

**Debate Pack**

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# Human trafficking and modern day slavery

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**Summary**

Modern slavery is an umbrella term which encompasses human trafficking and slavery, servitude and forced or compulsory labour.

The legislative framework for modern slavery is derived from international and domestic law.

[The National Referral Mechanism \(NRM\) is a UK-wide framework for identifying and referring potential victims of modern slavery](#) and ensuring they receive the appropriate support.

[According to the Office for National Statistics \(ONS\)](#): “The hidden nature of modern slavery makes producing an accurate prevalence measure difficult”. Therefore, there is no one data source that accurately quantifies the number of victims in the UK. Data for the UK NRM is given below. The ONS said that this is the “best measure of potential victims, although [it] is known to be an undercount”.

[According to the Home Office’s statistics on referrals to the NRM](#), there were 16,938 NRM referrals in 2022. This is a 33% increase from 2021 (12,706 referrals). Of this:

- 8,854 were potential victims who claimed exploitation as adults (52%)
  - 6,874 were male (78%)
  - 1,978 were female (22%)
- 7,019 were children (41%)
  - 5,607 were male (80%)
  - 1,401 were female (20%)

Broadly, stakeholder responses to the current modern slavery legislative framework have focused on four areas: the role of First Responder Organisations; the suitability of the NRM for certain groups; introducing new offences to the Modern Slavery Act 2015; and improving the NRM’s current provisions for victims.

# 1

## Background

Modern slavery is an umbrella term which encompasses human trafficking and slavery, servitude and forced or compulsory labour.

Human trafficking consists of three components:

- action (recruitment, transportation, transfer, harbouring or receipt, which can include either domestic or cross-border movement)
- means (threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability - however, there does not need to be a means used for children as they are not able to give informed consent)
- purpose of exploitation (for example, sexual exploitation, forced labour or domestic servitude, slavery, removal of organs)<sup>1</sup>

For cases of child trafficking the ‘means’ component is not required. [Under s2 of the Modern Slavery Act 2015](#), a person commits the offence of human trafficking “if the person arranges or facilitates the travel of another person (V) with a view to V being exploited”.<sup>2</sup> People do not have to be transported across borders for trafficking to take place. It applies to travel within a country.

For a person to have been a victim of slavery, servitude and forced or compulsory labour there must have been:

- means (being held, either physically or through threat of penalty – for example, threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability. However, there does not need to be a means used for children as they are not able to give informed consent)
- service (an individual provides a service for benefit - for example, begging, sexual services, manual labour, domestic service)<sup>3</sup>

Again, the means component does not apply to children.

Some people may not be victims of human trafficking but still be victims of modern slavery.

The Immigration Minister, Robert Jenrick, has responsibility for aspects of modern slavery which link to the National Referral Mechanism and migration. The Safeguarding Minister, Sarah Dines, leads on victim support policy across all crime types.<sup>4</sup>

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<sup>1</sup> Home Office, [National referral mechanism guidance: adult \(England and Wales\)](#), 19 May 2022, 5.1

<sup>2</sup> [Modern Slavery Act 2015](#), s2

<sup>3</sup> Home Office, [National referral mechanism guidance: adult \(England and Wales\)](#), 19 May 2022, 5.2

<sup>4</sup> PQ HL3433 [On [Victims: Slavery](#)] 29 November 2022

## 2

# Legislative framework

The legislative framework for modern slavery is derived from international and domestic law.

## International

### The Council of Europe Convention on Action Against Trafficking (ECAT)

Adopted by the Committee of the Council of Europe on 3 May 2005; the convention entered into force in relation to the UK on 1 April 2009. Article 1 sets out its purposes:

a to prevent and combat trafficking in human beings, while guaranteeing gender equality;

b to protect the human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution;

c to promote international cooperation on action against trafficking in human beings.<sup>5</sup>

Chapter 3 of ECAT provides a series of measures to protect and promote the rights of victims. For instance, access to assistance (eg, counselling and information, such as legal advice) and a “recovery and reflection period” of at least 30 days.

ECAT also has a specific two-pillar monitoring mechanism. This is composed of an independent expert body and a political body. The independent expert body evaluates implementation of ECAT (through country visits and reports), the political body considers these reports and then adopts recommendations for the relevant government.<sup>6</sup>

### The European Convention on Human Rights (ECHR)

Ratified by the UK in 1951, the Convention came into force in 1953. [Article 4 prohibits slavery and forced labour](#) (PDF).

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<sup>5</sup> [Council of Europe Convention on Action against Trafficking in Human Beings 2005](#) (PDF), Article 1

<sup>6</sup> Council of Europe, [Action against Trafficking in Human Beings: About the Convention](#) (accessed 21 March 2023)

## The EU Anti-Trafficking Directive

[Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims](#). It came into force in 2011. Article 1 sets out its subject matter:

This Directive establishes minimum rules concerning the definition of criminal offences and sanctions in the area of trafficking in human beings. It also introduces common provisions, taking into account the gender perspective, to strengthen the prevention of this crime and the protection of the victims thereof.<sup>7</sup>

Section 68 of the Nationality and Borders Act 2022 (“NAB Act”) disapplies the Directive in circumstances where it “ would otherwise be incompatible with provision made by or under this Act.”<sup>8</sup>

## 1 What is human smuggling?

Human trafficking and human smuggling are different concepts in law. There are separate legal frameworks for each offence.

Smuggling is characterised by illegal entry only and international movement only, either secretly or by deception (whether for profit or otherwise). [Section 25 of the Immigration Act 1971](#) creates offences covering any act facilitating a breach of immigration law by an individual who is not a national of the UK.

## Domestic

The UK gives effect to its international legal obligations through the following pieces of legislation and statutory guidance.

### The Modern Slavery Act 2015 (as amended)

[The Modern Slavery Act 2015](#) received royal assent on 26 March 2015. [The Human Trafficking and Exploitation \(Scotland\) Act 2015](#) and the [Human Trafficking and Exploitation \(Criminal Justice and Support for Victims\) Act \(Northern Ireland\) 2015](#) were passed in Scotland and Northern Ireland, respectively.

The Home Office provides the following overview of the Act’s provisions:

- consolidate and simplify existing offences into a single act
- ensure that perpetrators receive suitably severe punishments for modern slavery crimes (including life sentences)

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<sup>7</sup> [Directive 2011/36/EU 2011](#), Article 1

<sup>8</sup> [Nationality and Borders Act 2022](#), s68(1)

- enhance the court's ability to put restrictions on individuals where it's necessary to protect people from the harm caused by modern slavery offences
- create an independent anti-slavery commissioner to improve and better coordinate the response to modern slavery
- introduce a defence for victims of slavery and trafficking
- place a duty on the secretary of state to produce statutory guidance on victim identification and victim services
- enable the secretary of state to make regulations relating to the identification of and support for victims
- make provision for independent child trafficking advocates
- introduce a new reparation order to encourage the courts to compensate victims where assets are confiscated from perpetrators
- enable law enforcement to stop boats where slaves are suspected of being held or trafficked

- require businesses over a certain size to disclose each year what action they have taken to ensure there is no modern slavery in their business or supply chains<sup>9</sup>

[Section 49 of the Modern Slavery Act 2015](#) requires the Secretary of State to issue guidance about identifying and supporting victims. For instance, the indicators of modern slavery, and arrangements for providing support. This is known as the [Modern Slavery: statutory guidance for England and Wales and non-statutory guidance for Scotland and Northern Ireland](#).

### **Nationality and Borders Act 2022**

[Part 5 of the NAB Act relates to modern slavery](#). These provisions are intended to facilitate early identification of victims and deter misuse of the National Referral Mechanism.

