

## Written evidence submitted by the Modern Slavery and Human Rights Policy and Evidence Centre

### Introduction to the Modern Slavery Policy and Evidence 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.<sup>1</sup>

The Modern Slavery PEC funds research to provide independent, innovative and authoritative insight and analysis on modern slavery. The Modern Slavery PEC is an impartial organisation and our focus is on ensuring the best available evidence and analysis is available for policymakers and law-makers. We are led by evidence and our belief that policies are more effective when they are firmly underpinned by evidence grounded in robust research and data. Our approach is rooted in human rights. This submission draws on evidence from existing research and data.

### Summary

- The number of people referred to the UK's National Referral Mechanism (NRM) – the identification and support system for potential victims of modern slavery – is increasing, with nearly 17,000 people referred in 2022. The characteristics of people referred to the NRM have changed over time, particularly in terms of gender, age, and exploitation type. For example, the proportion of females referred to the NRM has decreased from 61% of all referrals in 2014 to 21% of referrals in 2022. There have been significant, recent changes in the UK and globally that affect the drivers of modern slavery in the UK, such as conflict and the Covid-19 pandemic.
- The UK Government asserts that some foreign nationals are abusing the Modern Slavery Act 2015 but it has not published sufficient evidence to demonstrate either the nature or scale of any abuse of the Modern Slavery Act 2015.
- The Illegal Migration Bill, if enacted, would have serious implications for foreign nationals affected by modern slavery. It would lead to the detention and deportation of people who are recognised to be potential victims of modern slavery, in breach of the positive obligation to protect in Article 4 ECHR.
- There is scope to make the operation of the UK's current protection and support system for survivors, and the policy underpinning it, more effective in practice. Issues identified by research include: the need for improved and early identification of survivors, and trauma-informed and culturally competent services; lack of clarity among survivors and service providers about victims' entitlements; barriers to accessing those entitlements; procedural delays in the NRM; and a need to better link specialist modern slavery support services with wider systems such as housing and health.
- Outside of survivor identification and support, modern slavery legislation and policy could be made more effective by placing a greater strategic focus on preventing harm in the first place, and by meaningfully including people with lived experience of modern slavery in strategies, policies and programmes. Action to address forced labour in supply chains would be more effective if changes are made to the legislative framework at section 54 of the Modern Slavery Act 2015, and there is a need to explore further supply chains levers, such as through international trade and the role of investors.

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<sup>1</sup> The Centre is a consortium of six research organisations led by the [Bingham Centre for the Rule of Law](#) and is funded by the Arts and Humanities Research Council on behalf of [UK Research and Innovation](#) (UKRI). This response has been prepared by the Modern Slavery PEC's core team and does not necessarily represent the views of all partners making up the Modern Slavery PEC consortium.

## Summary of key recommendations

- The Home Office should collect and publish more data to enable better understanding of modern slavery in the UK, and to enable an assessment of the assertions made by Ministers about abuse of the Modern Slavery Act 2015.
- The Home Office should improve the effectiveness of the policy and operation of the identification and support system by taking account of the issues raised by survivors and in research studies.
- The UK Government should clarify its intentions around revising the 2014 Modern Slavery Strategy.

### Q.1 What is the scale and nature of human trafficking in the UK? Considering in particular:

- a. Different types of exploitation (including sexual, labour, or criminal exploitation),
- b. The profile of victims and perpetrators,
- c. The gendered aspects of human trafficking,
- d. The role of technology in facilitating human trafficking.

1. **This submission refers to ‘modern slavery’ throughout**, which we use as an umbrella term to encompass the offences set out in the Modern Slavery Act 2015:<sup>2</sup> human trafficking, and slavery, servitude and forced and compulsory labour. The terms ‘survivor of modern slavery’ and ‘people with lived experience of modern slavery’ are preferable. This submission uses the terms ‘potential victim’ and ‘victim’ in places, given they are used in the Modern Slavery Act 2015, the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT)<sup>3</sup> and many other official documents and statistics.
2. **Accurately measuring the prevalence of modern slavery in the UK is widely acknowledged as challenging, due to the methodological difficulties of quantifying a complex issue.** The UK Government 2014 Modern Slavery Strategy included an estimate of the prevalence of modern slavery in the UK (10,000-13,000 potential victims), but it has not been possible to repeat this methodology to obtain an up-to-date comparable estimate as the data collection method used at the time no longer exists.<sup>4</sup> In July 2018, the Walk Free Foundation estimated there were 136,000 victims of modern slavery in the UK. However, a 2019 Office for National Statistics publication concluded that this figure ‘cannot be regarded as at all accurate or reliable’ due to a series of concerns about the methodology used.<sup>5</sup>
3. **Statistics from the National Referral Mechanism (NRM), the UK’s identification and support system for potential victims of modern slavery, offer an insight into trends of modern slavery and how the overall system to address it is functioning.** In 2022, there were 16,938 potential victims of modern slavery referred to the NRM, a 33% increase compared to the preceding year (12,706) and the highest annual number since the NRM began in 2009.<sup>6</sup> NRM referrals have increased every year since 2009, apart

<sup>2</sup> *The Modern Slavery Act 2015*, c. 30. Available at:

<https://www.legislation.gov.uk/ukpga/2015/30/contents/enacted>

<sup>3</sup> ECAT (2005) *Council of Europe Convention on Action against Trafficking in Human Beings*. Warsaw, 16 May 2005. Cm 7465 (entered into force in respect of the United Kingdom 1 April 2009). Available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/236093/8414.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/236093/8414.pdf)

<sup>4</sup> Office for National Statistics (2020) ‘Modern Slavery in the UK: March 2020’ Available at:

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/modernslaveryintheuk/march2020#quality-and-methodology>

<sup>5</sup> Ibid.

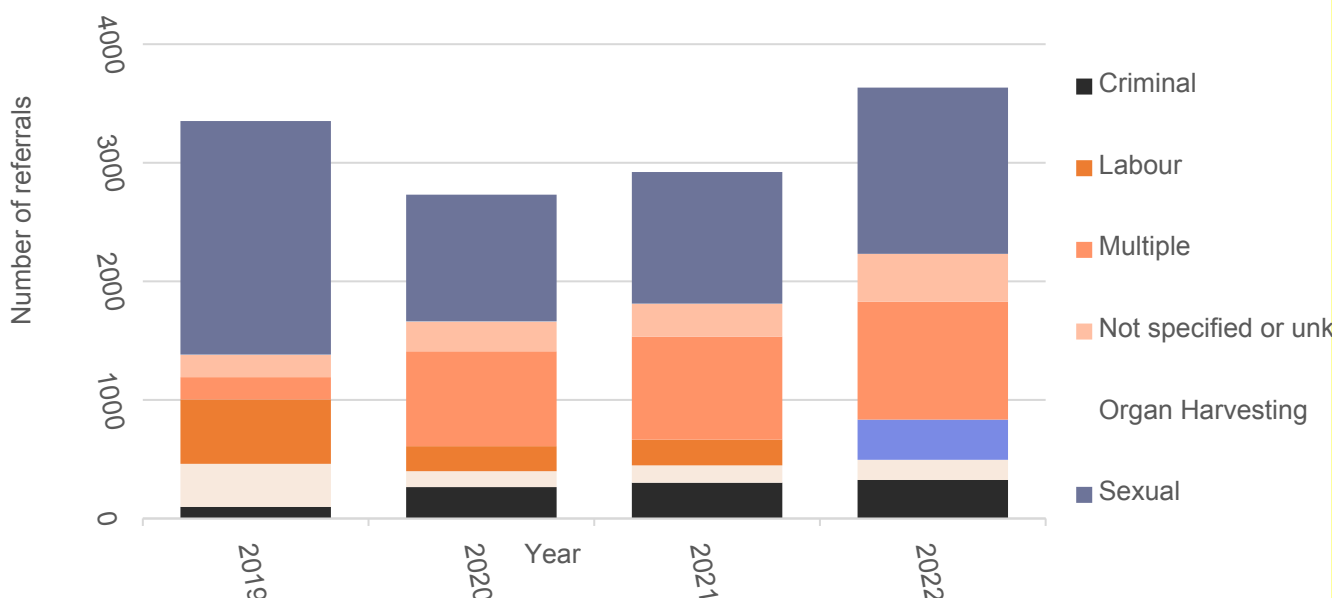
<sup>6</sup> UK Home Office (2023) ‘Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of

from between 2019 and 2020, which is primarily thought to result from the effects of the Covid-19 pandemic.

