence<sup>3</sup> intended to give effect to the non-punishment principle,<sup>4</sup> or case outcomes based on that defence.<sup>5</sup> There have been numerous legal challenges to the application of the non-punishment principle involving survivors of modern slavery who have been imprisoned for crimes they were forced to commit as part of their experience of modern slavery. These indicate that imprisonment of modern slavery survivors is not an isolated incident. However, barriers to identification of people with lived experience of modern slavery in prisons (see key finding 2) and an apparent lack of systematic and streamlined information-sharing point to a significant likelihood of underreporting and suggest that the true scale of the issue is likely larger than known.

*“I’ve probably [seen over] a hundred over the last few years and it’s increasing exponentially. I think it’s really hard to identify the full scale of the problem and so many victims are not being identified as victims. They’re serving criminal sentences and being treated as criminal, as offenders.”*

Interview with Forensic Psychologist, England

More than one-third of Modern Slavery SPOCs – the role introduced in 117 prisons in England and Wales by the HMPPS Modern Slavery Guidance in 2022 – surveyed in this research (18/50), had direct knowledge of at least one prisoner in their prison having been referred to the NRM, either before entering or while in prison.

Two thirds of surveyed SPOCs (33/50) reported a perceived likelihood of greater than 3 out of 5 that there were unidentified survivors of modern slavery present in their prison. Those SPOCs who received more training and capacity development reported a higher likelihood of unidentified survivors being present in the prison. For those referrals that took place prior to an individual entering prison, there seemed to be no systematic approach towards this information being communicated to the prison.

3. Section 45 of the Modern Slavery Act, Section 22 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, and Section 8 of the Human Trafficking and Exploitation (Scotland) Act 2015.

4. For a comprehensive discussion of this principle see Marija Jovanović and Maayan Niezna, ‘Non-Punishment of Victims/Survivors of Human Trafficking in Practice: A Case Study of the United Kingdom’ (Council of Europe 2023).

5. The Home Office acknowledged this evidence gap and has ‘committed to continuing to work with criminal justice partners to explore how data on the use of section 45 can be captured, to better understand its effectiveness. See Communication from the United Kingdom concerning the case of V.C.L. and A.N. v. the United Kingdom (Application No. 77587/12) Action Plan (10/03/2023).

2. Challenges to the identification of modern slavery survivors in prisons in practice include: barriers to disclosure in prison; an apparent lack of systematic information-sharing between prisons and the designated Home Office Competent Authorities; and prison staff not being authorised to act as First Responders. These noted challenges often appeared to be further compounded by a need for more training and awareness raising for both prison staff and potential survivors of modern slavery in prison.

Prison staff sometimes do not have sufficient awareness about modern slavery to identify someone as a potential victim of modern slavery, owing to a lack of training, resources and capacity, and may not be aware of the barriers for survivors to disclose information within prisons. Survivors also discussed the lack of opportunities for disclosure of modern slavery experiences, and support organisations highlighted a lack of safe or private environment as barriers to disclosure in prisons. SPOCs interviewed described staff directly asking whether a person considers themselves a victim of modern slavery, a line of questioning perceived by a survivor in the study as both triggering and assuming a knowledge of what the term constitutes, which often is not the case.

Survivors interviewed for this study noted that previous negative experiences with authorities, and a perception that they would be met with disbelief and distrust, represented a significant barrier for disclosure. Prison staff also described a lack of mutual trust.

*“[W]hen I was inside no one wanted to listen, for so long no one wanted to listen, for so many years I was too scared to talk.”*

Survivor interview

Increased awareness among survivors of their rights and the support to which they were entitled was also perceived by several stakeholders as being instrumental to their ability to access support. However, a lack of such knowledge about their rights and entitlements was noted by some survivors indicating a need for increasing awareness raising efforts.