## **2 Independent Anti-Slavery Commissioner**

[Section 40 of the Modern Slavery Act 2015](#) creates a duty for the Secretary of State to “appoint a person as the Independent Anti-slavery Commissioner” (IASC).<sup>10</sup> The Commissioner’s role is to encourage good practice in the prevention, detection, investigation and prosecution of slavery and human trafficking offences, as well as in the identification of victims.<sup>11</sup> The previous IASC stood down in April 2022 and the position is not currently filled. [Interviews for the role are expected to end on 16 May 2023](#). In the absence of an IASC, the office’s staff have no remit to provide views or take on or contribute to new work.<sup>12</sup>

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<sup>9</sup> Home Office, [Modern Slavery Act 2015](#), 30 July 2018

<sup>10</sup> [The Modern Slavery Act 2015](#), s40

<sup>11</sup> Independent Anti-Slavery Commissioner, [The Independent Anti-Slavery Commissioner](#) (accessed 21 March 2023)

<sup>12</sup> As above

### 3

## How are potential victims identified?

[The National Referral Mechanism \(NRM\)](#) is a UK-wide framework for [identifying and referring potential victims of modern slavery](#) and ensuring they receive the appropriate support.

### First Responder Organisations

Individuals cannot apply to be recognised as possible victims of modern slavery. [Only First Responder Organisations are authorised to refer someone into the NRM.](#)

[Section 52 of the Modern Slavery Act 2015](#) creates a statutory duty for specified public authorities in England and Wales to notify the Home Office about suspected victims of modern slavery.

The current statutory and non-statutory First Responder Organisations in England and Wales includes charities (eg, Barnardo's) and Government bodies (eg, the National Crime Agency). [There are different cohorts of First Responder Organisations in Scotland and Northern Ireland.](#) The Statutory Guidance states that First Responder Organisations have four primary responsibilities:

- identify potential victims of modern slavery and recognise the indicators of modern slavery
- gather information in order to understand what has happened to them
- refer victims into the NRM via the online process (in England and Wales this includes notifying the Home Office if an adult victim doesn't consent to being referred - DtN)
- provide a point of contact for the competent authority to assist with the Reasonable and Conclusive Grounds decisions and to request a reconsideration where a first responder believes it is appropriate to do so<sup>13</sup>

NRM referrals must be made for any person under the age of 18. Consent is required for an adult to be referred to the NRM. For an adult to provide their informed consent, a first responder must explain: what the NRM is; what support is available through it; what the possible outcomes are for an individual being referred.

### Duty to Notify

As previously stated, certain public authorities have a duty to notify the Home Office about suspected victims of modern slavery. In situations where an

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<sup>13</sup> Home Office, [National referral mechanism guidance: adult \(England and Wales\)](#), 19 May 2022, 4



individual does not provide consent, these organisations must instead submit a ‘Duty to Notify referral’ (DtN). This is a form that maintains an individual’s anonymity and does not grant them access to the NRM’s support systems. The Home Office encourages other organisations not covered by the duty to also put forward notifications in cases where they encounter a potential adult victim of modern slavery who does not want to enter the NRM. In 2022, there were 4,580 reports of adult potential victims through DtN; this compares to 3,193 in 2021.<sup>14</sup>

## Decisions

Decisions as to whether an individual is a victim are made by one of two ‘competent authorities’: the Immigration Enforcement Competent Authority (IECA) and the Single Competent Authority (SCA). This decision proceeds in two parts:

1. Reasonable grounds decision: the competent authority decides, where possible within five days of referral, whether there are reasonable grounds to believe an individual is a victim of modern slavery. Since January 2023, this assessment is based on “objective factors”, replacing the previous lower threshold of “suspect but cannot prove”.<sup>15</sup>
2. Conclusive grounds: following a positive reasonable grounds decision, a victim will receive a recovery period of at least 30 days. A conclusive grounds decision is then taken on whether someone is formally recognised as a victim. Following a positive decision victims will receive at least 45 days of support; an individual is entitled to receive 9 days of support following a negative decision (this can be extended).<sup>16</sup>

## Support

Support for potential victims may include accommodation, independent emotional and practical help, and access to relevant legal advice. The period for which this support will be available and the organisation that delivers it is dependent on which part of the UK the individual is in:

- England and Wales: at least 30 calendar days or until a conclusive grounds decision is made. This is delivered by the Salvation Army and a number of subcontractors.

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<sup>14</sup> Home Office, [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2022](#), 2 March 2023

<sup>15</sup> HCWS441 [[Update to the Modern Slavery Statutory Guidance](#)] 13 December 2022; Crown Prosecution Service, [Modern Slavery, Human Trafficking and Smuggling](#), 6 July 2022

<sup>16</sup> Home Office, [Modern Slavery: statutory guidance for England and Wales and non-statutory guidance for Scotland and Northern Ireland](#), 3 March 2023, 7.12

- Scotland: “90 days or until a Conclusive Grounds decision is made, whichever comes sooner”. Support is provided by the Trafficking Awareness Raising Alliance (TARA) or Migrant Helpline.<sup>17</sup>
- Northern Ireland: “at least 45 days while their case is considered”. Migrant Helpline or Women’s Aid are the support providers.<sup>18</sup>

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<sup>17</sup> Home Office, [National referral mechanism guidance: adult \(Northern Ireland and Scotland\)](#), 19 May 2022, 5

<sup>18</sup> As above

## 4 Who is affected?

According to the Office for National Statistics (ONS): “The hidden nature of modern slavery makes producing an accurate prevalence measure difficult”.<sup>19</sup> Therefore, there is no one data source that accurately quantifies the number of victims in the UK. Data for the UK NRM is given below. The ONS said that this is the “best measure of potential victims, although [it] is known to be an undercount”.<sup>20</sup>

[According to the Home Office’s statistics on referrals to the NRM](#), there were 16,938 NRM referrals in 2022. This is a 33% increase from 2021 (12,706 referrals). Of this:

- 8,854 were potential victims who claimed exploitation as adults (52%)
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- 7,019 were children (41%)
  - 5,607 were male (80%)
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Adult victims were most commonly referred for labour exploitation (39%); for children, criminal exploitation was the most common (43%).

### Nationality

For 2021 and 2022, the five most common nationalities (excluding dual nationalities) of possible victims were as follows:

Table 1 NRM referrals by nationality 2021-2022	
2021	2022
UK: 3,944 (31%)	Albanian: 4,613 (27%)
Albanian: 2,509 (20%)	UK: 4,185 (25%)
Vietnamese: 989 (8%)	Eritrean: 1,171 (7%)
Eritrean: 713 (6%)	Sudanese: 851 (5%)
Sudanese: 503 (4%)	Vietnamese: 768 (5%)

<sup>19</sup> ONS, [Modern slavery in the UK: March 2020](#), 26 March 2020

<sup>20</sup> As above

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Source: Home Office, [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2022](#), 2 March 2023, Annex

The Home Office said that the “key driver” for the rise in referrals of men from Albania was labour exploitation. Similarly, the increase of possible victims from Eritrea was also linked to labour exploitation. A “core driver” of the changes in referrals from Sudan were “child potential victims”. This increase in child referrals “was driven by those claiming labour exploitation”. The fall in referrals from Vietnamese people “was largely driven by the 27% fall in males compared to the previous year, whereas female numbers were similar”. Specifically, the number of Vietnamese men referred for labour exploitation decreased (330 in 2021 to 186 in 2022).<sup>21</sup>

The Library’s 8 March 2023 briefing [Modern slavery cases in the immigration system](#) provides further information on the relationship between the UK’s modern slavery laws and the asylum system.

## Outcomes

### Reasonable grounds

In 2022, 16,821 reasonable grounds decisions were issued. 12,959 were issued by the Single Competent Authority; 3,862 were issued by the Immigration Enforcement Competent Authority. 87% of decisions made by the SCA were positive, compared to 92% for the IECA.

### Conclusive grounds

6,189 conclusive grounds decisions were issued. An 118% increase on the year before. 5,756 were issued by the SCA and 433 by the IECA. 90% (5,163) of decisions issued by the SCA were positive compared to 82% (353) of decisions issued by the IECA.

## Decision making times

The median time taken from referral to conclusive grounds decisions made in quarter 4 2022 (October to November) was 642 days.<sup>22</sup> This compares to 531 in quarter 3, 536 in quarter 2 and 448 days in quarter 1 of 2022.<sup>23</sup>

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<sup>21</sup> Home Office, [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2022](#), 2 March 2023, Annex

<sup>22</sup> Home Office, [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, October to December 2022](#), 2 March 2023

<sup>23</sup> Home Office, [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, Quarter 2 2022 – April to June](#), 11 August 2022

## 5 Calls for change

Broadly, stakeholder responses to the current modern slavery legislative framework have focused on four areas: the role of First Responder Organisations; the suitability of the NRM for certain groups; introducing new offences to the Modern Slavery Act 2015; and improving the NRM's current provisions for victims. The final report of the independent review of the Modern Slavery Act 2015 was published in 2019.