4. **The characteristics of potential victims referred to the NRM have changed over time, particularly in terms of gender, age at exploitation, and exploitation type.**

a. **The proportion of NRM referrals for females has steadily decreased over time, however the number of females referred to the NRM has risen.** In 2014, the majority of referrals to the NRM were female (61%; 1,428 individuals),<sup>7</sup> compared to 21% for referrals in 2022 (3,634 individuals).<sup>8</sup> Amongst females, the number and proportion of child potential victims has risen over the same period from 347 (24% of all NRM referrals for females) to 1,401 (39%). Given changes in the recording of exploitation type, it is not possible to compare data from earlier years, however, the chart below shows that since 2019 there has been a fall in the proportion of females referred for sexual or labour exploitation only (Fig. 1).<sup>9</sup>

**Figure 1: NRM referrals for females, by exploitation type 2019 – 2022**



*Note: some referrals relate to multiple exploitation types, and these have been grouped into the category, ‘multiple’.*

b. In terms of nationality of females, the proportion in each nationality has been broadly consistent. However:

year summary 2022’ Available at: <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022>

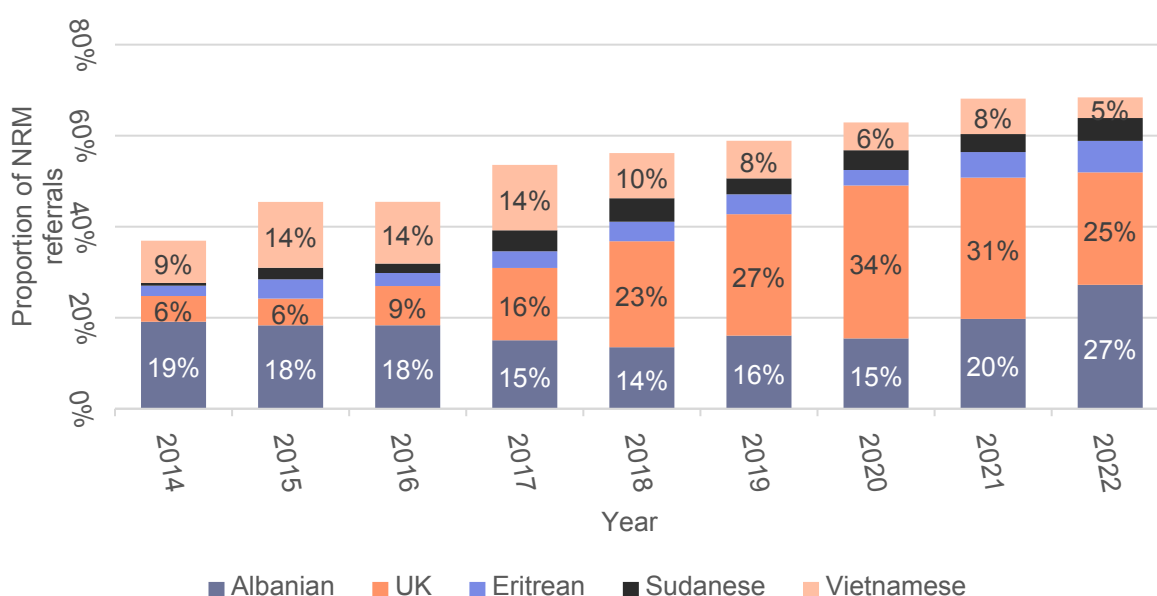
<sup>7</sup> Based on analysis undertaken by the Modern Slavery PEC on dataset, ‘Home Office, Modern Slavery Research & Analysis. (2023). National Referral Mechanism and Duty to Notify Statistics, 2014-2022. 7th Edition. UK Data Service. SN: 8910, DOI: 10.5255/UKDA-SN-8910-7. Data accessed 05/03/22.

<sup>8</sup> UK Home Office (2023) ‘Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, October to December 2022’ Available at: <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-october-to-december-2022>

<sup>9</sup> According to Home Office notes on the dataset ‘Prior to 1 October 2019, potential victims were recorded as having a single primary exploitation type, grouped into five distinct categories: labour, sexual, domestic servitude, organ harvesting or unknown exploitation. Following changes to the way NRM data are collected... for referrals received from 1 October 2019, criminal exploitation is separate to labour exploitation. In addition, potential victims can also be recorded as experiencing multiple exploitation types.’

- i. the proportion of British females has increased from 7% of all female referrals in 2014 to over a quarter in 2022 (26%).
- ii. The proportion of Nigerian females referred to the NRM has fallen from 14% of all female referrals in 2014 to 3% in 2022.
- c. The number and proportion of NRM referrals for males has increased to 78% of all referrals in 2022 (13,290 individuals), and increased referrals for boys experiencing county lines appear to account for a large proportion of the increases.<sup>10</sup> 42% of males referred in 2022 were aged 17 or under at time of potential exploitation (5,607 individuals). Over 2,000 referrals (2,053) of all male referrals were flagged as county lines. The most common exploitation types for male referrals in 2022 were for criminal exploitation (33%; 4,342) and labour exploitation (36%; 4,796 individuals).
- d. Figure 2 presents the proportion of NRM referrals for the five most prevalent nationalities in 2022. The most common nationality referred was Albanian, which accounted for 27% (4,613) of all potential victims and the highest annual number referred for this nationality since the NRM began. This was the first year since 2016 that UK nationals were not the most commonly referred nationality.

**Figure 2: proportion of NRM referrals by most prevalent nationalities in 2022**



**5. The vast majority of reasonable and conclusive grounds decisions for NRM referrals have been positive.<sup>11</sup> However, there is a growing backlog of decisions.**

- a. In 2022, 16,821 reasonable grounds decisions were issued.<sup>12</sup> The proportion of positive reasonable grounds decisions was 87% for adult and 90% for child potential victims, and 86% for female and 89% for male potential victims.<sup>13</sup> According to Home Office analysis of statistics, *‘the proportion of positive decisions has remained relatively similar in recent years, with around 9 out of every 10 referrals receiving a positive decision’*.

<sup>10</sup> From quarter 1 2017 referrals could be flagged identifying them as involving county lines. Since January 2020, a ‘flag’ within the NRM digital casework system identifies county lines referrals.

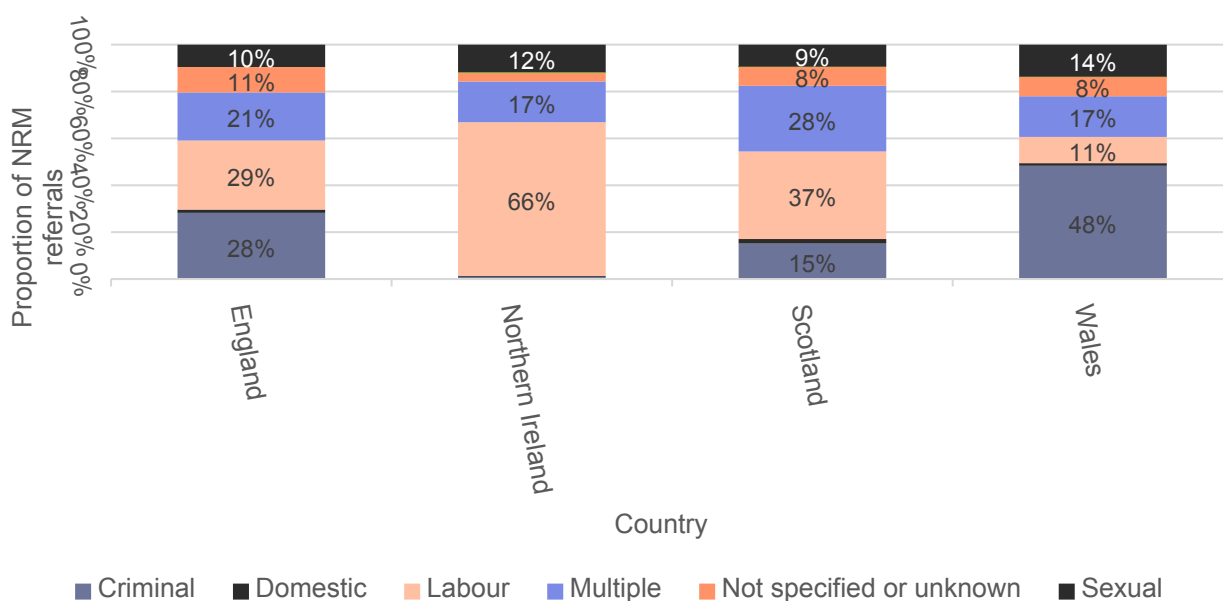
<sup>11</sup> More information on the process for reasonable grounds and conclusive grounds decisions is set out in the ‘Introduction to NRM stats bulletins, for example see: <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022#introduction>

<sup>12</sup> UK Home Office (2023) ‘Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2022’ Available at: <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022>

<sup>13</sup> Of these, the SCA issued 12,959 and the IECA issued 3,862; 87% (11,273) of decisions made by the SCA were positive compared to 92% (3,572) of decisions made by the IECA.

- b. In 2022, the proportion of positive conclusive grounds decisions was 87% for adult and 92% for child potential victims. The proportion of positive conclusive grounds for male and female victims was 88% and 91% respectively. However, nearly 30,000 people are awaiting a conclusive NRM decision (29,270);<sup>14</sup> the average time for decisions made in 2022 was 543 days.
6. **In 2022, the majority of NRM referrals were for potential victims for whom the allocated responsible geographic police force was in England, and characteristics of referrals differ in some factors by country.** 90% of NRM referrals were allocated to police forces in England, 4% in Scotland, and 3% in Wales and Northern Ireland respectively.
- a. Over three quarters of referrals in England (79%), Scotland (78%), and Wales (75%) were for males, compared to 62% in Northern Ireland.
  - b. The majority of referrals in England (52%), Northern Ireland (64%), and Scotland (65%) were for adult potential victims compared to 31% of referrals in Wales.
  - c. Figure 3 shows the proportion of NRM referrals by exploitation type in each country. There is a higher proportion of referrals for labour exploitation and lower proportion of referrals for criminal exploitation in Northern Ireland and Scotland than in England and Wales.

**Figure 3: proportion of NRM referrals by country and exploitation type in 2022**



- d. In 2022, the proportion of NRM referrals for British nationals also varied by country. The most prevalent nationalities referred in England and Wales were British, Albanian, Sudanese, Vietnamese and Eritrean, whereas in Scotland the most prevalent nationalities referred also included Iranian nationals and excluded Sudanese nationals. 25% of referrals in England were for British nationals compared to 60% of referrals in Wales and 12% of referrals in Scotland.