*“I had no idea if I had any right (...) I never came across about human rights or law, I just thought they just don't exist. And you come from experience when you're not used to be heard, you know, you're not used to be treated well, so you don't even ask for anything because you just think you aren't entitled to that.”*

Survivor Interview

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As prisons are not designated as First Responder Organisations (FRO) to make NRM referrals, they rely on other organisations to make such a referral, typically the police or an NGO. However, there can be challenges with this, such as FRO capacity, limited opportunities to meet face-to-face or in a private space, as well as prison visiting time constraints. These challenges risk causing delayed referrals. This in turn leads to delays in survivors of modern slavery being identified and accessing support. Delayed referrals can also have profound consequences for prisoners who are on remand, where an NRM decision could be an important factor in their ability to benefit from the non-punishment provision.

*One SPOC described a lengthy delay in getting a prisoner referred to the NRM and acknowledged that “there would have been a decision by now (...) he’s on remand for a drug offence (...) this decision possibly could be used towards his court case”.*

Interview with HMPPS SPOC, England

The research revealed that prisons are often not informed by the Home Office Competent Authorities (who make NRM decisions) that a prisoner has been assessed as a potential (initial decision in a two-stage decision-making process) or confirmed victim through the NRM. SPOCs acknowledged that they often did not have any information which details that a new prisoner had been referred to the NRM or what decision outcomes they may have received. This is in stark contrast with usual practices for information sharing with HMPPS for other safeguarding issues for new prisoners.

*“[W]e would know if someone was a care leaver, we would know if someone was self-harming, well, well before they come in (...) if they’ve been seen by mental health, if they’ve got issues, or if they need outside agency support. We would have all of that. But at the moment when they’re coming into us, we don’t have that information that they are a modern-day slavery person.”*

Interview with HMPPS SPOC, England

Practitioners involved in the study including police, NGO workers, and solicitors, described how survivors they work with sometimes have little awareness about the NRM or that they had been referred in.

*A solicitor with experience of supporting survivors of modern slavery in prison who had been referred to the NRM described how “a lot of the time we will be the first people to tell them about the existence of the NRM”.*

Interview with a Solicitor, England



3. Both survivors formally identified through the NRM as well as those potential survivors whom prison staff have reasonable grounds to believe to be victims of modern slavery are entitled to support in line with Articles 10 and 12 ECAT and Article 4 ECHR. However, even when adult survivors of modern slavery in prisons are identified through the NRM, a lack of specialised support is reported, especially specialist mental health support, as well as appropriate accommodation. Adequate and coordinated support with different actors is also found to be crucial in order to prevent re-trafficking of modern slavery survivors both in prison and following their release. Furthermore, once survivors are bailed or released, awareness of rights and entitlements is key to ensuring that specialist support can be quickly accessed.

Existing literature on the mental health of prisoners and empirical data collected in this research indicate that prisons are a difficult environment for an individual to recover from the trauma caused by the experience of modern slavery, including because prisons replicate the dynamic of unfreedom.

Potential or confirmed survivors of modern slavery in prisons in the UK cannot receive the support services delivered to adults through the Modern Slavery Victim Care Contract (MSVCC) in England and Wales (and equivalents in Scotland and Northern Ireland),<sup>6</sup> which is managed by the Salvation Army and its sub-contractors. Instead, modern slavery survivors in prison are meant to receive support through *existing* services available in prisons. Some SPOCs therefore indicated that even with confirmed victim status, survivors of modern slavery would not be treated differently from the wider prison population. Research participants however noted that available support was dependent upon services provided within particular prisons, which may vary considerably. Concerns about the capacity of prisons in England and Wales to respond to the needs of the wider prison population have recently been highlighted by the Assistant General Secretary of the Prisoner Officers Association.<sup>7</sup>

Study participants often considered services available within prisons as inadequate to respond to complex needs of modern slavery survivors.

*A statement by a SPOC casts doubt about the capacity of prisons to provide the kind of support and assistance required by the ECAT: “we literally are delivering a very basic regime where prisoners are getting showers, exercise and going to work if they can (...) there’s no other time out of their cell for them, so the interactions with staff and prisoners is very limited, because our regime is so limited”.*

**Interview with HMPPS SPOC, England**

6. This includes accommodation, material assistance, financial support, translation and interpretation services, information and advice, as well as to access to legal aid for immigration advice, medical care and counselling, and assistance to return to their home country if not a UK national.