### 5.1 First Responder Organisations

Stakeholders, including charities and non-profit organisations, have raised two concerns with the processes related to First Responder Organisations: the training and funding available to these organisations; and the lack of a formal application process for prospective First Responder Organisations.

#### Training and funding

According to After Exploitation, a non-profit organisation that tracks modern slavery in the UK, being designated a First Responder Organisation “does not necessarily correspond with either specific training or funding for the role”.<sup>24</sup> This assertion was linked to data from a freedom of information response that showed differences in referral rate amongst First Responder Organisations. For instance, from June-September 2019, the Gangmasters and Labour Abuse Authority registered 81% (17) of potential victims (21 total) through the DtN framework, whereas Local Authorities registered 9% through DtN (85) from a total of 895.<sup>25</sup>

Major Kathy Betteridge, Director for Anti-Trafficking and Modern Slavery for the Salvation Army, has also highlighted the importance of improvements to First Responder training:

One area of improvement that we feel is very evident is around the access to a first responder, the training that the first responder will go through, and the quality of that training, as well as the trauma-informed requirements for somebody who is gathering that evidence, so that an individual would have their rights recognised and clearly evidenced in that process.

There is also the funding issue around that. For somebody who is going through that process, the first responder is a self-funded organisation, whether it is an NGO or a statutory body. Improvements are required in the

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<sup>24</sup> After Exploitation, [After Exploitation data shows 1 in 5 potential slavery victims “identified but not referred for support”](#) (accessed 21 March 2023)

<sup>25</sup> As above

whole area of funding and support for that already traumatised individual who is coming through and having to tell and retell their story.<sup>26</sup>

## Application process for First Responder Organisations

Some stakeholders, for instance Kalayaan, a migrant domestic workers charity, have suggested that there has been “a lack of action on the part of the UK Government to acknowledge the pressing need for an increase in the numbers of first responder organisations, together with the requisite resources.”<sup>27</sup> This has generated strain on the system that, according to Kalayaan, could then lead to individuals being unable to be referred to the NRM. As a result, they argue that the Government should immediately consider “existing applications from specialist front line organisations” to become First Responder Organisations.<sup>28</sup> As well as establishing a formal application process for future applicants.

## Government position

Chris Philp, Minister of State (Home Office), provided the following summary of the steps the Home Office has taken in the areas outlined above:

The Home Office launched an e-learning package for First Responders in 2020. This consists of two modules, one on indicators of modern slavery and how to make a referral into the NRM (published summer 2020) and a second (published in June 2021) which focuses on the vulnerabilities of child victims. The training modules can be found here: [Home Office First Responder Training \(policingslavery.co.uk\)](https://policingslavery.co.uk)<sup>(opens in a new tab)</sup>

The Home Office continues to work with stakeholders to review the role of First Responders. This includes options for how non-statutory organisations can apply to be a First Responder Organisation.<sup>29</sup>

## 5.2 The suitability of the NRM for certain groups

### Impact on children

Concerns have been raised as to the way the NRM operates for children. This is due to the use of a single decision-making process for children and adults. According to Every Child Protected Against Trafficking (ECPAT) UK, a children’s rights organisation, this means that decisions are made “by Home

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<sup>26</sup> Joint Committee on Human Rights, [Oral evidence: Human rights of asylum seekers in the UK](#), HC 821, 2022-23, 15 March 2023, Q75

<sup>27</sup> Kalayaan, [The National Referral Mechanism: near breaking point](#) (PDF), February 2023, p6

<sup>28</sup> As above, p10

<sup>29</sup> PQ 139251 [On [Human Trafficking](#)] 13 February 2023

Office officials, far removed from the child and often lacking child-specific knowledge.”<sup>30</sup> ECPAT UK’s 2017 survey of frontline professionals showed that “more than half of respondents believed that the current NRM process needs to be revised and only 7% believed the system should remain as it is.”<sup>31</sup>

## Experiences of British nationals

A key finding of a 2022 analysis of 216 closed cases involving adult potential victims of modern slavery logged by police forces in the UK, was “that cases involving non-domestic trafficking were much more likely to be referred to the NRM”.<sup>32</sup> This finding led a September 2022 report funded through the Modern Slavery and Human Rights Policy and Evidence Centre (Modern Slavery PEC), an organisation created by public funding to enhance understanding of modern slavery, to suggest that there is “a reduced likelihood of British nationals being effectively referred into the NRM”.<sup>33</sup> This report, based on a literature review and survey data, contained the following key findings:

- Missed opportunities by professionals in statutory and non-statutory services resulted in a failure to identify and protect British nationals, including children, prior to exploitation.
- Professionals who interact with British nationals during exploitation are failing to recognise them as potential victims of modern slavery due to misunderstandings about who can be a victim of modern slavery.
- If correctly identified as potential victims, British nationals are often not referred into the NRM due to misunderstandings about who the NRM is for.
- There is a lack of knowledge of the statutory entitlements of British nationals resulting in missed opportunities to offer access to relevant support both in and out of the NRM.
- Post-exploitation, British survivors fall through significant gaps in support offered both through the Modern Slavery Victim Care Contract<sup>7</sup> (MSVCC) and under other statutory services.
- British nationals often present with complex needs (mental health and substance misuse, historical exploitation, criminal exploitation). Current systems, including mental health and criminal justice, both in and out of the NRM, are not set up to support this complexity.

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<sup>30</sup> ECPAT UK, [How are children identified as trafficked in the UK?](#) (accessed 21 March 2023)

<sup>31</sup> As above

<sup>32</sup> O’Brien et al., [Factors that predict the referral of adult Modern Day Slavery cases to the UK’s National Referral Mechanism](#), International Journal of Police Science & Management, 17 February 2022, p280

<sup>33</sup> Modern Slavery PEC, [Protecting British nationals from modern slavery](#) (PDF), 6 September 2022, p10

- Recovery pathways aimed at building resilience to reduce the risk of re-exploitation, based on understanding of their experiences, needs and statutory entitlements, have not been established for British nationals.
- Survivors are experts by experience. Their experiences of the gaps in identification, support and justice are currently not being employed to inform the creation of improved pathways to recovery.<sup>34</sup>

Amongst the report's recommendations to tackle these apparent difficulties for British nationals was a change to the referral process for adult British national potential victims. In situations where these individuals consented to enter the NRM, the report recommended also referring them to the local authority where they have been found/are living. If they did not consent to the NRM, the report suggested that "their consent should nonetheless be sought for a referral to the local authority".<sup>35</sup>

## Government position

Beginning in June 2021, the Home Office has run a devolving child decision-making pilot programme. The purpose of the programme is to assess whether determining if a child is a victim of modern slavery within existing safeguarding structures is a more appropriate model for making modern slavery decisions for children. Under this programme, reasonable and conclusive grounds decisions for children are devolved to a local authority through:

A multi-agency structure at one or more meetings, with representation from the three safeguarding partners – the local authority, health and police – as a minimum. The chair of the multi-agency structure should not be the lead social worker involved in a child's case to ensure the social worker is able to represent the child's view and avoid any conflict of interest.<sup>36</sup>

Alongside this, the Government has introduced Independent Child Trafficking Guardians (ICTGs) to two thirds of local authorities in England and Wales.<sup>37</sup> According to the Home Office, ICTGs are an "independent source of advice for children who have been trafficked and somebody who can speak up on their behalf."<sup>38</sup>

In a 23 December 2022 response to a written question about the measures the Government was taking to prevent the exploitation of British nationals, Robert Jenrick, the Immigration Minister, provided the following response:

The Government is committed to ensuring all adult victims of modern slavery can access needs-based support through the government funded Modern

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<sup>34</sup> Modern Slavery PEC, [Protecting British nationals from modern slavery](#) (PDF), 6 September 2022, p7

<sup>35</sup> As above

<sup>36</sup> Home Office, [Devolving child decision-making pilot programme: general guidance](#), 1 July 2022

<sup>37</sup> PQ 110624 [On [Slavery: British Nationality](#)] 23 December 2022

<sup>38</sup> Home Office, [Statutory guidance: Interim Guidance for Independent Child Trafficking Guardians](#), 18 November 2021



Slavery Victim Care Contract (MSVCC), alongside support provided by wider statutory services.<sup>39</sup>

## 5.3 Strengthening the Modern Slavery Act's provisions

Some organisations have campaigned to strengthen the provisions of the Modern Slavery Act. Particularly, for the introduction of a so-called 'cuckooing' offence.