<sup>14</sup> This number refers to the number of NRM referrals over the period 2014 – 2022, whose decision status is classed as a positive Reasonable Grounds decision. Data available in Table 25: Decision status of NRM referrals made in each year by both competent authorities as at 26 January 2023 at: <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022>

## Recommendations:

- **The Home Office should continue to publish NRM data on the UK Data Service to enable researchers, civil society, and other interested groups to analyse trends and patterns in the characteristics of referrals.**
  - **The Home Office should collect and publish data on the reasons for negative reasonable and conclusion grounds decisions (for example, whether a referral did not meet the definition of modern slavery).**
  - **The Home Office should regularly publish data linking the NRM to other datasets, such as asylum and small boats arrivals data, to enable better understanding of the links between modern slavery and the wider immigration system.**
7. **The scale and nature of modern slavery in the UK are influenced by global phenomena.** Global issues such as pandemics and climate change impact migration routes, the vulnerability to modern slavery, the means by which traffickers recruit potential victims, and the resources and political will necessary to address modern slavery.<sup>15</sup> There have been significant, recent changes in the UK and globally that affect the drivers of modern slavery, and therefore the scale and nature of exploitation and trafficking in the UK, for example:
- **The Covid-19 pandemic:** Research funded by the Modern Slavery PEC has shown that the pandemic has exacerbated many underlying drivers of modern slavery worldwide and domestically, such as poverty, inequality and unemployment, particularly for vulnerable and marginalised groups. A Modern Slavery PEC Policy Brief found evidence suggesting that the pandemic has hampered the identification and support of people affected by modern slavery. Business measures taken, in response to Government lockdowns, impeded their ability to conduct standard due diligence activities, and workers in lower tiers of supply chains became more vulnerable to forced labour.<sup>16</sup>
  - **Conflict:** Evidence demonstrates that factors that increase vulnerability to trafficking and exploitation – such as poverty, inequality, gender-based violence, denial of human rights, power imbalances, forced displacement, and a weak rule of law – are drivers of (and driven by) conflict.<sup>17</sup> As such, modern slavery is one direct consequence of conflict and humanitarian emergencies. The former Independent Anti-Slavery Commissioner and UCL convened a roundtable in April 2022 to investigate this link in relation to the invasion of Ukraine.<sup>18</sup>
  - **Poverty:** Poverty is a recognised driver of modern slavery,<sup>19</sup> however it is often referenced in the international context with a greater focus on developing countries.<sup>20</sup> The cost-of-living crisis in the UK has deepened inequalities and

<sup>15</sup> Schwarz, K., Valverde Cano, A., Williams-Woods, A., and D. Ogunniyi (2021) 'The top 20 non-UK source countries for modern slavery in the UK' Available at: <https://modernslaverypec.org/assets/downloads/Source-countries-research-summary-international.pdf>

<sup>16</sup> Hesketh, O. and O. Johnstone (2021) 'Impact of the Covid-19 pandemic on modern slavery' Available at: <https://modernslaverypec.org/assets/downloads/Modern-Slavery-PEC-Policy-Brief-Impact-of-Covid-19-on-MS.pdf>

<sup>17</sup> Hesketh, O. and A. Balch (2021) 'Modern slavery and international development' Available at: <https://modernslaverypec.org/assets/downloads/PEC-International-Development-Briefing-final.pdf>

<sup>18</sup> Cockbain, E. (2022) 'Five lessons about the war in Ukraine and human trafficking' Available at: <https://modernslaverypec.org/latest/lessons-ukraine-human-trafficking>

<sup>19</sup> Schwarz, K., Valverde Cano, A., Williams-Woods, A., and D. Ogunniyi (2021) 'The top 20 non-UK source countries for modern slavery in the UK' Available at: <https://modernslaverypec.org/assets/downloads/Source-countries-research-summary-international.pdf>

<sup>20</sup> Russell, A. (2017) 'Human Trafficking: A Research Synthesis on Human-Trafficking Literature in Academic

increased the number of people – including children – living in poverty, disproportionately impacting low-income households through the rising cost of food, fuel, housing, and other necessities.<sup>21,22</sup> Research funded by the Modern Slavery PEC on British nationals exploited in modern slavery found that resource-stretched state support on housing, mental health, or education for children creates opportunities for traffickers to recruit children and criminally exploit them by forcing them to traffic drugs in county lines.<sup>23,24</sup> The Modern Slavery PEC has launched a funding call, with the aim of funding two research projects that will explore further this relationship between poverty and modern slavery in the UK, and the laws and policies that can be designed and/or redesigned to better safeguard against modern slavery during periods of a rising cost of living.<sup>25</sup>

8. **There have also been significant changes in wider legal and policy areas that may intersect with modern slavery. There is a gap in evidence on the impact of the post-Brexit points-based immigration system on risks of modern slavery.** For example, research demonstrates that the vulnerabilities to forced labour are not only linked to labour market regulations, but also to immigration policy, which sometimes ‘ties’ migrants to their employer via the conditions attached to certain work visas.<sup>26,27</sup> Much of the research on this topic was conducted prior to the introduction of the current points-based immigration system, with some notable exceptions including research led by Dr Caroline Emberson with migrant live-in care workers on the Health and Care Visa, which found that their working and immigration conditions increased their vulnerability to modern slavery.<sup>28</sup> The Modern Slavery PEC is also funding research examining whether – and if so, how – the conditions attached to the current Seasonal Worker and Health and Social Care visas increase susceptibility to labour exploitation.<sup>29</sup> The research team have conducted focus groups with migrant workers and organisations supporting workers in the agricultural and care sectors, which found that workers in both sectors reported conditions that are indicative of labour exploitation. The International Labour Organization’s Forced Labour Indicators of deception, isolation, abusive working and living conditions, debt bondage, and withholding of wages were present in both sectors. In the agricultural sector, it was reported that workers were subjected to excessive overtime and restriction of their movement. In the care sector, attendees also reported

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Journals from 2000-2014’ Available at: <https://www.tandfonline.com/doi/full/10.1080/23322705.2017.1292377>

<sup>21</sup> Harari, D., Bolton, P., Francis-Devine, B., and M. Keep (2023) ‘Rising cost of living in the UK’ Available at: <https://researchbriefings.files.parliament.uk/documents/CBP-9428/CBP-9428.pdf>

<sup>22</sup> Padley, M., and J. Stone (2022) ‘Households below a Minimum Income Standard: 2008/09-2019/20’ Available at: <https://www.jrf.org.uk/report/households-below-minimum-income-standard-200809-201920>

<sup>23</sup> Balch, A. (2022) ‘Cost of living likely to make people more vulnerable to modern slavery’ Available at: <https://modernslaverypec.org/latest/cost-of-living-vulnerable-modern-slavery>

<sup>24</sup> Murphy, C., Heys, A., Barlow, C., Gleich, L., and S. Wilkinson (2022) ‘Protecting British nationals from modern slavery’ Available at: <https://modernslaverypec.org/assets/downloads/British-Nationals-Research-Summary.pdf>

<sup>25</sup> The Modern Slavery PEC (2023) ‘Call for applications for research funding: Prevention of modern slavery: homelessness, poverty, identification of children and cultural competency’ Available at: <https://modernslaverypec.org/assets/downloads/Modern-Slavery-PEC-Prevention-Call-Feb-23.pdf>

<sup>26</sup> Demetriou, D. (2015) ‘Tied Visas’ and Inadequate Labour Protections: A formula for abuse and exploitation of migrant domestic workers in the United Kingdom’ Available at: <https://www.antitraffickingreview.org/index.php/atrjournal/article/view/81/139>.

<sup>27</sup> Mantouvalou, V. (2015) ‘Am I Free Now?’ Overseas Domestic Workers in Slavery’ Available at: <https://www.jstor.org/stable/43862437>.

<sup>28</sup> Åhlberg, M., Emberson, C., Granada, L., Hussein, S., and A. Turnpenny (2022) ‘The vulnerability of paid, migrant, live-in care workers in London to modern slavery’ Available at: <https://www.nottingham.ac.uk/Research/Beacons-of-Excellence/Rights-Lab/resources/reports-and-briefings/2022/July/The-vulnerability-of-paid-migrant-live-in-care-workers-in-London-to-modern-slavery.pdf>

<sup>29</sup> Research led by the [University of Exeter](#), the [University of Bristol](#), the [University of York](#), the [University of Durham](#), [Focus on Labour Exploitation](#), the [Joint Council for the Welfare of Immigrants](#), and [UNISON](#) (2022) ‘UK agriculture and care visas and vulnerability to exploitation’ Available at: <https://modernslaverypec.org/research-projects/agriculture-care-visas>.