7. Lizzie Dearden, ‘Overcrowding in Prisons Is a “Powder Keg Waiting to Blow”’ *The Independent* (19 May 2023) <<https://www.independent.co.uk/news/uk/home-news/prison-overcrowding-figures-disorder-sentences-b2342257.html>>.

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*This sentiment was echoed by a survivor, who stated that: “for prisons and detention, they have to put some more special people and more extra care for people to see. Not to treat everyone the same, to see who is suffering and who is not”.*

Survivor Interview

*Another survivor also reflected that: “the [prison] staff were very respectful towards me, but the support I got was just from other charities that were inside prison”.*

Survivor Interview

Whilst the HMPPS Modern Slavery Guidance expresses commitment to increasing the safety and security of survivors of modern slavery by considering how and where they are accommodated within the prison estate, prison staff may have limited opportunities to change an environment or move a prisoner following a cell sharing risk assessment, due to serious overcrowding. This means that survivors might be held in the same cell or prison as their traffickers or people known to the traffickers, which would create a risk of continuing exploitation within prisons. Such concerns were repeatedly indicated by research participants, including both prison staff and staff from support organisations working with survivors of modern slavery in prison.

*“There’s one prison in London where I discovered [while] doing an interview with a young man, who was in for one of the drugs offences, that the perpetrators and everybody who came from his postcode were all put on the same wing, so on the wing with him were his perpetrators. And I immediately flagged that up with the prison service after the interview and in fact he was moved off the wing.”*

Interview with NGO staff, England

A member of staff from NIPS similarly noted that in order to limit the impact of imprisonment on foreign nationals, there are efforts to:

*“[T]ry and place prisoners from the same country together so there was a common language [...] there’s a presumption that they would have known each other prior to imprisonment, but it was recognised at that point that there was a [potential] for people who had been trafficked to be placed along with their trafficker, you know if they were arrested in a swoop on some illegal enterprise.”*

Interview with a NIPS staff member

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*The same staff member acknowledged the importance of the cell sharing risk assessment to reduce this risk: “in the case of any foreign nationals, whether it’s intelligence that they have been trafficked, where that occurs, we take steps to ensure that those prisoners are separated from any potential traffickers within the prison system, and they will never come in contact with that person within the prison environment”.*

Interview with a NIPS staff member

In addition, research findings pointed to the lack of specialist mental health support for survivors of modern slavery in prison indicating limited capacities to address more complex needs and waiting lists.

Ensuring that both prisons and survivors in prison are aware of support and assistance is key to enabling access to specialist support for survivors after their release. Many research participants emphasised the risks of re-trafficking post release from prison. Some SPOCs interviewed described cases where individuals had been released or bailed in ways which had left them and others in vulnerable situations, such as exploiters meeting them at prison gates, being released without MSVCC contractors being notified in advance, or bailed to an address of an NGO without having been formally agreed to.

It must be noted however that many of these interviews were conducted either before or right after the introduction of the HMPPS Modern Slavery Guidance, which instructs prison staff how to conduct the needs assessment and outlines actions that should be taken in respect of immigration and remand bail and the release of potential and confirmed victims from prison. The Guidance emphasizes the necessary communications and coordination between HMPPS and the statutory or non-statutory organisations which will be supporting the individual upon release. The Guidance therefore provides a solid basis for developing good practice pertaining to victim support while in prison and post release, which should be evaluated through further research.

With no such guidance in Scotland or Northern Ireland, it is not clear what procedure is followed to support victims in prisons in these jurisdictions. According to one staff member from the SPS, if a person is thought to be a victim in Scottish prisons, they would be supported in accordance with guidance and policy covering Foreign National Offenders (FNOs), vulnerable prisoners, and safeguarding.