Cuckooing involves a gang taking over somebody's home against their will and then using it for criminal activity such as storing and/or distributing drugs, cash and weapons. A November 2021 report by Justice & Care and the Centre for Social Justice (CSJ), suggested that under the 2015 Act "mere occupation is inadequate to allow a charge".<sup>40</sup> That is, according to a February 2023 report from the same organisations: "The CPS has said cuckooing is out of reach of the MSA 2015 where there is no movement and no other 'labour' is involved". The organisations suggest that a separate criminal cuckooing offence should be introduced.

Lord McColl introduced an amendment ([Amendment 292E](#)) to the Police, Crime, Sentencing and Courts Bill that sought to introduce a new cuckooing offence. This was subsequently withdrawn due to assurances from the Minister, these are detailed in the section below.

### Government position

Speaking for the Government, Lord Sharpe outlined the existing powers that he suggested could be used to disrupt cuckooing:

- Civil preventative orders, for instance closure orders and criminal behaviour orders.
- Offences under the [Misuse of Drugs Act 1971](#). Specifically, under s4 (relating to the supply of controlled drugs) and s8 (relating to the occupier of premises knowingly permitting the production or supply of drugs from their property).
- [Serious Crime Act 2015](#). Specifically, the offence of participating in the activities of an organised crime group (s8).

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<sup>39</sup> PQ 110624 [On [Slavery: British Nationality](#)] 23 December 2022

<sup>40</sup> CSJ and Justice & Care, [Cuckooing: the case for strengthening the law against slavery in the home](#), November 2021, p4

He also suggested that it would not be appropriate to introduce a cuckooing offence to s1 of the Modern Slavery Act 2015:

That section deals with offences where a person exercises control over another person to hold them in slavery or servitude, or requires them to perform forced or compulsory labour. The focus is on controlling another person and not their property or belongings. Having said all that, we recognise the seriousness of this phenomenon, and we will continue to look into it and support law enforcement partners in their efforts to tackle this malicious crime.<sup>41</sup>

## 5.4 Provision for survivors

Multiple organisations have recommended the introduction of a minimum of 12 months support for individuals after they have received a positive conclusive grounds decision.<sup>42</sup> Attempts have also been made to introduce statutory support for this.

For instance, the Sustainable integration of Trafficked human beings through proactive identification and Enhanced Protection (STEP) Project, led by the British Red Cross, recommended in July 2019 that people who have been found to be survivors of trafficking should continue to receive support “for at least twelve months” after they leave the NRM. This was based on British Red Cross pilot scheme (ran between February 2018 and May 2019) that aimed to develop longer-term support for survivors. The STEP project said that longer-term support can serve to protect “survivors on their journey to recovery”.<sup>43</sup>

[Lord McColl introduced a Private Members' Bill to affect this in June 2017](#), the Bill failed to complete its passage through Parliament before the end of the session.<sup>44</sup> In March 2022, during the Report stage of the Nationality and Borders Bill, Lords amendment 26 would have provided new statutory support for victims in England and Wales for at least 12 months.<sup>45</sup>

Most recently, CSJ and Justice & Care made the same recommendation in a February 2023 report. Here they reiterated STEP’s findings, as well as asserting that by “supporting victims well we can reduce risks of re-exploitation and increase the chances of convictions.”<sup>46</sup>

Access to legal advice is another area in which stakeholders have suggested that potential victims require further support. Kate Elsayed-Ali, Policy

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<sup>41</sup> [HL Deb 22 November 2021 c712](#)

<sup>42</sup> See for instance, Work and Pensions Committee, [Victims of Modern Slavery](#), 27 April 2017

<sup>43</sup> British Red Cross, [Hope for the future: Support for survivors of trafficking after the National Referral Mechanism](#), July 2019, p20

<sup>44</sup> Versions of the Bill were then reintroduced by Lord McColl in 2020 and 2021. The Bill did not progress in either session.

<sup>45</sup> [HL Deb 8 March 2022 c1305-6](#)

<sup>46</sup> CSJ and Justice & Care, [Slavery at home: a new Bill to tackle slavery in Britain](#) (PDF), February 2023, p28

Manager at Anti-Trafficking and Labour Exploitation Unit, said that the modern slavery legal framework is becoming “more complex” whilst people are finding it harder to access legal advice due to the legal aid system being “in crisis”. She gave the following summary of the effect of this for victims:

The consequences of not being able to access legal-aided advice are devastating for survivors. We saw an increase in mental health problems. We saw people destitute, homeless and vulnerable to re-exploitation. You have highlighted a really important problem, which is that these positive obligations and these rights exist, but, in the UK at the moment, we have a problem where people are not able to access them all the time. The current legislative environment with the Nationality and Borders Act is making that more important but more difficult.<sup>47</sup>

## Government position

During the passage of the NAB Act, the Government committed to provide “where necessary, appropriate and tailored support for a minimum of 12 months to all those who receive a ‘positive conclusive grounds decision.’”<sup>48</sup>

As of 6 February 2023, the Government was reviewing this commitment:

We are currently reviewing the commitment made regarding the provision of 12 months’ support to victims who have received a positive Conclusive Grounds decision, both in light of the urgent need to tackle misuse of the National Referral Mechanism and in order to consider how to best serve the individual needs of modern slavery victims.

The Government remains committed to ensuring confirmed victims of modern slavery can access appropriate needs-based support in line with international and domestic legal obligations.<sup>49</sup>

The Government has said that it is “spending over £8m” on legal aid provision through the NAB Act. This funding will be used to provide “advice to individuals who are prioritised for removal from the UK, and to help identify victims of modern slavery.”<sup>50</sup>

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<sup>47</sup> Joint Committee on Human Rights, [Oral evidence: Human rights of asylum seekers in the UK](#), HC 821, 2022-23, 15 March 2023, Q74. See also, [Modern Slavery PEC, Impacts of lack of legal advice on modern slavery survivors](#), 22 January 2023

<sup>48</sup> [HL Deb 8 March 2022 c1307](#)

<sup>49</sup> PQ HL4984 [On [Slavery](#)]

<sup>50</sup> PQ 149623 [On [Civil Proceedings: Legal Aid Scheme](#)] 1 March 2023

## 5.5 Independent review of the Modern Slavery Act 2019

In May 2019, [the final report of the independent review of the Modern Slavery Act was released](#). The review was conducted by Frank Field (Ind), Baroness Elizabeth Butler-Sloss (CB), and Maria Miller (Con).

The review focused on four topics: transparency in supply chains, the role of the Independent Anti-Slavery Commissioner, the Act's legal application, and the safeguarding of child victims of Modern Slavery.

The report made 80 recommendations across the four themes. These included:

### IASC

- 11: all IASC reports should be made public, and the Government should be required to give a public response.
- 14: augmenting the IASC with an additional international role (an Envoy or Ambassador).

### 3 A new Modern Slavery Bill?

A Modern Slavery Bill was announced in the 2022 Queen's speech. The Bill's main elements included a commitment to reduce the prevalence of modern slavery in supply chains; enshrine in the domestic law the Government's international obligations to victims; and strengthen the tools law enforcement agencies use to prevent modern slavery.<sup>51</sup> Speaking for the Government on 26 January 2023, Lord Murray said the Government "is determined to tackle the misuse of our modern slavery system" and was examining "the case for legislative changes [...] we will make a further announcement in due course".<sup>52</sup>

### Independent Child Trafficking Advocates (now ICTGs)

- 36 and 38: continuing to roll out the ICTG programme and expanding it to young people aged up to 21 or 25 (subject to their circumstances).
- 55: commencing s48 of the Modern Slavery Act 2015 (ICTA).