intimidation and threats.<sup>30</sup>

9. **Some evidence suggests that traffickers adapted their methods during the pandemic and increased online recruitment and exploitation was a common theme.**<sup>31,32</sup> However it is difficult to assess whether these changes were widespread or representative. Reports focused on online tactics linked to trafficking for sexual exploitation and false job advertisements.<sup>33</sup>
10. **Technology may also play a role in helping to prevent and address modern slavery, and the Modern Slavery PEC is funding several research projects on this theme:**
  - Research on the existing and potential role that adult service websites (ASWs)<sup>34</sup> can play to prevent modern slavery, including those who liaise with police investigations, share data and shut down potentially exploitative adverts (see the submission to HAC from Prof Teela Sanders).<sup>35</sup>
  - Forthcoming research assessing the impact of providing technology to survivors of modern slavery has identified the need to resource training for survivors of modern slavery on internet safety and digital skills training to reduce the potential risks of re-trafficking that can arise from using smart phones, if, for example, safe house locations are shared.<sup>36</sup>
  - Research that will use artificial intelligence (AI) to analyse case-note data<sup>37</sup> held by a survivor support charity, Causeway, to explore whether and, if so, how AI can reveal trends and patterns in unmet support needs. The research project will also develop an app that will be trialled by around 60 people with lived experience of modern slavery (who have exited NRM support) to gather data on their support needs in real-time.<sup>38</sup> This research project will explore questions

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<sup>30</sup> This project corroborates findings from previous research by Focus on Labour Exploitation and Fife Migrants Forum on the Seasonal Workers pilot scheme in Scotland: Focus on Labour Exploitation and Fife Migrants Forum (2021) 'Assessment of the risks of human trafficking for forced labour on the UK Seasonal Workers Pilot' Available at: <https://www.labourexploitation.org/publications/assessment-risks-human-trafficking-forced-labour-uk-seasonal-workers-pilot>

<sup>31</sup> Hanley, I., and J.-P. Gauci (2021) 'COVID-19's Impact on Anti-Trafficking Efforts: What do we know?' Available at: [https://slavfreetoday.org/journal\\_of\\_modern\\_slavery/v6i2a01\\_COVID19sImpactonAntiTraffickingEffortsWhatdo weknow.pdf](https://slavfreetoday.org/journal_of_modern_slavery/v6i2a01_COVID19sImpactonAntiTraffickingEffortsWhatdo weknow.pdf)

<sup>32</sup> US Department of State (2021) '2021 Trafficking in Persons Report' Available at: <https://www.state.gov/reports/2021-trafficking-in-persons-report/>

<sup>33</sup> Sarrica, F., Healy, C., Serio, G., Samson, J., and UNODC (2020) 'How COVID-19 Restrictions and the Economic Consequences Are Likely to Impact Migrant Smuggling and Cross-Border Trafficking in Persons to Europe and North America' Available at: <https://pesquisa.bvsalud.org/global-literature-on-novel-coronavirus-2019-ncov/resource/pt/grc-740661>

<sup>34</sup> Adult service websites are where most sexual services are advertised, negotiated and facilitated in the UK.

<sup>35</sup> Research led by the [University of Leicester](#), the [National Crime Agency](#), the [National Police Chief's Council](#), and [Unseen](#) (2022) 'The role of adult service websites in addressing modern slavery' Available at: <https://modernslaverypec.org/research-projects/adult-service-websites>. More detailed findings from this project will be available later in the year.

<sup>36</sup> Research led by the [University of Liverpool](#), the [International Organisation for Migration UK](#), and [Trafficking Awareness Raising Alliance \(TARA\)](#) (2022) 'Impact of providing technology to survivors of modern slavery in the UK' Available at: <https://modernslaverypec.org/research-projects/technology-survivors>

<sup>37</sup> Case-note data includes written records produced by caseworkers after or during a meeting with a service user – here being someone with lived experience of modern slavery who has exited NRM support. Case-notes can include descriptive detail of the conversation, as well as the interpersonal or affective qualities of the service user.

<sup>38</sup> Research led by [Aberystwyth University](#), [Causeway](#), [Trilateral Research](#), and [FiftyEight](#) (2023) 'Ethical AI technology to improve survivor support and UK policy' Available at: <https://modernslaverypec.org/research-projects/restart>



around ethics, safeguarding, and bias in AI and findings will be available at the end of 2023.

## Q2 How effective is the UK's approach to discouraging the demand that leads to trafficking?

- 11. The Modern Slavery PEC's current portfolio of funded research has examined demand for goods and services which involve high risk of forced labour in their supply chains, but has not specifically examined demand linked to trafficking for sexual exploitation.** Research funded by the Modern Slavery PEC examined how, in the context of the demand for goods and services, consumer attitudes, intentions, and behaviour can be mobilised to address modern slavery.<sup>39</sup> The research found that initiatives that aim to raise awareness among consumers about modern slavery has limited impact on actual behaviour. Recommendations for actions that have been shown to more effectively influence consumer activity include addressing contextual and psychosocial barriers to behavioural change, and avoiding communications that overrepresent consumers' responsibility and/or culpability in human trafficking and exploitation.<sup>40</sup>
- 12. Supply system shocks, or sudden increases or decreases in demand for goods and services, can increase risk of forced labour in supply chains.**
- Research funded by the Modern Slavery PEC examined medical glove manufacturing in Malaysia, during the pandemic.<sup>41</sup> The research team found that the pandemic led to a shift in power away from buyers in the UK – here being the NHS – and towards manufacturers, who held increased sway over decisions around distribution, pricing, and payment terms. The team used the International Labour Organization's Forced Labour Indicators framework to measure indicators of modern slavery; while they found evidence of all indicators both before and during the pandemic, four indicators worsened during the pandemic. Their research suggests that the skyrocketing demand for medical gloves, coupled with a freeze in Malaysia on recruitment of workers from overseas, led to increasing pressure on existing workers. The NHS's ability to carry out due diligence checks on suppliers was also significantly limited, reducing the ability to verify labour standards.
  - Research funded by the PEC examined the impact of the pandemic on Indian fashion supply chains. The research found that as the pandemic developed, the unpredictable nature of the size and timing of orders meant that factories could not accurately or effectively plan production rotas. This unpredictable demand led, in part, to the *'increased likelihood of subcontracting orders, and the associated risks to workers this entails'*.<sup>42</sup> When lockdowns were relaxed, increases in orders led to further pressure on the supply chain. Where relationships between brands and supply chains were weak, workers were exposed to higher risks of forced labour and exploitation. Brands who self-reported positive engagement with the transparency in supply chains provisions

<sup>39</sup> Carrington, M., Chatzidakis, A., and D. Shaw (2021) 'Addressing consumer awareness and (in)action towards modern slavery' Available at: <https://modernslaverypec.org/assets/downloads/Consumers-research-summary.pdf>

<sup>40</sup> Ibid.

<sup>41</sup> Bhutta, M., Bostock, B., Brown, J., Day, E., Hughes, A., Hurst, R., Trautrim, A., and M. Trueba (2021) 'Forced labour in the Malaysian medical gloves supply chain during the Covid-19 pandemic' Available at: <https://modernslaverypec.org/assets/downloads/Malaysia-research-summary.pdf>

<sup>42</sup> Sumner, M., Singhal, D., Davis, M., and H. Voss (2022) 'Impact of Covid-19 on Indian fashion supply chains' Available at: <https://modernslaverypec.org/assets/downloads/Research-summary-India-fashion-supply-chains.pdf>

of the Modern Slavery Act 2015 were able to mitigate these impacts and risks more effectively.<sup>43</sup>

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

13. **Modern Slavery PEC-funded research indicates that there is scope to make the operation of the protection and support system and policy underpinning it more effective in practice.** Understanding the effectiveness of support in meeting recovery needs and longer-term outcomes for individuals and how to improve access to justice for vulnerable groups is one of the Modern Slavery PEC's five research areas.<sup>44</sup> Modern Slavery PEC funded research to date primarily focuses on adults<sup>45</sup> in England and Wales. The research has identified a number of common issues that include:

- **A need to adopt survivor-informed outcomes of recovery.** Participatory research with adult survivors of modern slavery has indicated the need for researchers, support providers and policymakers to consider outcomes of recovery in a holistic way, that outcomes of recovery can be relevant at different stages of someone's journey and that these are not linear paths.<sup>46</sup> Similarly, in a participatory research project, young people described outcomes as interconnected, difficult to disaggregate, rarely linear and interlinked with the wider contexts and structures of their lives, with individual outcomes not confined within particular timeframes.<sup>47</sup> Furthermore, research exploring adult survivors' access to psychological assistance found that survivor support policy uses a narrow, medical approach to mental health, whereas survivors of modern slavery and those that support them highlighted the importance of activities that support wider mental wellbeing.<sup>48</sup>
- **A need for improved and early identification of modern slavery victims and trauma-informed and culturally competent interventions.** Research has highlighted the need for trauma-informed and trusted relationships between people with lived experience of modern slavery and practitioners.<sup>49,50</sup> In addition, practitioners have highlighted the importance of cultural understanding, alongside a trauma-informed approach, in providing a more effective response to those who experience exploitation and trafficking.<sup>51</sup> There is limited evidence about how

<sup>43</sup> Ibid.

<sup>44</sup> The Modern Slavery PEC (2021) 'Strategy' Available at: <https://modernslaverypec.org/resources/strategy>

<sup>45</sup> In 2023 we will fund research to expand the evidence base on the effectiveness of support to children.