#### 4. The research found several examples of good practice in the identification and support of survivors of modern slavery, but they were often described as *ad hoc* and dependent on individual commitment and effort rather than institutionalised good practice.<sup>8</sup>

Research participants described the development of HMPPS Modern Slavery Guidance for prisons in England and Wales, particularly the consultative approach involving NGOs and other actors taken, as an example of good practice. The establishment of Modern Slavery SPOCs in prisons in England and Wales was also described as good practice, leading to increased awareness and knowledge about modern slavery among prison staff. This was perceived as having further potential as the role of SPOC develops. SPOCs mentioned the valuable support and guidance they receive from HMPPS, which includes a Teams channel for sharing the experiences and knowledge, and a monthly newsletter.

While some SPOCs felt that implementation was at too early a stage to report on achievements (with 40 per cent of them mentioning that they had no successes or achievements to report so far), many SPOCs and other research participants described some good and developing practices such as screening and undertaking of training initiatives for prison officials and staff. Overall, research participants indicated a lack of *institutionalised* good practice with examples of good practice often being *ad hoc* and dependent on individual commitment and effort.

Survivors interviewed for this study could not provide any example that they considered to represent good practice, although it must be noted that those survivors interviewed for the study had been in prisons much before the HMPPS Modern Slavery Guidance was introduced.

Several participants from the NGO sector highlighted secondments, partnerships, information exchange and communication with SPOCs and the prison service as notable examples of good practice for sharing victim status, making timely referrals and raising awareness of the modern slavery support system. Several research participants pointed to collaboration between prison authorities and NGOs in delivering training for prison staff on the indicators of modern slavery as examples of good practice, at the same time highlighting the need for training of all staff, not just SPOCs.

In addition, an updated induction booklet, availability of leaflets in multiple languages and posters placed at reception were highlighted as important for survivors to understand their rights, with a potential to improve identification and access to support available in prisons for vulnerable prisoners.

In addition to disseminating information, SPOCs reported efforts to collect information from prisoners with a view to identifying them upon arrival in prison. For instance, questions regarding modern slavery have been added to the induction

8. In the absence of specific guidance or recognised international standards of good practice, this research study considers as 'good practice' any action or measure capable of overcoming the identified challenges with complying with positive obligations to identify and support every victim of modern slavery, including those in prison.

booklet used to interview new prisoners, although the report emphasizes the need to avoid direct questioning and to conduct interviews using a sensitive trauma-informed approach. Other SPOCs mentioned that the Modern Slavery Prisoner Needs Assessment Tool developed by HMPPS and described how using a 'Challenge, Support, and Intervention Plan'<sup>9</sup> led to improved monitoring of survivors' needs and the response of support services.

When it comes to ensuring that survivors are supported upon release, participants described how effective and time-sensitive information exchange and multi-agency coordination could prevent potential re-exploitation of modern slavery survivors upon their release, although existing good practice in this regard is sporadic and *ad hoc*:

*"So as part of pre-release planning, (...) a kind of like a seven and a half month point before release, we would actually start engaging with outside probation, so at that point we would make sure that that allocated community offender manager was aware of that conclusive grounds letter."*

*Interview with HMPPS SPOC, England*

The HMPPS Modern Slavery Guidance emphasizes the necessary communications and coordination between HMPPS and the statutory or non-statutory organisations which will be supporting the individual upon release. This includes communications necessary to 'organise the prisoner's collection on the day of release as he/she should be picked up from the prison.' The HMPPS Modern Slavery Guidance thus requires that prison staff 'communicate with the Salvation Army, local authority, or other provider, and the prison reception to organise the prisoner's collection on the day of release as he/she should be picked up from the prison.' The Guidance also notes that prison staff should 'inform the legal representative to submit a bail application pending confirmation of the safehouse or other safe, secure, and appropriate location.' It remains to be seen to what extent the HMPPS Guidance will improve future practice on safe release of survivors of modern slavery.

9. Challenge, Support, and Intervention plan (CSIP) is the national case management model for managing those who pose a raised risk of being violent and was mandated for use across the adult prison estate from November 2018. This case management process is now being used in all prisons to support those individuals who are considered to pose a raised risk of harming others through their behaviour in custody. See Prison Reform Trust, 'Safety in Prison, Information about Prisons' Responsibility for Your Safety and Things They Can Do to Help Keep You Safe, Last Updated November 2022' <<https://prisonreformtrust.org.uk/adviceguide/safety-in-prison/>>.