### Legal application

- 61: amending s1(5) and s2(2) of the Modern Slavery Act 2015 to "reflect more clearly that a child is not able to consent to any element of their trafficking."
- 67: reviewing the new legal aid contracts and how they are operating in practice.

<sup>51</sup> Prime Minister's Office, [The Queen's Speech 2022](#) (PDF), 10 May 2022, p83

<sup>52</sup> PQ HL4709 [On [Slavery](#)] 26 January 2023

## Government response

The Government accepted the “majority of the recommendations”.<sup>53</sup>

The Government committed to appointing a HMG Modern Slavery and Migration envoy. [Jennifer Townson was appointed to the role in October 2019.](#)

In regards to ICTGs, the Government said it would publish a further paper before Parliament ahead of national roll out, setting out its response to the recommendations.<sup>54</sup>

The Government did not accept the recommendation to amend s1(5) and s2(2), as it had not received “corresponding reports from our operational and prosecutorial partners” that the law was deficient in this area.<sup>55</sup>

It agreed to review legal aid provision. This would be carried out by the Legal Aid Agency (LAA), the Ministry of Justice and the Home Office on a quarterly basis.<sup>56</sup>

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<sup>53</sup> HM Government, [UK Government response to the independent review of the Modern Slavery Act 2015](#) (PDF), p4

<sup>54</sup> As above, p15

<sup>55</sup> As above, p18

<sup>56</sup> As above, p20

## 6 Parliamentary material

### 6.1 Parliamentary questions

#### Human Trafficking

**24 Mar 2023 | HL6368**

**Asked by: Lord McColl of Dulwich**

To ask His Majesty's Government how many individuals arrived in the UK across the English channel in small boats and entered the National Referral Mechanism between 2018 and 2022; and what was the breakdown of these individuals by (1) gender, (2) age, (3) nationality, and (4) location of claimed exploitation, where such a claim was made.

**Answering member: Lord Murray of Blidworth | Department: Home Office**

The Home Office publishes statistics on small boat arrivals to the UK in the 'Irregular Migration to the UK statistics' report on GOV.uk. Data on NRM referrals from small boat arrivals are published in the 'Potential victims of modern slavery' section of the 'Irregular migration to the UK' publication. The latest data relates to the end of December 2022. Information on future Home Office statistical release dates can be found in the 'Research and statistics calendar' on GOV.uk

The Home Office does not publish data on NRM referrals from small boat arrivals by gender, age, nationality, or location of claimed exploitation. Official statistics published by the Home Office are kept under review in line with the Code of Practice for Statistics, taking into account a number of factors including user needs, as well as quality and availability of data.

#### Human Trafficking

**24 Mar 2023 | HL6367**

**Asked by: Lord McColl of Dulwich**

To ask His Majesty's Government what is the average wait for a person entering the National Referral Mechanism to receive a reasonable grounds decision (1) before the updated statutory guidance came into effect on 30 January, and (2) since the introduction of that updated guidance.

**Answering member: Lord Murray of Blidworth | Department: Home Office**

Reasonable Grounds decisions will be made as soon as possible following referral. Statistics on the timescales of Reasonable Grounds decisions for victims of modern slavery are not currently published

### Slavery: Victims

**Asked by: Afzal Khan**

**24 Mar 2023 | 170712**

To ask the Secretary of State for the Home Department, whether she has made an assessment of the impact the Illegal Migration Bill on victims of (a) slavery and (b) human trafficking.

**Answering member: Robert Jenrick | Department: Home Office**

I refer the Hon. Member to my response to Question 161356 on 22 March: [Written questions and answers - Written questions, answers and statements - UK Parliament](#)

### Asylum: Albania

**23 Mar 2023 | 169209**

**Asked by: Hilary Benn**

To ask the Secretary of State for the Home Department, how many and what proportion of Albanian nationals who have applied for (a) asylum, (b) refugee status and (c) protection under modern slavery legislation have been granted leave to remain in the UK by gender in each of the last five years.

**Answering member: Robert Jenrick | Department: Home Office**

The Home Office publishes data on asylum in the '[Immigration System Statistics Quarterly Release](#)'. Data on initial decisions of all asylum applications raised in a period by nationality can be found in table Asy\_D04 of the '[asylum and resettlement detailed datasets](#)'. A breakdown by gender is not available. People who successfully apply for asylum are granted refugee status or other leave.

Information on how to use the dataset can be found in the 'Notes' page of the workbook. the latest available data is for 2021, and data are accurate as of June 2022. Data for 2022 will be published in August 2023. Information on future Home Office statistical release dates can be found in the '[Research and statistics calendar](#)'.

The Home Office does not publish data on referrals to the National Referral Mechanism (NRM) for potential victims of modern slavery that have been granted leave to remain in the UK.

Official statistics published by the Home Office are kept under review in line with the Code of Practice for Statistics, taking into account a number of factors including user needs, as well as quality and availability of data.

### Asylum

**22 Mar 2023 | 165401**

**Asked by: Kate Osamor**

To ask the Secretary of State for the Home Department, if she will make an estimate of the proportion of people who would not be eligible for asylum under the Illegal Migration Bill who would be eligible to be sent to (a) a third country and (b) their country of origin.

**Answering member: Robert Jenrick | Department: Home Office**

The Illegal Migration Bill will change the law so that people who come to the UK illegally can be detained and then swiftly returned to a safe third country or their home country. If they cannot be returned to their home country, then they will be relocated to a third safe country, such as Rwanda, where they will receive support to rebuild their lives. If someone is identified as a potential victim of modern slavery or human trafficking, we will ensure they are safely returned home or to another safe country, away from those who have trafficked them.

The Secretary of State is not required to make arrangements to remove an unaccompanied child from the UK until they turn 18 years old, but there is a power to do so. As a matter of current policy this power will only be exercised in limited circumstances ahead of them reaching adulthood, such as for the purposes of family reunion or where removal is to a safe country of origin.

### Illegal Migration Bill

**22 Mar 2023 | 161356**

**Asked by: Dr Rupa Huq**

To ask the Secretary of State for the Home Department, whether she has made an assessment of the potential impact of the Illegal Migration Bill on victims of modern slavery who have been trafficked to the UK.

**Answering member: Robert Jenrick | Department: Home Office**

The UK government remains committed to tackling the heinous crime of modern slavery and supporting victims.

The Illegal Migration Bill will crack down on the opportunities to abuse modern slavery protections, by preventing people who come to the UK through illegal and dangerous journeys from misusing modern slavery safeguards to block their removal.



We are working on developing guidance regarding the operation of these measures, including any potential impacts and how they relate to victims of Modern Slavery, to be introduced when it is appropriate to do so once the Illegal Migration Bill has progressed through Parliament.

### Slavery

**20 Mar 2023 | 165223**

**Asked by: Hilary Benn**

To ask the Secretary of State for the Home Department, whether her Department has provided guidance to people reporting that they are victims of trafficking or modern slavery of the potential impact on them of Clause 2(3) of the Illegal Migration Bill.

**Answering member: Robert Jenrick | Department: Home Office**

The UK government remains committed to tackling the heinous crime of modern slavery and supporting victims.

The Illegal Migration Bill will crack down on the opportunities to abuse modern slavery protections, by preventing people who come to the UK through illegal and dangerous journeys from misusing modern slavery safeguards to block their removal.

We are working on developing guidance regarding the operation of these measures, including any potential impacts and how they relate to victims of Modern Slavery, to be introduced when it is appropriate to do so once the Illegal Migration Bill has progressed through Parliament.

### Human Trafficking

**16 Mar 2023 | 164056**

**Asked by: Dr Caroline Johnson | Party: Conservative Party**

To ask the Secretary of State for the Home Department, in relation to modern slavery and the National Referral Mechanism (NRM), (a) how many people were referred to the NRM during 2022; (b) how many cases received a positive reasonable grounds decision during 2022; (c) how many cases received a negative reasonable grounds decision during 2022; (d) how many cases are currently waiting for a reasonable grounds decision; and (e) what recent estimate the Government has made of the (i) number and (ii) proportion of non UK citizens referred to the NRM who may have been referred to that mechanism with the intention of circumventing immigration requirements.