<sup>46</sup> Paphitis, S., Jannesari, S., Witkin, R., Damara, B., Joseph, J., Triantafillou, O., Dang, M., Howarth, E., Katona, C., Wright, N., Sit, Q., and S. Oram (2023) 'The Modern Slavery Core Outcome Set' Available at: <https://modernslaverypec.org/resources/core-outcome-set>

<sup>47</sup> Hynes, P., Connolly, H., Durán, L., with Durr, P., Matar, E., and P. Haydon (2022) 'Creating stable futures: human trafficking, participation and outcomes for children' Available at <https://modernslaverypec.org/resources/childrens-outcomes>

<sup>48</sup> Findings based on academic study led by Thomas, S., Dang, M., Barrow, J., Johannes, K., Esioywa, N., and Professor Bradbury-Jones, C., Semione, J., and N. Wright, Policy brief led by Brotherton, V., (forthcoming) 'Placing Survivor Wellbeing on the Policy and Evidence Map' Available at <https://modernslaverypec.org/research-projects/survivor-wellbeing>

<sup>49</sup> Paphitis, S., Jannesari, S., Witkin, R., Damara, B., Joseph, J., Triantafillou, O., Dang, M., Howarth, E., Katona, C., Wright, N., Sit, Q., S. Oram (2023) 'The Modern Slavery Core Outcome Set' Available at: <https://modernslaverypec.org/resources/core-outcome-set>

<sup>50</sup> Hynes, P., Connolly, H., Durán, L., with Durr, P., Matar, E., and P. Haydon (2022) 'Creating stable futures: human trafficking, participation and outcomes for children' Available at <https://modernslaverypec.org/resources/childrens-outcomes>

<sup>51</sup> Saker, A. (2022) 'Practitioner Responses to Child Trafficking: Emerging Good Practice' Report produced by Cumberland Lodge, Independent Anti-Slavery Commissioner. Available at: [https://www.cumberlandlodge.ac.uk/sites/default/files/practitioner\\_responses\\_to\\_child\\_trafficking\\_-](https://www.cumberlandlodge.ac.uk/sites/default/files/practitioner_responses_to_child_trafficking_-)

services can most effectively identify people with lived experience of modern slavery, make quality referrals to the NRM, and engage with people at the point of identification to encourage access to support. The Modern Slavery PEC is funding research to address this evidence gap,<sup>52</sup> and launched a call for research projects to explore effective approaches in the prevention and early identification of child trafficking and modern slavery, as well as to improve understanding of the value of cultural competency and practice in improving equity and effectiveness in legal enforcement, support services and identification of people affected by modern slavery.<sup>53</sup>

- **Uncertainty around survivors' entitlements.** Survivors and service providers have reported a lack of clarity on legal advice entitlements and psychological assistance provided through the NRM together with a lack of clarity over what survivors' options are if such assistance does not meet their needs.<sup>54,55</sup> Research on British national survivors identified confusion among professionals about how the NRM relates to entitlements under other legislative and policy frameworks, such as housing or social care.<sup>56</sup>
- **Barriers to accessing entitlements.** The Covid-19 pandemic and related lockdowns exacerbated difficulties for survivors accessing services such as counselling and legal advice.<sup>57</sup> Survivors and service providers described psychological support provided through the NRM as being often resource-led as opposed to needs-led and survivors reported that long waiting lists and restrictive eligibility criteria prevented timely access, along with language and geographical barriers.<sup>58</sup> Challenges in accessing legal advice have been identified with respect to (1) availability and capacity of legal service providers, (2) awareness of rights on behalf of both potential clients and referring organisations, and (3) support needed to facilitate access to legal advice in practice.<sup>59</sup>
- **Procedural delays in NRM and asylum decisions, and in criminal prosecutions, exacerbated by the pandemic, negatively impact on survivors' well-being and contribute to the feeling of limbo** underlining the need to reduce such delays.<sup>60,61</sup> Although the Home Office intended to recruit 350

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[\\_emerging\\_good\\_practice\\_screen.pdf](#)

<sup>52</sup> Research led by the [British Institute of International and Comparative Law](#) (BIICL), in collaboration with the [Human Trafficking Foundation](#) 'Identification of adults with lived experiences of modern slavery in the UK' Available at: <https://modernslaverypec.org/research-projects/identification-of-adults>

<sup>53</sup> The Modern Slavery PEC (2023) 'Funding call: prevention of modern slavery' Available at: <https://modernslaverypec.org/latest/funding-call-prevention-of-modern-slavery>

<sup>54</sup> Gauci, J.-P., Magugliani, N., and J. Trajer (2023) 'Impacts of a lack of legal advice on adults with lived experience of modern slavery' Available at <https://modernslaverypec.org/resources/lack-access-legal-advice>

<sup>55</sup> Findings based on academic study led by Thomas, S., Dang, M., Barrow, J., Johannes, K., Esiowwa, N., and Professor Bradbury-Jones, C., Semione, J., and N. Wright, Policy brief led by Brotherton, V., (forthcoming) 'Placing Survivor Wellbeing on the Policy and Evidence Map' Available at:

<https://modernslaverypec.org/research-projects/survivor-wellbeing>

<sup>56</sup> Carole Murphy, M., Heys, A., Barlow, C., Gleich, L., and S. Wilkinson (2022) 'Identifying Pathways to Support British Victims of Modern Slavery towards Safety and Recovery: A Scoping Study' Available at: <https://modernslaverypec.org/resources/support-british-nationals>

<sup>57</sup> The Modern Slavery PEC (2021) 'Policy Brief: Impact of the Covid-19 pandemic on modern slavery' Available at: <https://modernslaverypec.org/assets/downloads/Modern-Slavery-PEC-Policy-Brief-Impact-of-Covid-19-on-MS.pdf>

<sup>58</sup> Findings based on academic study led by Thomas, S., Dang, M., Barrow, J., Johannes, K., Esiowwa, N., and Professor Bradbury-Jones, C., Semione, J., and N. Wright, Policy brief led by Brotherton, V., (forthcoming) 'Placing Survivor Wellbeing on the Policy and Evidence Map' Available at <https://modernslaverypec.org/research-projects/survivor-wellbeing>

<sup>59</sup> Gauci, J.-P., Magugliani, N., J. Trajer (2023) 'Impacts of a lack of legal advice on adults with lived experience of modern slavery' Available at: <https://modernslaverypec.org/resources/lack-access-legal-advice>

<sup>60</sup> Findings based on academic study led by Thomas, S., Dang, M., Barrow, J., Johannes, K., Esiowwa, N., and

additional staff to the NRM caseworking unit by March 2021,<sup>62</sup> as of December 2021 there were the equivalent of 278 full-time NRM decision-makers and a ‘*number of vacancies*’ being filled through recruitment activity.<sup>63</sup> Their impact on the backlog is not yet visible given the continued growth in referrals. At the end of 2022, there were almost 30,000 cases awaiting NRM conclusive grounds decisions.<sup>64</sup> The average (median) time from NRM referral to conclusive grounds decision was 543 days in 2022, up from 449 days in 2021.<sup>65</sup> In January 2023 a ‘*large number*’ of new decision-makers were being recruited to address decision-making timescales.<sup>66</sup> Following the operationalisation of measures from the Nationality and Borders Act in January 2023 Statutory Guidance,<sup>67</sup> there are concerns<sup>68</sup> that changes to the Reasonable Ground standard of proof and guidance on objective evidence requirements might make the process of NRM referrals and decisions more time-consuming, which coupled with the complex processes to assess disqualification on public order or bad faith grounds may have the impact of further exacerbating long decision-making times.

- **A need to improve linkages between specialised modern slavery services and wider systems affecting survivors’ lives such as housing, mental health services, the immigration and asylum system, informed by survivors.** Research has indicated that psychological assistance cannot have a meaningful impact on survivors’ well-being without access to other entitlements including safe and secure accommodation, material assistance, legal advice and access to interpreters.<sup>69</sup> Adopting a holistic approach has been identified as a key factor affecting the quality of legal advice, highlighting the need for greater collaboration and partnerships between statutory service providers and legal advice providers.<sup>70</sup> Through participatory research, young people identified structural, systemic and discriminatory barriers to achieving positive outcomes, emphasising the negative impact of immigration procedures.<sup>71</sup> Consensus-driven

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Professor Bradbury-Jones, C., Semione, J., and N. Wright, Policy brief led by Brotherton, V., (forthcoming) ‘Placing Survivor Wellbeing on the Policy and Evidence Map’ Available at:

<https://modernslaverypec.org/research-projects/survivor-wellbeing>

<sup>61</sup> The Modern Slavery PEC (2021) ‘Policy Brief: Impact of the Covid-19 pandemic on modern slavery’ Available at: <https://modernslaverypec.org/assets/downloads/Modern-Slavery-PEC-Policy-Brief-Impact-of-Covid-19-on-MS.pdf>

<sup>62</sup> Atkins, V. (2020) ‘Human Trafficking: Children: Answer to question for the Home Office, UIN 131342 tabled on 17 December 2020’ Available at: <https://questions-statements.parliament.uk/written-questions/detail/2020-12-17/131342>

<sup>63</sup> Baroness Williams of Trafford (2021) ‘Slavery: Answer to Question for the Home Office: UIN HL4648, tabled on 2 December 2021’ Available at: <https://questions-statements.parliament.uk/written-questions/detail/2021-12-02/HL4648>

<sup>64</sup> UK Home Office (2023) ‘Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary, 2022’ Available at: <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022>, Table 25

<sup>65</sup> Ibid.