## Recommendations

### The UK Government

It is recommended that the UK Government collects and publishes data on the number of people referred to the NRM from prisons or identified as survivors of modern slavery while serving a prison sentence. While there is a sense emerging from the research findings that the issue of modern slavery survivors in prison is not a fringe concern, there is a lack of exact figures to highlight the true scale of this problem. Such data would raise awareness of this issue and provide evidence to ensure sufficient resources can be allocated to meet the support needs of survivors.

It is recommended that the Home Office develops a systematic approach to sharing information with the UK's prison services about individuals entering the prison who have been referred to the NRM. Prisons should also be automatically notified by the competent authority of any NRM decisions which have been made for persons in prison. A lack of systematic approach to information sharing among different actors represented a significant barrier to the identification of modern slavery survivors in prison and hindered the provision of support to such survivors in prison and post-release. The research noted cases of prison staff being unaware that an individual under their care had been previously identified as a potential survivor of modern slavery and referred into the NRM as well as cases where the release of survivors from prison placed them at risk of further exploitation due to a lack of information sharing and coordinated approach.

It is recommended that the Home Office considers designating HMPPS/NIPS/SPS as First Responder Organisations (FROs) to be able to directly refer potential victims of modern slavery to the NRM alongside existing FROs currently making referrals in the prison context. Designated prison staff should receive continuous training to make such referrals. A lack of capacity among FROs currently operating in prisons was seen as causing delays in the identification and referral to the NRM of potential survivors of modern slavery in prison. Designating prison services and/or prison staff as an additional FRO while continuing to have other FROs operating in prisons could help to limit delays. Noting the mistrust that some survivors have towards authorities and prison staff, having a choice regarding which FRO to engage with is considered crucial so as not to unintentionally create further barriers to disclosure.

It is recommended that the UK Government and devolved administrations ensure that funding and resource allocation is sufficient to enable HMPPS/NIPS/SPS to identify and support survivors of modern slavery in prisons in line with the established international standards. There are ongoing challenges in implementing improvements to the prisons' approach to supporting survivors of modern slavery based on the HMPPS Modern Slavery Guidance due to a lack of available resources (human and budgetary). While the Guidance represents an important tool for strengthening the ability of prisons to identify and support survivors of modern

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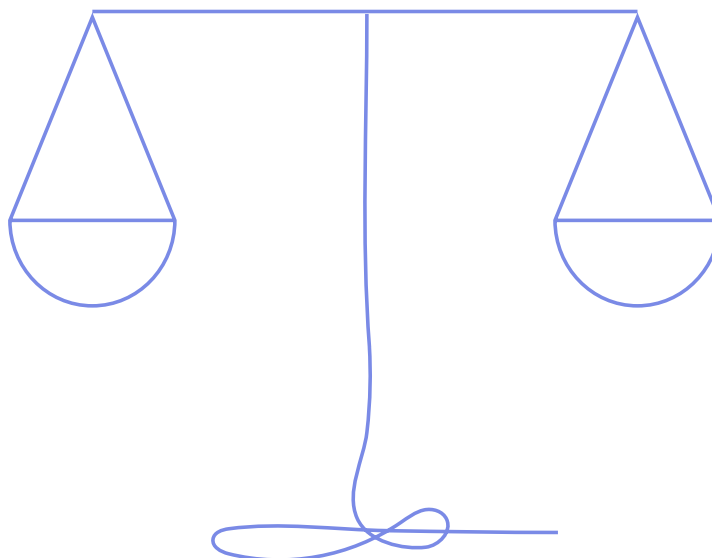
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slavery, practical changes remain dependent on sufficient resources to be made available. Collecting additional data on this issue and its scale is an important component of determining the resource allocation required to sufficiently discharge duties.