**Answering member: Robert Jenrick | Department: Home Office**

The Home Office publishes quarterly and annual statistics regarding the National Referral Mechanism (NRM). The 2022 statistics can be found here; [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1139171/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022.ods](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1139171/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2022.ods).

## **Slavery**

15 Mar 2023 | 161431

**Asked by: Fleur Anderson**

To ask the Secretary of State for the Home Department, if she will make an assessment of the effectiveness of the Modern Slavery Act 2015 in ensuring the (a) reliable and accurate reporting of and (b) reduction of modern slavery in company supply chains since it came into force.

**Answering member: Robert Jenrick | Department: Home Office**

Section 54 of the Modern Slavery Act 2015 requires businesses with a turnover of £36m or more to report annually on the steps taken to prevent modern slavery in their operations and supply chains.

Compliance with section 54 is high. Following a Home Office commission, the Business & Human Rights Resource Centre completed an audit of compliance with Section 54 of the Modern Slavery Act. The high-level findings of this audit were published on 17 September 2020 in the Independent Anti-Slavery Commissioner's annual report (available here): <https://www.gov.uk/government/publications/independent-anti-slavery-commissioners-annual-report-2019-to-2020>).

To further increase compliance with section 54, the [Government response to the Transparency in Supply Chains consultation](#), published on 22 September 2020, committed to taking forwards an ambitious package of measures to strengthen the Act's transparency legislation, including: extending the reporting requirement to public bodies with a budget of £36 million or more; mandating the specific reporting topics statements must cover; and requiring organisations to publish their statement on the new Government registry.

The Government has also committed to introduce financial penalties for organisations who fail to meet their statutory obligations to publish annual modern slavery statements. These measures require primary legislation and will be introduced when parliamentary time allows.

In March 2021, the Government launched the modern slavery statement registry as a key tool to monitor and improve compliance with Section 54. Since launch, over 9,800 modern slavery statements covering over 32,800 organisations have been voluntarily submitted.

## **Slavery**

**14 Mar 2023 | 158881**

**Asked by: Caroline Lucas**

To ask the Secretary of State for the Home Department, pursuant to the Answer of 28 February 2023 to Question 148612 on Slavery, how the assurance function of the Multi-Agency Assurance Panels (MAAPs) is being carried out; what the timeline for the introduction of the remodelled assurance process is; if he will make it his policy to temporarily reinstate the MAAPs while the remodelled process is being developed; and if he will make a statement.

**Answering member: Robert Jenrick | Department: Home Office**

To reduce decision making delays in the National Referral Mechanism (NRM), MAAPs were removed from the process in December 2022

All negative reasonable grounds and conclusive grounds decisions continue to require a second pair of eyes review by another caseworker or manager and the Competent Authorities continue to undertake internal assurance of both positive and negative Reasonable Grounds and Conclusive Grounds decisions.

The Home Office continues to give consideration towards an alternative process that can provide appropriate assurance and drive further improvements to NRM decision making in such a way that does not add time to service of outcomes.

### [Civil Proceedings: Legal Aid Scheme](#)

**01 Mar 2023 | 149623**

**Asked by: Dan Carden**

To ask the Secretary of State for Justice, whether his Department has made an assessment of the potential merits of providing a temporary increase in funding for the civil legal aid system while the present civil legal aid review takes place.

**Answering member: Mike Freer | Department: Ministry of Justice**

The purpose of review of civil legal aid is to identify evidence-based options for moving to a more effective, efficient and sustainable system for legal aid providers and the people who rely on legal aid.

Whilst the review of civil legal aid is taking place, we are continuing to make improvements across the sector to ensure legal aid is available to those who need it.

We are injecting £10m a year into housing legal aid through upcoming changes to the Housing Possession Court Duty Scheme (HPCDS), to give

people the best chance of keeping their home when they fall into difficult financial times.

From 1 March 2023, we are broadening the evidence requirements for victims of domestic abuse applying for legal aid. Special Guardianship Orders in private law proceedings will also be brought into the scope of legal aid from 1 May 2023. This will deliver on our commitments to support victims of domestic abuse and allow special guardians to access legal aid. This means an increase in funding of £13m per year.

We are expanding legal aid provision through the Nationality and Borders Act, spending over £8m, aiming to provide advice to individuals who are prioritised for removal from the UK, and to help identify victims of modern slavery.

Legal aid provision is kept under constant review by the Legal Aid Agency, who will take immediate action to ensure there is access across England and Wales.

### **Slavery**

**28 Feb 2023 | 148612**

**Asked by: Caroline Lucas**

To ask the Secretary of State for the Home Department, if she will make it her policy to reinstate the multi agency assurance panels overseeing the work of the national referral mechanism for victims of modern slavery; and if she will make a statement.

**Answering member: Robert Jenrick | Department: Home Office**

Multi-Agency Assurance Panels (MAAPs) were introduced in April 2019, their purpose being to review negative Conclusive Grounds decisions in the National Referral Mechanism (NRM) prior to the service of a decision.

On account of the ongoing pressure on the times taken to make decisions in the NRM, we decided to remove the MAAPs from the decision-making timeline in December. The Government remains committed to identifying and supporting victims of modern slavery and it is our intention that the assurance function provided by MAAPs will be replaced with a remodelled assurance process. This will aim to continue to drive improvements in NRM decision-making in a way that does not add time to service of outcomes.

### **Slavery: Prosecutions**

**15 Feb 2023 | HL5355**

**Asked by: Lord Bourne of Aberystwyth**

To ask His Majesty's Government what assessment they have made of (1) the low rate of prosecutions under the Modern Slavery Act 2015, and (2) the need for more effective enforcement.

**Answering member: Lord Murray of Blidworth | Department: Home Office**

The Government is committed to tackling the heinous crime of modern slavery and bringing the individuals responsible to justice. Modern slavery is a complex and multi-faceted crime, and offenders can often be prosecuted or convicted for offences under different legislation.

There has been a continued uplift in law enforcement activity since the Modern Slavery Act (MSA) was passed in 2015, which has led to a significant increase in the number of live police modern slavery operations, from 188 in December 2016 to at least 3,555 in December 2022. This has also had an impact on prosecutions with an increase from 267 in 2020 to 466 in 2021.

We are continuing to invest in the police to support them to improve the response to modern slavery in England and Wales to drive-up prosecutions and build trust with victims. A total of £16.5m has been provided by the Home Office since 2016, including £1.4m in 2022-23 to the Modern Slavery and Organised Immigration Crime Unit.

### [Slavery](#)

**15 Feb 2023 | 141580**

**Asked by: Derek Thomas**

To ask the Secretary of State for the Home Department, what progress she has made on (a) recruiting and (b) appointing a new Independent Anti-Slavery Commissioner.

**Answering member: Robert Jenrick | Department: Home Office**

The role of the Independent Anti-Slavery Commissioner (IASC) as set out in the 2015 Modern Slavery Act is to encourage good practice in the prevention, detection, investigation and prosecution of slavery and human trafficking offences and the identification of victims.

The Home Secretary recognises the importance of the role of Independent Anti-Slavery Commissioner and has committed to running a new open competition to recruit for this role; the process will begin shortly.

The competition will be conducted as quickly as possible, whilst ensuring we take the necessary steps to recruit the best person for the role.

### [Slavery](#)

**14 Feb 2023 | HL5149**

**Asked by: Lord McColl of Dulwich**

To ask His Majesty's Government when they started to draft the public statement about their overall objectives and approach to using UK aid to tackle modern slavery internationally, which they undertook to do in 2021 in their response to the Independent Commission for Aid Impact's review of the use of aid to tackle modern slavery, published on 14 October 2020; why the publication of this statement has been delayed; and when it will be published.