<sup>66</sup> Jenrick, R. (2023) ‘Slavery: Answer to Question for the Home Office: UIN 131309, tabled on 24 January 2023’ Available at: <https://questions-statements.parliament.uk/written-questions/detail/2023-01-24/131309>

<sup>67</sup> UK Home Office (2023) ‘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’ Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1139341/Modern\\_Slavery\\_Statutory\\_Guidance\\_EW\\_Non-Statutory\\_Guidance\\_SNI\\_v3.1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1139341/Modern_Slavery_Statutory_Guidance_EW_Non-Statutory_Guidance_SNI_v3.1.pdf)

<sup>68</sup> Kalayaan (2023) ‘The National Referral Mechanism: Near Breaking Point’ Available at:

[http://www.kalayaan.org.uk/wp-content/uploads/2023/02/KALAYAAN\\_REPORT\\_UPDATED20FEB-2.0.pdf](http://www.kalayaan.org.uk/wp-content/uploads/2023/02/KALAYAAN_REPORT_UPDATED20FEB-2.0.pdf)

<sup>69</sup> Findings based on academic study led by Thomas, S., Dang, M., Barrow, J., Johannes, K., Esiowwa, N., and Professor Bradbury-Jones, C., Semione, J., and N. Wright, Policy brief led by Brotherton, V., (forthcoming) ‘Placing Survivor Wellbeing on the Policy and Evidence Map’ Available at:

<https://modernslaverypec.org/research-projects/survivor-wellbeing>

<sup>70</sup> Gauci, J.-P., Magugliani, N., J. Trajer (2023) ‘Impacts of a lack of legal advice on adults with lived experience of modern slavery’ Available at: <https://modernslaverypec.org/resources/lack-access-legal-advice>

<sup>71</sup> Hynes, P., Connolly, H., Durán, L., with Durr, P., Matar, E., and P. Haydon (2022) ‘Creating stable futures:

participatory research with adults identified a core set of seven outcomes that should, as a minimum standard, be used holistically and promote inter-agency collaboration and integration to deliver interventions for adult survivor recovery and reintegration, as well as provide a framework for policy and service design and evaluation.<sup>72</sup>

**Recommendation: the Home Office should improve the effectiveness of the policy and operation of the identification and support system by taking account of the issues raised by survivors and in research studies.** This should include recognising the non-linear and non-timebound nature of recovery, adopting a broader conception of psychological needs and related support that includes well-being, improving the clarity of victims' entitlements; addressing barriers to accessing those entitlements; reducing procedural delays in the NRM; and a need to better link specialist modern slavery support services with wider systems such as housing and health. Meaningful survivor inclusion has also been found to increase the effectiveness of modern slavery laws and policies (see below, paragraph 25).

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

**14. The UK Government has asserted that an increasing number of foreign nationals are abusing the National Referral Mechanism,<sup>73</sup> but has not published sufficient evidence to demonstrate the nature or scale of abuse by any group, including those seeking asylum.** While Ministers have described a very small number of high-level anonymised case studies to illustrate abuse of the NRM<sup>74</sup> it is not clear how representative such cases are of the wider cohort of individuals in the NRM. On 8<sup>th</sup> December 2022, the Office for Statistics Regulation wrote to the Home Office raising concerns that *'policy officials in the department could not point to any specific evidence for [greater gaming of the system] when we enquired. What is more, the proportion of referrals deemed by the Home Office to be genuine cases of modern slavery in its 'conclusive grounds decisions' has risen year by year from 58 per cent in 2016 to 91 per cent in 2021, which does not suggest in itself that gaming is a growing problem'*.<sup>75</sup>

**15. Based on analysis of official statements,<sup>76</sup> we infer that the UK Government understands misuse as making false claims to be a victim of modern slavery in**

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human trafficking, participation and outcomes for children' Available at:

<https://modernslaverypec.org/resources/childrens-outcomes>

<sup>72</sup> Paphitis, S., Jannesari, S., Witkin, R., Damara, B., Joseph, J., Triantafillou, O., Dang, M., Howarth, E., Katona, C., Wright, N., Sit, Q., and S. Oram (2023) 'The Modern Slavery Core Outcome Set' Available at:

<https://modernslaverypec.org/resources/core-outcome-set>

<sup>73</sup> Jenrick, R. (2022) 'Asylum Seekers Accommodation and Safeguarding' HC Deb. Vol.722 col.34. Available at:

<https://hansard.parliament.uk/Commons/2022-11-07/debates/B903624C-F400-4519-B10D-DFD6519A89CC/AsylumSeekersAccommodationAndSafeguarding>

<sup>74</sup> See, e.g., UK Home Office (2022) 'New Plan for Immigration: policy statement' Available at:

<https://www.gov.uk/government/consultations/new-plan-for-immigration/new-plan-for-immigration-policy-statement-accessible>;

Newton, S. (2017) 'Letter to the Work and Pensions Select Committee' Available at:

<https://www.parliament.uk/globalassets/documents/commons-committees/work-and-pensions/letter-from-sarah-newton-mp-to-chair-re-modern-slavery-session-17-2-2017.pdf>;

Patel, P. (2022) 'Spring Conference 2022' speech, Available at:

<https://www.conservatives.com/news/2022/spring-conference-2022--address-from-home-secretary-priti-patel>;

Braverman, S. (2022) 'Home Affairs Committee Oral Evidence: The work of the Home Secretary'

23 November 2022 Q470. Available at: <https://committees.parliament.uk/oralevidence/11600/pdf/>

<sup>75</sup> Office for Statistics Regulation (2022) 'Ed Humpherson to Jennifer Rubin: use of National Referral Mechanism statistics' Available at: <https://osr.statisticsauthority.gov.uk/correspondence/ed-humpherson-to-jennifer-rubin-use-of-national-referral-mechanism-statistics/>

<sup>76</sup> See for example references to ['vexatious accounts of modern slavery'](#), ['unsubstantiated' claims](#), ['vexatious](#)

**order to improperly gain access to the protections provided by the NRM.** In other words, the protections the law confers are being invoked by people who Parliament did not intend to protect. Concerns have been expressed by Government ministers that late claims of modern slavery are made in order to frustrate immigration removal, including by *'illegal migrants including foreign national offenders and those who pose a national security risk'*;<sup>77,78</sup> adult male Albanians arriving on small boats *'abusing'* modern slavery legislation;<sup>79</sup> and Albanians engaging in criminal activity apprehended by law enforcement being coached to claim modern slavery to avoid deportation,<sup>80</sup> but any interaction with the asylum system is not made clear. In her speech to the Commons introducing the Illegal Migration Bill the Home Secretary argued that *'Modern slavery laws are being abused to block removals'*,<sup>81</sup> linking this to the over 50% grant rate for asylum claims from Albanian nationals. This both conflates the NRM and asylum systems and also indicates that the majority of asylum claims are assessed as having a well-founded fear of persecution.

- 16. The National Crime Agency (NCA) has described intelligence about Albanian nationals being coached by criminals to make false claims to be victims of modern slavery.**<sup>82</sup> However, the NCA also indicated that some Albanians who have arrived in the UK from small boat Channel crossings were 'debt-bonded' whilst working in cannabis farms, a situation that the Home Office recognises in official policy as a potentially exploitative situation.<sup>83</sup> The Home Secretary stated that the high numbers of people arriving on small boats are *'largely criminal gangs exploiting vulnerable people and selling a lie that they are going to get a better life in the UK'* which potentially indicates deception, a recognised means of coercion for the crime of human trafficking.<sup>84,85</sup>

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[accounts of modern slavery', 'unsubstantiated' claims, 'unmeritorious' and 'illegitimate claimants'.](#)

<sup>77</sup> UK Home Office (2021) 'New Plan for Immigration: policy statement' Available at:

<https://www.gov.uk/government/consultations/new-plan-for-immigration/new-plan-for-immigration-policy-statement-accessible>;

Baroness Williams of Trafford (2021), 'Slavery: Victims, Answer to Question for the Home Office, UIN HL108, tabled on 11 May 2021' Available at: <https://questions-statements.parliament.uk/written-questions/detail/2021-05-11/hl108>;

<sup>78</sup> Davies, M. (2022) 'Slavery: Answer to Question for the Home Office UIN 65775, tabled on 18 October 2022' Available at: <https://questions-statements.parliament.uk/written-questions/detail/2022-10-18/65775>

<sup>79</sup> Braverman, S. (2022) 'Western Jet Foil and Manston Asylum Processing Centres' HC Deb. Vol.721 col.638/645. Available at: <https://hansard.parliament.uk/commons/2022-10-31/debates/F189CA88-FDF3-4018-905C-1CC8A1B76E28/WesternJetFoilAndManstonAsylumProcessingCentres>

<sup>80</sup> See, e.g., The Telegraph (2022) 'Albanian migrant criminals 'coached to claim they are modern slavery victims if caught' 15 November 2022. Available at: <https://www.civilsociety.co.uk/news/commission-chair-orlando-fraser-migrant-crisis-discourse.html> and The Times (2022) 'Albanian gangsters exploit slavery laws to pose as victims' 15 November 2022. Available at: <https://www.thetimes.co.uk/article/albanian-gangsters-exploit-slavery-laws-to-pose-as-victims-5x60vvs>

<sup>81</sup> Home Secretary (2023) 'Oral statement to parliament on the Illegal Immigration Bill' 7 March 2023. Available at: <https://www.gov.uk/government/speeches/home-secretary-statement-on-the-illegal-immigration-bill>

<sup>82</sup> The Telegraph (2022) 'Albanian migrant criminals 'coached to claim they are modern slavery victims if caught' 15 November 2021. Available at: <https://www.civilsociety.co.uk/news/commission-chair-orlando-fraser-migrant-crisis-discourse.html> and The Times (2022) 'Albanian gangsters exploit slavery laws to pose as victims' 15 November 2022. Available at: <https://www.thetimes.co.uk/article/albanian-gangsters-exploit-slavery-laws-to-pose-as-victims-5x60vvs>