**It is recommended that the UK Government and devolved administrations ensure that commissioned services in the new Modern Slavery Victim Care Contract (and equivalent specialist services in Scotland and Northern Ireland) are properly resourced to provide support to potential and confirmed victims in prisons.**

The general services available in prison may be insufficient to meet the unique protection needs of survivors of modern slavery. The lack of specialised support available in prisons may leave survivors of modern slavery particularly vulnerable to the risk of re-exploitation both in prison and upon release. To ensure that survivors of modern slavery in prison equally are able to access the specialised support and care to which they are entitled, commissioned services in the MSVCC should be adequately resourced to provide support also to modern slavery survivors in prison, not only in the community. Given the noted particular vulnerability and risk of re-exploitation faced by survivors of modern slavery when released from prison, this could also help to ensure a continuity of care with the aim of proactively reducing such risk.

**The UK Government should ensure that the Public Order Disqualification in Section 63 (3) NABA is in line with international obligations binding on the UK.** Public Order Disqualification of potential victims of modern slavery should be applied only in exceptional circumstances and the Government must demonstrate in every case that an individual represents a threat to public order or has used the victim status illegitimately. In its current form, Section 63 (3) NABA, as amended by Section 29 IMA, is incompatible with obligations contained in the ECAT and the ECHR, which require public authorities to identify and protect every victim of human trafficking without exception and without discrimination.



## **Prison administration in England and Wales, Scotland, and Northern Ireland**

It is recommended that prison administration in all devolved jurisdictions in the UK should keep records of prisoners who are referred to the NRM and/or identified as victims of modern slavery while being in prison, as well as those potential victims who are not formally referred to the NRM. Communication among different prison departments and record keeping about referrals and identified survivors should be improved and systematised. While it is the responsibility of the Government to establish the framework and procedures for data collection and publication (see recommendation above), such records would also improve institutional learning of prisons, provide evidence for future policy actions, and enable prisons to better tailor support services.

Prison administrations in all devolved jurisdictions in the UK should (continue to) develop and conduct training and awareness raising campaigns targeted at both prison staff and prisoners. Survivors of modern slavery with experience of being in prison in the UK and organisations working with survivors should have the opportunity to contribute to the design and delivery of training and awareness raising activities about modern slavery and the responses required by prisons. This should be coupled with efforts to improve the screening process and strengthen the knowledge of prison staff on the signs of modern slavery. Research participants representing different stakeholder groups, including both survivors and prison staff, highlighted a need for additional capacity building and awareness raising among prison staff on issues related to modern slavery. Having dedicated focal points in the role of SPOCs is noted as a positive improvement, however, there remains a need to increase capacity and understanding for *all* prison staff given that different staff have contact with potential survivors at different stages. In addition, prison staff being well-trained on issues such as trauma, vulnerability to exploitation, or means of control, which are inherent to the experiences of modern slavery, is key to both improving identification and facilitating provision of support to potential survivors of modern slavery in prison.

Prison administration in all devolved jurisdictions in the UK should ensure that awareness raising material and information about support available to survivors of modern slavery in prison is accessible, non-stigmatising, and available in multiple languages. Other opportunities to raise awareness among prisoners should be explored (i.e. adverts on prison radios). Several survivors who participated in this research reported their lack of awareness of what is considered modern slavery (and thus their own status as a modern slavery survivor) and being provided with limited information regarding their rights while going through the criminal justice system or while in prison. Increasing the awareness of modern slavery survivors about their rights and the support to which they are entitled is perceived as a key element to the realisation of said rights and survivors being able to claim and access support.



**Resources designed to help prison staff identify potential victims which list indicators of modern slavery should be reviewed and updated to ensure their relevance in the prison context and should be framed in a language that avoids triggering survivors and has the potential to facilitate disclosure.** Asking prisoners directly about their experiences of modern slavery and/or any referral to the NRM could be a traumatic experience and should therefore be done using appropriate safeguards by staff who are appropriately trained and understand a trauma-informed approach to survivors. Any questions about their modern slavery experiences should be done in private.