**Answering member: Lord Ahmad of Wimbledon | Department: Foreign, Commonwealth and Development Office**

The Government remains committed to eradicating all forms of modern slavery, forced labour and human trafficking in line with achieving the UN Sustainable Development Goal 8.7 by 2030. The UK has supported over 120 modern slavery programmes internationally and here in the UK, since 2017 alone. Ministers are considering next steps on our strategic approach.

**Migrant Workers: Exploitation**

13 Feb 2023 | HL5212

**Asked by: Lord Hylton**

To ask His Majesty's Government what steps they are taking (1) to address, and (2) to prevent, cases in the UK of (a) forced labour, (b) people trafficking, and (c) exploitation of domestic workers from overseas countries.

**Answering member: Lord Sharpe of Epsom | Department: Home Office**

The Government is committed to tackling all forms of modern slavery and through the Modern Slavery Act 2015, we have given law enforcement agencies the tools to tackle modern slavery, including maximum life sentences for perpetrators and enhanced protection for victims. Modern slavery is a complex crime that requires an end-to-end response both nationally and internationally – and that is why we are investing in a multi-agency approach across a range of activities, which include:

- Setting up a Modern Slavery Fund in 2016 to reduce modern slavery in the UK and overseas. Between 2016 and March 2022, £32.6m of Official Development Assistance has been invested, including in projects to strengthen law enforcement responses; protect victims from re-trafficking; and prevent people from being trafficked from countries where high numbers of people are trafficked to the UK;
- Introducing, in 2016, tools to tackle businesses who repeatedly or recklessly commit labour market offences and expanding the role and remit of the Gangmasters and Labour Abuse Authority in 2017, giving

specially trained officers new police powers to prevent, detect and investigate serious labour exploitation across the entire economy. The Government spends £33 million a year on state enforcement of employment rights;

- Supporting the police to improve the national response to modern slavery and organised immigration crime through £16.5m of funding since 2016, to the Modern Slavery and Organised Immigration Crime Unit to provide a bespoke intelligence hub, improved training and regional operational coordinators to support individual police forces;
- Cracking down on county lines gangs who are exploiting children. This includes up to £5m to fund specialist support provided by Catch22 for under 25s who are criminally exploited and trafficked through county lines in specific areas;
- Investing in research into what works to prevent slavery, as well as assessing risks of modern slavery in policy development, to ensure that opportunities for exploitation are minimised; and
- Designing the Immigration Rules governing our Overseas Domestic Worker route to prevent the importation of exploitative practices to the UK.

### **Human Trafficking**

**13 Feb 2023 | 139251**

**Asked by: Holly Lynch**

To ask the Secretary of State for the Home Department, what steps her Department is taking to help ensure that first responder organisations have adequate resources to support victims of trafficking; and whether her Department has a process in place for specialist organisations to apply to become first responders.

**Answering member: Chris Philp | Department: Home Office**

The Home Office launched an e-learning package for First Responders in 2020. This consists of two modules, one on indicators of modern slavery and how to make a referral into the NRM (published summer 2020) and a second (published in June 2021) which focuses on the vulnerabilities of child victims. The training modules can be found here: [Home Office First Responder Training \(policingslavery.co.uk\)](https://policingslavery.co.uk)

The Home Office continues to work with stakeholders to review the role of First Responders. This includes options for how non-statutory organisations can apply to be a First Responder Organisation.

### **Slavery**

**09 Feb 2023 | 140215**

**Asked by: Clive Lewis**

To ask the Secretary of State for the Home Department, whether her Department has had discussions with the Secretary of State for Business, Energy, and Industrial Strategy on re-writing modern slavery rules.

**Answering member: Sarah Dines | Department: Home Office**

Conversations have taken place at official level between the Home Office and the Department for Business, Energy, and Industrial Strategy (BEIS) colleagues about the proposed commitment to strengthen Section 54 of the Modern Slavery Act 2015, which relates to mandatory reporting on Modern Slavery in supply chains by businesses with an annual turnover of £36m or more.

### [Slavery](#)

**07 Feb 2023 | HL5077**

**Asked by: Lord Hylton**

To ask His Majesty's Government what protection, if any, is provided to persons receiving a Conclusive Grounds Decision from the National Referrals Mechanism.

**Answering member: Lord Murray of Blidworth | Department: Home Office**

We are committed to ensuring that the National Referral Mechanism effectively supports genuine victims to recover from their modern slavery experience and to support the prosecution of their exploiters.

Following a positive Conclusive Grounds decision, if a victim is being supported by the Modern Slavery Victim Care Contract, they will receive accommodation, financial support, and access to a support worker where necessary, until they no longer have a recovery need for this support, or until their recovery needs are met by alternative services.

It is also a government priority to increase prosecutions of perpetrators of modern slavery. That is why we have made clear, for the first time in legislation, that where a public authority, such as the police, is pursuing an investigation or criminal proceedings, confirmed victims who are co-operating in this activity and need to remain in the UK in order to do so, will be granted temporary permission to stay if it is necessary for them to be in the UK to support the investigation.

### [Slavery](#)

**06 Feb 2023 | HL4984**



**Asked by: Lord McColl of Dulwich**

To ask His Majesty's Government when they will publish the guidance on providing 12 months' support to modern slavery victims who hold a positive conclusive grounds decision.

**Answering member: Lord Murray of Blidworth | Department: Home Office**

We are currently reviewing the commitment made regarding the provision of 12 months' support to victims who have received a positive Conclusive Grounds decision, both in light of the urgent need to tackle misuse of the National Referral Mechanism and in order to consider how to best serve the individual needs of modern slavery victims

The Government remains committed to ensuring confirmed victims of modern slavery can access appropriate needs-based support in line with international and domestic legal obligations. Where required, confirmed adult victims of modern slavery who have outstanding recovery needs will continue to receive appropriate support under the Modern Slavery Victim Care Contract in England and Wales, alongside support provided by wider statutory services.

**Slavery**

**06 Feb 2023 | HL4983**

**Asked by: Lord McColl of Dulwich**

To ask His Majesty's Government whether they have consulted voluntary sector organisations working with victims of modern slavery on the text of the draft guidance for Modern Slavery Reasonable Grounds decision making referred to by the Minister for Immigration in his Written Ministerial Statement of 13 December 2022; and when this revised guidance will come into effect.

**Answering member: Lord Murray of Blidworth | Department: Home Office**

The Modern Slavery Unit has consulted with key stakeholders and modern slavery first responders throughout the development process for the updated Reasonable Grounds Statutory Guidance update.

The updated Reasonable Grounds Guidance was published on 30 January 2023 as part of the 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.

This change in guidance builds on and simplifies much of the current guidance to ensure decision making at the Reasonable Grounds stage is robust and consistent while still providing scope to consider instances where a referral may be received with very little additional information.

**Independent Anti-slavery Commissioner: Public Appointments**

**06 Feb 2023 | HL4982**

**Asked by: Lord McColl of Dulwich**

To ask His Majesty's Government what progress they have made with the recruitment of the Independent Anti-Slavery Commissioner.

**Answering member: Lord Murray of Blidworth | Department: Home Office**

The UK has led the world in protecting victims of modern slavery and we will continue to identify and support those who have suffered intolerable abuse at the hands of criminals and traffickers.

The Home Secretary recognises the importance of the role of Independent Anti-Slavery Commissioner, and has committed to running a new open competition to recruit for this role, and the process will begin shortly.

### Asylum

**06 Feb 2023 | 903493**

**Asked by: Philip Hollobone**

To ask the Secretary of State for the Home Department, how many asylum claims on the basis of modern slavery were made by migrants (a) from Albania, (b) from Eritrea and (c) in total who crossed the English Channel in small boats in 2022.

**Answering member: Robert Jenrick | Department: Home Office**

The next quarterly statistics release on irregular migration to the UK, published on 23 February, will include data on modern slavery claims from small boats arrivals.

New measures to strengthen our National Referral Mechanism against misuse came into force last week. New legislation will ensure we only support genuine victims; not those who seek to abuse our laws to stop their removal.

In the first three quarters of 2022 (Jan to Sept) the number of NRM referrals for potential victims of modern slavery for certain nationalities were:

- 3,432 Albanian
- 897 Eritrean
- In the first two quarters of 2022 (Jan to June) based on FOI data obtained by [Migrant Watch](#), there were 1,156 individuals who crossed the channel who made NRM referrals.