<sup>83</sup> UK Home Office (2023) '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', para 2.61. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1139341/Modern\\_Slavery\\_Statutory\\_Guidance\\_EW\\_Non-Statutory\\_Guidance\\_SNI\\_v3.1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1139341/Modern_Slavery_Statutory_Guidance_EW_Non-Statutory_Guidance_SNI_v3.1.pdf)

<sup>84</sup> Home Secretary Q507, [Home Affairs Committee Oral Evidence](#): The work of the Home Secretary, HC 201, 23 November 2022

<sup>85</sup> UK Home Office (2023) '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', para 2.3 and 2.10. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1139341/Modern\\_Slavery\\_Statutory\\_Guidance\\_EW\\_Non-Statutory\\_Guidance\\_SNI\\_v3.1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1139341/Modern_Slavery_Statutory_Guidance_EW_Non-Statutory_Guidance_SNI_v3.1.pdf)

- 17. Many people claiming asylum in the UK are also referred to the National Referral Mechanism (NRM) by First Responder Organisations, though data on this is not routinely published.**<sup>86,87</sup> An individual's experience of exploitation may have taken place in their country of origin, and/or en route to the UK (and may or may not form part of an applicant's claim for asylum or protection under human rights grounds), and/or once in the UK. NRM referrals can be made at any stage after arrival into the UK. Decisions made through the NRM about victim status are generally separate from decisions made about asylum and are made by distinct departments within the Home Office. The NRM is a complex system, which involves a referral process by trained professionals in First Responder Organisations, followed by a two-stage decision-making process, run by the Home Office, to determine whether someone is a victim of modern slavery. Individuals cannot refer themselves to the NRM.
- 18. Based on published data, it is not possible to draw meaningful inferences as to the relationship between asylum claims and referrals to the NRM, or between NRM decision outcomes and asylum outcomes.** The published statistics indicate that between 2018 and 2022 *'for small boat arrivals with a refused asylum application one quarter (25%) were referred to the NRM, compared to only 11% of those who had been granted asylum following their claim.'*<sup>88</sup> However, the published data does not indicate the time between arrival in the UK via a small boat and referral to the NRM, nor whether these referrals to the NRM were for exploitation that occurred in the UK after arrival, or for exploitation experienced overseas only. The reasons for issuing negative reasonable grounds or conclusive grounds decisions (such as claiming 'improperly' or 'in bad faith') are not published. Asylum statistics do not record the grounds on which claims for asylum are made (e.g., owing to a fear of re-trafficking) and the NRM outcomes are not linked to the asylum decision outcomes.
- 19. A small proportion of people who arrived in the UK on a small boat have been referred to the NRM at any stage after arrival in the UK and the positive reasonable grounds decision rate for this group (85%) is broadly in line with the average.**<sup>89</sup> Between 2018 and 2022, 7% (6,210) of people who arrived in the UK on a small boat were referred to the NRM. Most of these individuals (5,897 or 95%) also had an asylum claim lodged. Of these 6,210 people arriving on a small boat and referred to the NRM, 85% received a positive reasonable grounds decision which is broadly in line with the positive reasonable grounds decision rate (of those for whom a decision has been made) for all adults referred to the NRM in 2022 (87%). For those who have received a conclusive grounds decision over the period 2018 to 2022, 85% were positive. However, 70% (4,373) of all people arriving on a small boat and referred to the NRM since 2018 are awaiting a conclusive grounds decision. The statistics demonstrate that 70% of conclusive grounds decisions made for those who arrived in 2022 were positive, however this relates to a very small number of decisions (72) and is therefore not comparable to other years' data.

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<sup>86</sup> The NRM is the UK's system for identifying and supporting modern slavery victims.

<sup>87</sup> The latest data we identified was released following a [Freedom of Information request](#), and relates to individuals referred to the NRM who received an asylum decision between Jan 2016 and December 2018. 982 individuals with a positive conclusive grounds decision were granted asylum. However, this does not include the number of individuals for whom asylum decisions were outstanding at time of publication. Subsequent Freedom of Information releases relate to asylum outcomes for specific nationalities or specific groups, for example [FOI6100](#) and [FOI48751](#).

<sup>88</sup> UK Home Office (2023) 'Irregular migration to the UK, year ending December 2022' Available at: <https://www.gov.uk/government/statistics/irregular-migration-to-the-uk-year-ending-december-2022/irregular-migration-to-the-uk-year-ending-december-2022>

<sup>89</sup> Ibid.

20. **The UK Government has also pointed to data on increased NRM referrals for Foreign National Offenders (FNOs) and people in immigration detention** – however previous analysis by the Modern Slavery PEC has shown that these increases could be due to a range of factors such as better identification of vulnerable people.<sup>90</sup> According to Home Office statistics published on 7<sup>th</sup> March 2023, there has been an increase in the proportion of people who were detained for return after arriving in the UK on a small boat, who were then referred to the NRM as potential victims of modern slavery while in detention. 6% (50) of detentions ending in 2019 involved a referral, rising to 53% (520) in 2020, and to 73% (294) in 2021, and at 65% (842) for detentions ending between January and September 2022.<sup>91</sup> These increases could be due to many factors, including ability to access legal aid when in detention, and improved awareness of trafficking indicators amongst staff in immigration detention. Referral rates vary by nationality, with the highest for Albanian (71%) and Vietnamese nationals (78%) in the period Jan 2021 to September 2022. The majority, 92%, of those referred to the NRM while detained for return received a positive reasonable grounds decision. However, the majority of referrals in this group are yet to receive a conclusive grounds decision.
21. **Further, there are concerns that potential victims of modern slavery in immigration detention are being under-identified.** The Independent Chief Inspector of Borders and Immigration found that between June and September 2022, the identification of detainees who were potential victims of torture and/or modern slavery was hampered by under-resourcing, high volumes of cases and detainee numbers, inadequate training of staff, perceptions of ‘abuse’ of the modern slavery and torture identification system among staff, and a lack of opportunities for comprehensive assessment of detainees. The Chief Inspector also found that NRM and Duty to Notify referrals were not being undertaken, despite indicators of modern slavery disclosed by detainees as part of their assessment under the Adults at Risk Rule 35 procedure, and Home Office staff demonstrating good knowledge of these indicators. This led to *‘concerns some individuals may fall through the gaps [...] Across the board, staff and stakeholders shared their concern that these factors meant that vulnerable detainees, deteriorating in detention, may not be identified and safeguarded effectively.’*<sup>92</sup>

**Recommendation: the HAC should encourage the UK Government to publish more data to enable assessment of the nature and scale of alleged abuses.** This will enable an assessment of the proportionality, impact, and unintended consequences of any legislative and policy measures in place which aim to prevent and reduce abuse. This should include:

- The number and characteristics (e.g., nationality, gender, age) of NRM referrals and NRM decision outcomes for people who arrive in the UK on small boats – including reasons for negative NRM decisions and by time elapsed between arrival in the UK via a small boat and referral to the NRM,
- The number and characteristics of people with positive conclusive grounds NRM decisions who receive a grant of Temporary Permission to Stay (and other forms of leave) to remain in the UK, and how they arrived to the UK,

<sup>90</sup> The Modern Slavery PEC (2021) ‘Submission on the Nationality and Borders Bill’, para 4. Available at: <https://modernslaverypec.org/resources/submission-nationality-borders-bill>

<sup>91</sup> UK Home Office (2023) ‘Modern slavery referrals for people detained for return after arriving in the UK on small boats’ Available at: <https://www.gov.uk/government/publications/modern-slavery-referrals-for-people-detained-for-return-after-arriving-in-the-uk-on-small-boats/modern-slavery-referrals-for-people-detained-for-return-after-arriving-in-the-uk-on-small-boats>

<sup>92</sup> ICIBI (2022) ‘Third annual inspection of ‘Adults at risk in immigration detention’ Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1128198/Third\\_annual\\_inspection\\_of\\_Adults\\_at\\_Risk\\_Immigration\\_Detention\\_June\\_to\\_September\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1128198/Third_annual_inspection_of_Adults_at_Risk_Immigration_Detention_June_to_September_2022.pdf)



- The number and characteristics of people referred to the NRM who claim asylum, and their asylum outcomes, combined with their NRM referrals and outcomes – including reasons for negative NRM decisions,
- The number and characteristics of people in immigration detention and FNOs referred to the NRM and their NRM decision outcomes – including reasons for negative NRM decisions.

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

**22. The Illegal Migration Bill introduced to Parliament on 7<sup>th</sup> March 2023, if enacted, would have serious implications for people affected by modern slavery, and would significantly change some parts of the UK's legal and policy framework in relation to modern slavery.** The Illegal Migration Bill automatically applies the 'public order disqualification' from the protections to which a person who has been identified as a potential victim of trafficking would otherwise be entitled. This disqualification would apply automatically to everyone who arrives in the UK after 7<sup>th</sup> March 2023 without valid authorisation (such as a visa), and who did not arrive directly from a country where they fear persecution, and has received a positive reasonable grounds decision. If enacted, this would inevitably lead to the detention and deportation of people who are recognised to be potential victims of modern slavery, in breach of the positive obligation to identify and protect in Article 4 ECHR. The Modern Slavery PEC will publish a full analysis of the Bill's modern slavery provisions in due course, drawing on legal analysis undertaken by Dr Marija Jovanovic.