**The HMPPS Modern Slavery Guidance should be updated to highlight the need to ensure that there is sufficient time for FRO interviews and require that such interviews are done in private.** There are numerous barriers to disclosure for modern slavery survivors in the prison environment. Ensuring that appropriate private spaces are made available and sufficient time can be dedicated for interviews can help to reduce some of these barriers.

**The HMPPS Modern Slavery Guidance should expressly outline the nature and way of accessing support within prisons for those who are not part of the formal NRM, either by choice or due to public order disqualification. HMPPS/NIPS/SPS should ensure consistent practice of providing support to survivors of modern slavery in prisons in line with the established international standards, which require public authorities to take action as soon as there are reasonable grounds to believe that a person is a victim. The Government should provide adequate funding and resource allocation to enable them to provide the required level of support.** There are different reasons why survivors of modern slavery in prison may be unwilling or unable to access support through the NRM system, whether due to a mistrust in authorities and a lack of consent to being referred or due to a public order disqualification. Regardless of any formal recognition of their status through the NRM, any potential victim of modern slavery (a person that public authorities have reasonable grounds to believe to be a victim) remains entitled to protection and support in line with international obligations contained in Articles 10 and 12 ECAT and Article 4 ECHR.

**It is recommended that the NIPS and SPS produce modern slavery guidance for its staff and consider establishing modern slavery SPOCs (or equivalent).** The SPOC model and Modern Slavery Guidance for Prisons in England and Wales are still in the early phases of being operationalised and implemented. They nonetheless represent a key tool for raising awareness of this issue among prison staff and facilitating identification and support of survivors of modern slavery in prisons. With this aim, similar efforts should be undertaken by NIPS and SPS.

**Prisons should provide mental health support tailored to the specific needs of survivors of modern slavery through adequate training and should be allocated appropriate resources to provide such support.** Survivors of modern slavery in prison currently only have access to those resources available through the general prison regime. There is a noted lack of specialised mental health support available to survivors of modern slavery in prison, who have unique and complex protection needs and vulnerabilities compared to the general prisoner population.

Prisons should be alert to the risk of exploitation and further harm faced by survivors of modern slavery while in their care. With the aim of reducing the risk of exploitation in prison, prison staff should ensure that risk assessments are conducted and potential or confirmed survivors of modern slavery do not share accommodation with known or suspected perpetrators of exploitation. Risks of re-exploitation were noted both in prison and upon release, particularly due to the noted challenges in identifying survivors and the lack of systematic approach to information sharing. Research participants pointed out the examples of survivors of modern slavery being detained in the same prison or even cell as the people who may have trafficked them, which creates a clear risk of continuing exploitation within prisons and also often prevents the prison officials from even discovering about this.

Prisons should be alert to the risk of exploitation of survivors of modern slavery upon release and, with the consent of survivors, should strive to improve communication and contact with the organisations delivering government funded specialist support for people referred to the NRM to enable persons leaving prison to access this support and reduce the risks of re-trafficking. Research participants who were interviewed before the introduction of the HMPPS Modern Slavery Guidance as well as participants who discussed experiences in other jurisdictions described cases of concerning situations where individuals had been released or bailed in ways which had left them and others in vulnerable situations. Accordingly, efficient communication and information sharing as well as training and awareness raising are considered vital for both identifying and providing support to survivors in prison and for ensuring their continued access to support upon release and thus prevention of re-trafficking.

