

Recommendations for Strengthening Measures on Victim Support through the Modern Slavery Bill

The Queen's Speech 2022 announced the introduction of a Modern Slavery Bill in order to '*Strengthen the protection and support for victims of human trafficking and modern slavery and increase the accountability of companies and other organisations to drive out modern slavery from their supply chains.*'

In 2019, the Government held a consultation on Transparency in Supply Chains and published their intention to change the law to strengthen the provisions based on the findings. However, no consultation has yet been held on the section of the Bill which will be focused on victim support. Effective victim support is not only essential to foster recovery for survivors but is fundamental to preventing future exploitation and successfully breaking up trafficking networks bringing offenders to justice. Building on the proposals for the UK in the United States Trafficking in Persons (TIP) Report 2022, 22 organisations have put together five key recommendations to support the Bill in its stated aim to '*strengthen the protection and support for victims of human trafficking and modern slavery*':

1. Create an environment where all victims of modern slavery feel safe to report to authorities
2. Develop processes to ensure victims of modern slavery are identified in a timely manner
3. Tailor response for child victims of modern slavery
4. Support victims of modern slavery to access criminal and civil justice
5. Empower victims of modern slavery to recover

1. **Create an environment where all victims of modern slavery feel safe to report to authorities.** In order for further crimes to be prevented, victims to be supported and criminals to be prosecuted, individuals affected by modern slavery must feel safe to report their experiences to law enforcement and local government. In order to achieve this, the Government must legislate to create a 'firewall', (where data is not shared with immigration enforcement) to enable individuals with insecure immigration status to report crimes without fear of removal. Immigration advice and advice on identification should be in scope for legal aid prior to entering the National Referral Mechanism (NRM) and legal aid should not be means-tested for potential and confirmed victims of modern slavery. In 2017, the Government committed to provide Places of Safety to allow victims time to address their immediate needs before making a decision about whether to enter the NRM and it's vital that this commitment is fully enacted.

2. **Develop processes to ensure victims of modern slavery are identified in a timely manner.** The onus cannot be placed on victims to come forward and report modern slavery. First Responders play a vital role in the identification of victims but currently there is no process about how to become a First Responder Organisation and many First Responders are not trained. There needs to be improved access to wider statutory and non-statutory agencies by issuing guidance and a process for applications to become First Responders. First Responders must receive mandatory training which is evaluated for its effectiveness to ensure they are aware of the signs of modern slavery, how to overcome barriers to disclosure and make appropriate referrals to the NRM and to other services if adult victims do not consent to the NRM. The training should ensure that First Responders recognise anyone with indicators of modern slavery, no matter their immigration status, or where or when the exploitation took place, as potential victims and offer support. Funding should be provided for First Responders Organisations to support their duties and associated costs e.g., interpretation services and emergency accommodation.

3. **Tailor response for child victims of modern slavery.** Any decisions made about children should be made in their best interests. In relation to immigration leave, their best interests should include the length of leave of at least 5 years and children subject to an age dispute should be treated as under 18 until determined otherwise by local authority social workers or the judiciary. The Independent Child Trafficking Guardian (ICTG) scheme under section 48 of the Modern Slavery Act must be extended to provide support for all child victims of modern slavery and unaccompanied children. The ICTGs should continue post 18 years old in line with leaving care services. The ICTG services must be scrutinised by OFSTED under the same inspection regime as all other services for vulnerable children with governance led by the Department for Education rather than the Home Office. Sufficient funding should be allocated for local safeguarding partnerships to meet the demands of devolved NRM decision making. As children do not receive the same support in the NRM as adults, Children and Adolescent Mental Health Services (CAHMS) should be funded and reformed, or specialist mental health services for child victims of modern slavery provided. It is vital that children are protected from harm; therefore they must be provided with specialist accommodation and the placement of children in unregulated accommodation must be banned. Child victims of modern slavery are being wrongly criminalised so the Government should legislate to remove the reasonable person test relating to children in the statutory defence in Section 45 of the Modern Slavery Act. Training should also be provided to all actors within

the Criminal Justice process to fully understand the Section 45 defence for all child and adult victims of modern slavery.

4. Support victims of modern slavery to access criminal and civil justice. It

is important to recognise that justice for one victim may not mean the same for another and access to criminal justice is often not possible without holistic long term support. Adult victims should have access to a specialist Independent Modern Slavery Advocate who can help them navigate complex systems and make informed decisions including about engaging with law enforcement. Equally, Government action is needed to expand the Victim Navigator service, embedded with police forces, to support modern slavery victims through the criminal justice process. Perpetrator accountability should not be based on victims working with the police but evidence shows that consistent, enduring support enables more victims to engage with investigations and prosecutors and their testimony is often central to bringing offenders to justice. The Government should ensure that victims can access free, timely, quality and specialist legal advice and representation. Criminal Injuries Compensation scheme applications should be brought in scope for legal aid, with immigration legal aid for trafficking and modern slavery cases paid on an hourly basis with rates of remuneration for civil legal aid raised. The Government should additionally ensure access to compensation by: introducing a specific civil remedy for trafficking and modern slavery enabling victims to recover compensation from their trafficker and establishing a legal aid contract for modern slavery compensation claims.

5. Empower victims of modern slavery to recover. Recovery is not linear or neatly boxed into a timeframe and recovery needs are unique for every victim of modern slavery. The Government must legislate to ensure the Modern Slavery Act is read and given effect in a way which is compatible with the Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT). Support must be tailored to each individual victim to meet needs which have arisen both from their experience of exploitation, and subsequent or preceding needs which make them vulnerable to re-trafficking and continue until the support is no longer needed. This includes enabling all victims to access trauma-informed therapy and counselling in a timely manner and ensuring the cost of care for dependents during sessions is covered to avoid secondary trauma for children. Access to work and education are important for recovery and avoiding re-trafficking. Recovery requires stability and autonomy so NRM decision making must be sped up so that victims are not left in limbo waiting for decisions. All foreign national confirmed victims of modern slavery who wish to stay in the UK should be given at least 12 months leave to remain after a positive Conclusive

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Grounds Decision and the right to work to help build independence and contribute to the economy. The Government's commitment of 12 months' support for all victims with a positive Conclusive Grounds Decision should be enacted and for victims returning to their country of origin, the Government must ensure there is wraparound support available to prevent re-trafficking.

Signatories:

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Hope for Justice
International Justice Mission (IJM) UK
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