**23. The UK Government's Modern Slavery Strategy was published in 2014.**<sup>93</sup> It set out a comprehensive strategic framework which aimed to significantly reduce the prevalence of modern slavery in the UK, as well as enhance the international response. We welcomed the Government's commitment in March 2021<sup>94</sup> to review the 2014 Strategy and develop a revised strategic approach by spring 2022,<sup>95</sup> however a revised Strategy has not yet been published and the status of this commitment is unclear.

**Recommendation: The UK Government should clarify its intentions around revising the 2014 Strategy and set out how the objectives of the modern slavery measures in the Illegal Migration Bill align with previously stated strategic objectives around preventing modern slavery and providing world-leading protections for those affected.**

**24. Our response to Q3 sets out improvements that could be made to policy on survivor identification and support. In terms of other areas of modern slavery legislation and policy, our funded research has identified several areas for improvements:**

<sup>93</sup> HM Government (2014) 'Modern Slavery Strategy' Available at: <https://www.gov.uk/government/publications/modern-slavery-strategy>

<sup>94</sup> HM Government (2021) 'New Plan for Immigration' Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/972517/CCS2\\_07\\_CCS0820091708-001\\_Sovereign\\_Borders\\_Web\\_Accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/972517/CCS2_07_CCS0820091708-001_Sovereign_Borders_Web_Accessible.pdf)

<sup>95</sup> Maclean, R. (2021) 'Investment Industry Exposure to Modern Slavery' HC Deb. Vol.702. col.106WH. Available at: <https://hansard.parliament.uk/commons/2021-10-26/debates/CAA44126-C930-45A2-97C8-C35642AFDD56/InvestmentIndustryExposureToModernSlavery>

*Meaningful inclusion of people with lived experience***25. Modern Slavery PEC research has found that meaningful survivor inclusion can improve the effectiveness of policies and programmes to address modern slavery.**

The UK Government has taken some steps to include survivors in its policymaking, for example the FCDO funded a Modern Slavery PEC research project to examine engagement of survivors of modern slavery in international policy and programming,<sup>96</sup> and the Home Office appointed a contractor to gather views of survivors to inform its review of the Modern Slavery Strategy.<sup>97</sup> However, there needs to be a more strategic approach, that draws on emerging best practice and sets short-, medium-, and long-term objectives for survivor inclusion in policymaking. This should take account of emerging best practice – being non-tokenistic, trauma-informed and preventing harm – recognising that the Government might not be best placed to engage with survivors directly and should explore using intermediaries with the requisite skills and experience.

**Recommendation: The UK Government should set out if and how it plans to meaningfully engage with people with lived experience of modern slavery to inform their strategic and policy approach.**

*Addressing modern slavery in supply chains*

**26. The Modern Slavery Act 2015 section 54 (transparency in supply chains) requires large businesses to publish annual modern slavery statements** on how they are addressing modern slavery in their supply chains. However, research funded by the Modern Slavery PEC has shown that there are limited levels of compliance with the minimum requirements of Section 54.<sup>98</sup> Public procurement has high potential as a lever to address modern slavery in supply chains, but public sector bodies are not in scope of section 54.<sup>99</sup> While the UK Government had set out its intention to strengthen Section 54 in the 2022-23 Parliamentary session via a new Modern Slavery Bill, including in particular its monitoring and enforcement, it has yet to do so.<sup>100</sup>

**Recommendation: The UK Government should identify and commit to a suitable legislative vehicle through which to amend section 54 and set out a clear timetable for its introduction.**

**27. Internationally, there is increasing momentum in support of mandatory human rights and environmental due diligence (mHREDD) legislation and forced labour import bans,** including the prospect of a legislative initiative at EU level. MHREDD creates a legal duty requiring businesses to identify, prevent, mitigate, and account for human rights and environmental harms in their operations and supply chains. A Modern Slavery PEC Policy Brief evaluating evidence of the effectiveness of mHREDD found that due to the recent adoption of this legislation in several countries, there is as yet

<sup>96</sup> Asquith, W., Kiconco, A., and A. Balch (2022) 'Promising practices in the engagement of people with lived experience to address modern slavery and human trafficking' Available at:

<https://modernslaverypec.org/assets/downloads/Engagement-lived-experience-research-summary.pdf>

<sup>97</sup> HM Government (2022) 'Survivor Engagement in the Modern Slavery strategy' Available at:

<https://www.contractsfinder.service.gov.uk/Notice/a9a388ce-17f4-4f03-b3a0-9611eae3c0d2>

<sup>98</sup> Hsin, L., New, S., Pietropaoli, I., and L. Smit (2021) 'Effectiveness of Section 54 of the Modern Slavery Act: Evidence and Comparative Analysis' Available at: <https://modernslaverypec.org/assets/downloads/TISC-effectiveness-report.pdf>

<sup>99</sup> Gonzalez de Aguinaga, S., Johnstone, O., and O. Hesketh (2022) 'Effectiveness of public procurement measures in addressing modern slavery' Available at: <https://modernslaverypec.org/assets/downloads/Public-procurement-briefing.pdf>

<sup>100</sup> HM Government (2022) 'The Queen's Speech 2022' Available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1074113/Lobby\\_Pack\\_10\\_May\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1074113/Lobby_Pack_10_May_2022.pdf)

limited evidence about the legislation's actual effectiveness to prevent and address modern slavery. The available evidence does show, however, that mandatory legislation led to increased compliance, compared to voluntary measures.<sup>101</sup> A Modern Slavery PEC Policy Brief on the effectiveness of forced labour import bans similarly found that there is limited evidence on its effectiveness and potential wider consequences. The principal example of forced labour import bans is in the United States, which has largely been enforced since 2016. The evidence does suggest that any singular regulatory intervention, such as an import ban, is unlikely on its own to be sustainably effective, and such bans should be considered alongside other regulatory and non-regulatory laws.<sup>102</sup>

**Recommendation: The UK Government should continue to monitor evidence around the effectiveness of mHREDD laws and forced labour import bans. Any future changes to section 54 should be done with a view to aligning with emerging international standards and to ensuring a level playing field for UK businesses.**

**28. Investors and other finance actors are an under-utilised lever for preventing and addressing modern slavery.** Estimated as comprising between 20-25% of the global economy,<sup>103</sup> the financial sector is increasingly recognised as '*a lever by which the entire global economy can be moved*',<sup>104</sup> and that as such, the influence of finance actors should be harnessed to prevent and address modern slavery.<sup>105</sup> Research funded by the Modern Slavery PEC has identified barriers faced by investors as they seek to address modern slavery.<sup>106</sup> The Modern Slavery PEC is funding two research projects on the ESG framework, which seek to evaluate the current framework and generate evidence around how it could be improved.

**Recommendation: Legislation and policy should increase its focus on investors and other finance actors as a lever for preventing and addressing modern slavery.**

### *Prevention*

**29. Prevention should be embedded across legislation, including in the areas of protection and prosecution.** Research funded by the Modern Slavery PEC evaluated the effectiveness of prevention measures using a public health approach. The researchers identified 25 prevention activities through which harm can be prevented at various stages: (1) before any form of exploitation occurs, (2) through the early identification of harm, and (3) treating harm to prevent re-trafficking. A clearer definition of prevention should be developed, informed by people with lived experience of modern slavery, that recognises prevention as '*an ongoing process of avoiding and minimising exploitation and harm*' and structures prevention activities in such a way that addresses the cyclical nature of exploitation.<sup>107</sup>

<sup>101</sup> Johnstone, O., and O. Hesketh (2022) 'Effectiveness of mandatory human rights and environmental due diligence' Available at: [https://modernslaverypec.org/assets/downloads/mHREDD\\_briefing\\_FINAL.pdf](https://modernslaverypec.org/assets/downloads/mHREDD_briefing_FINAL.pdf)

<sup>102</sup> Pietropaoli, I., Johnstone, O., and A. Balch (2021) 'Effectiveness of forced labour import bans' Available at: [https://modernslaverypec.org/assets/downloads/ImportBans\\_briefing-updated-final.pdf](https://modernslaverypec.org/assets/downloads/ImportBans_briefing-updated-final.pdf)

<sup>103</sup> Ross, S. (2021) 'Financial Services: Sizing the Sector in the Global Economy' Available at: <https://www.investopedia.com/ask/answers/030515/what-percentage-global-economy-comprised-financial-services-sector.asp>

<sup>104</sup> Financial Sector Commission on Modern Slavery and Human Trafficking (2019) 'A Blueprint for Mobilizing Finance Against Slavery and Trafficking' Available at: <https://www.fastinitiative.org/wp-content/uploads/Blueprint-DIGITAL-3.pdf>

<sup>105</sup> Crates, E. (2021) 'The role of the financial sector in eradicating modern slavery: CEOs respond to the Independent Anti-Slavery Commissioner' Available at: <https://www.antislaverycommissioner.co.uk/media/1672/iasc-report-sep-2021-the-role-of-the-financial-services-sector-in-eradicating-modern-slavery.pdf>

<sup>106</sup> Ostmann, F., Harris, A., Weinberg, N., Pietropaoli, I., and L. Smit (2021) 'Data for investor action on modern slavery' Available at: <https://modernslaverypec.org/assets/downloads/Investors-data-summary.pdf>

<sup>107</sup> Such, L., Habiba, A., Barnes, A., Hayes, K., Ariyo, M. D., and R. Brierley (2022) 'Prevention of adult sexual

**Recommendation: There should be a stronger emphasis on preventing modern slavery harm in the first place across legislation, policy and practice, underpinned by a clearer definition of prevention, and drawing on emerging evidence from research.**

March 2023