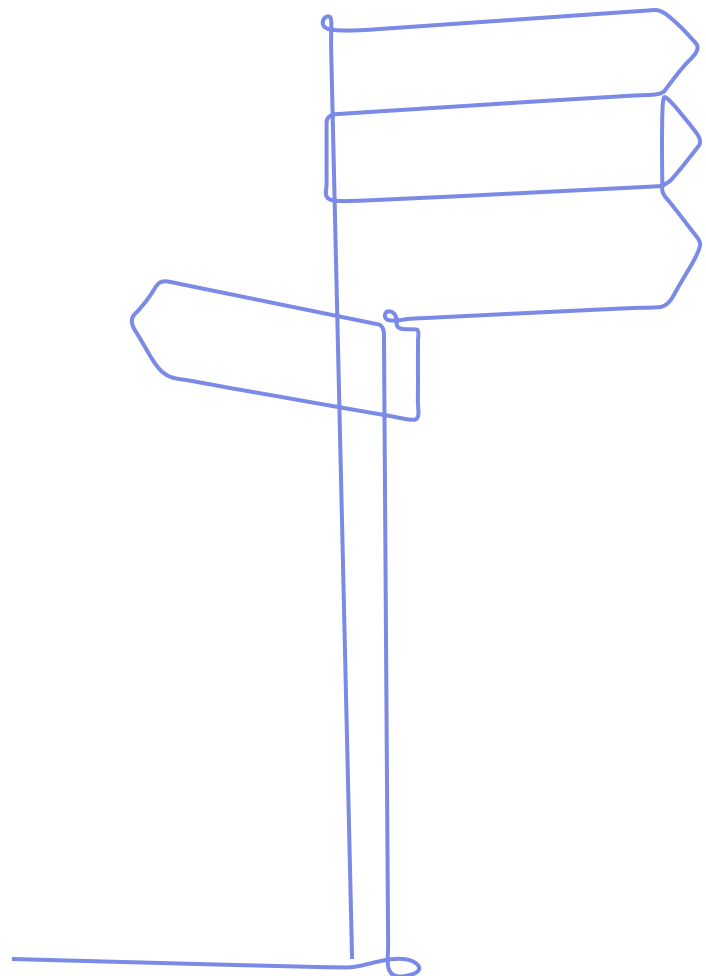
The HMPPS Modern Slavery Guidance for prisons contains a clear and detailed instruction to the competent designated member of staff to liaise with the relevant agencies dealing with the modern slavery case. This instruction should be followed in all cases. Moreover, prisons in Scotland and Northern Ireland should include similar requirements in any guidance developed in the future.

Prisons in all devolved jurisdictions should strive to improve contact with support organisations to better understand their work. This may include opportunities for SPOCs to visit safe houses as well as visits to prisons by safe house staff. Prison services and the government funded providers of support could consider developing Memoranda of Understanding about how releases should be managed. Several study participants from the NGO sector highlighted partnership and information exchange and communication with SPOCs, and the prison service in general, as notable examples of good practice. Such examples included an NGO worker seconded to the police who would regularly send a list with the names of survivors who are in the NRM to the SPOC to facilitate access to support in prisons, or a prison officer joining a NGO for a period to improve their understanding about modern slavery and processes related to identification and support. These *ad hoc* examples of good practice should be systematically implemented to improve identification and support of survivors in prisons across the UK.

## Areas for further research

To better understand this problem and with the aim of generating evidence that can contribute to improved policy, legislation, and practice, additional research on the experiences of and responses to survivors of modern slavery in prisons both in the UK and other countries is needed. This includes broadening the focus to include youth offender institutions as well as analysing male and female establishments separately.

In the UK specifically, further research is also required to monitor and assess the impact of implementation of the HMPPS Modern Slavery Guidance for prisons in England and Wales. This is of particular importance against the backdrop of recent developments and changes in the regulatory landscape through the adoption of the Nationality and Borders Act 2022 and Illegal migration Act 2023.



# MODERN SLAVERY & HUMAN RIGHTS

POLICY &  
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CENTRE

Led by the Bingham Centre

The Modern Slavery and Human Rights Policy and Evidence Centre (Modern Slavery PEC) was created by the investment of public funding to enhance understanding of modern slavery and transform the effectiveness of law and policies designed to address it. The Centre funds and co-creates high quality research with a focus on policy impact, and brings together academics, policymakers, businesses, civil society, survivors and the public on a scale not seen before in the UK to collaborate on solving this global challenge.

The Centre is a consortium of six academic organisations led by the Bingham Centre for the Rule of Law and is funded by the Art and Humanities Research Council on behalf of UK Research and Innovation (UKRI).

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The Modern Slavery and Human Rights Policy and Evidence Centre is funded and actively supported by the Arts and Humanities Research Council (AHRC), part of UK Research and Innovation (UKRI), from the Strategic Priorities Fund.

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