### Slavery

**03 Feb 2023 | 133631**

**Asked by: Dr Matthew Offord**

To ask the Secretary of State for the Home Department, when she plans to appoint an Independent Anti-Slavery Commissioner.

**Answering member: Robert Jenrick | Department: Home Office**

The role of the Anti-Slavery Commissioner (IASC) as set out in the 2015 Modern Slavery Act is to encourage good practice in the prevention, detection, investigation and prosecution of slavery and human trafficking offences and the identification of victims.

The Home Secretary recognises the importance of the role of Independent Anti-Slavery Commissioner and has committed to running a new open competition to recruit for this role. This process will begin shortly.

The competition will be conducted as quickly as possible, whilst ensuring we take the necessary steps to recruit the best person for the role.

### **Slavery**

**30 Jan 2023 | 131310**

**Asked by: Jess Phillips**

To ask the Secretary of State for the Home Department, how much her Department spent on subsistence payments for people awaiting a conclusive grounds decision in the National Referral Mechanism for Modern Slavery in financial years (a) 2019-20, (b) 2020-21, (c) 2021-22 and (d) 2022-23 to date.

**Answering member: Robert Jenrick | Department: Home Office**

The Single Competent Authority (SCA) and the Immigration Enforcement Competent Authority (IECA) are currently recruiting a large number of new decision makers across the UK to increase capacity for NRM decision-making and reduce decision making timescales.

The National Referral Mechanism (NRM) does not publish payments made to victims of modern slavery and this does not currently form part of the published NRM statistics.

All victims who consent to receiving support will receive this via the Modern Slavery Victim Care Contract (MSVCC) in England and Wales which is delivered by The Salvation Army. Details of the MSVC Contract can be found in a redacted version of the contract requirements here: [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 \(publishing.service.gov.uk\)](#)

All victims who consented to support under the previous Victim Care Contract are eligible for financial support under the same policy and a redacted version of the previous contract requirements can be found here: (<https://www.contractsfinder.service.gov.uk/Notice/e03ceb15-27ad-4bad-b8ae-43dbc1e9481e>).

### **Slavery**

**30 Jan 2023 | 131309**

**Asked by: Jess Phillips**

To ask the Secretary of State for the Home Department, how much the Home Office spent on employing caseworkers to make conclusive grounds decisions in the National Referral Mechanism in financial years (a) 2019-20, (b) 2020-21, (c) 2021-22 and (d) 2022-23 to date.

**Answering member: Sarah Dines | Department: Home Office**

The Single Competent Authority (SCA) and the Immigration Enforcement Competent Authority (IECA) are currently recruiting a large number of new decision makers across the UK to increase capacity for NRM decision-making and reduce decision making timescales; this brings additional resource pressures initially (for training and upskilling) but will have substantial long-term benefits for decision making timescales.

The National Referral Mechanism (NRM) does not publish payments made to victims of modern slavery and this does not currently form part of the published NRM statistics.

All victims who consent to receiving support will receive this via the Modern Slavery Victim Care Contract (MSVCC) in England and Wales which is delivered by The Salvation Army. Details of the MSVC Contract can be found in a redacted version of the contract requirements here: [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 \(publishing.service.gov.uk\)](#)

All victims who consented to support under the previous Victim Care Contract were also eligible for financial support under the same policy and a redacted version of the previous contract requirements can be found here (<https://www.contractsfinder.service.gov.uk/Notice/e03ceb15-27ad-4bad-b8ae-43dbc1e9481e>).

As of September 2019, following a CG decision, financial support needs for those in support are considered in a Recovery Needs Assessment (RNA) as

part of a holistic assessment of recovery need, as per the published RNA policy.”

### Slavery

**26 Jan 2023 | HL4709**

**Asked by: Lord Coaker**

To ask His Majesty's Government when they will publish their Modern Slavery Bill.

**Answering member: Lord Murray of Blidworth | Department: Home Office**

As the Prime Minister set out in his statement to the House of Commons on 13 December, the Government is determined to tackle the misuse of our modern slavery system. We continue to examine the case for legislative changes to improve the operation of the system and we will make a further announcement in due course.

### Slavery: Offences against Children

**16 Jan 2023 | 121077**

**Asked by: Jess Phillips**

To ask the Secretary of State for the Home Department, pursuant to the Answer of 19 December 2022 to Question 110727 on Slavery, if she will provide an example of what would be considered a piece of information or evidence that is based in fact in a case of child sexual exploitation; and if she will publish the guidance that decision makers use to identify an objective factor.

**Answering member: Robert Jenrick | Department: Home Office**

The updated Reasonable Grounds Guidance is expected to be published on 30 January 2023 as part of the 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. This will contain details of what constitutes an objective factor and how decision makers will use the guidance to consider all referrals, including child victims of sexual exploitation.

We also believe that this builds on and simplifies much of the current guidance to ensure decision making at the Reasonable Grounds stage is robust and consistent while still providing scope to consider instances where a referral may be received with very little additional information.

### Slavery

**16 Jan 2023 | 121076**

**Asked by: Jess Phillips**

To ask the Secretary of State for the Home Department, pursuant to the Answer of 14 December 2022 to Question 11027 on Slavery, in what way her Department's new guidance and policy on consideration of evidence differ from what happened previously.

**Answering member: Robert Jenrick | Department: Home Office**

The updated Reasonable Grounds Guidance is expected to be published on 30 January 2023 as part of the 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. This will contain details of what constitutes an objective factor and how decision makers will use the guidance to consider all referrals, including child victims of sexual exploitation.

We also believe that this builds on and simplifies much of the current guidance to ensure decision making at the Reasonable Grounds stage is robust and consistent while still providing scope to consider instances where a referral may be received with very little additional information.

[Legal Aid Scheme: Asylum](#)

**16 Jan 2023 | 117864**

**Asked by: Daisy Cooper**

To ask the Secretary of State for Justice, what assessment he has made of the availability of qualified legal aid solicitors for asylum seekers.

**Answering member: Mike Freer | Department: Ministry of Justice**

The Government is committed to ensuring that those seeking asylum in this country have access to publicly funded legal advice and representation. In 2021-22, we received over 35,000 applications for legal aid for asylum cases, spending over £32 million.

Access to legal aid is a key part of a fair immigration system, which is why we are spending around £8m expanding access to legal aid, helping victims of modern slavery, individuals prioritised for removal and individuals appealing an age assessment decision.

The Legal Aid Agency keeps market capacity under constant review and takes immediate action when gaps appear.

[Slavery: British Nationality](#)

**23 Dec 2022 | 110624**

**Asked by: Dame Diana Johnson**

To ask the Secretary of State for the Home Department, what recent assessment her Department has made of the specific needs of British national

victims of modern slavery and the pathways and barriers to accessing support.

**Answering member: Robert Jenrick | Department: Home Office**

The Government is committed to ensuring all adult victims of modern slavery can access needs-based support through the government funded Modern Slavery Victim Care Contract (MSVCC), alongside support provided by wider statutory services.

Local authorities are responsible for supporting and safeguarding child victims of modern slavery. The Government has rolled out Independent Child Trafficking Guardians (ICTGs) to two thirds of local authorities in England and Wales as a source of advice and support for potentially trafficked children and to advocate for the child's best interests within decision-making processes.

Support for victims in Scotland and Northern Ireland is provided by the Scottish Government and the Northern Ireland Executive respectively.

### [Slavery](#)

**22 Dec 2022 | HL4361**

**Asked by: Baroness Kennedy of Cradley**

To ask His Majesty's Government what recent assessment they have made of the number of people in modern slavery in the UK.

**Answering member: Lord Sharpe of Epsom | Department: Home Office**

The hidden nature of modern slavery makes producing an accurate measure of its scale difficult.

In March 2020 the Office for National Statistics noted that there is no definitive source of data or suitable method available to accurately quantify the number of potential victims of modern slavery in the UK.

The Government is, however, committed to improving its understanding of the nature and scale of this complex crime. Since 2019, the Government has invested £10 million in the creation of the Policy and Evidence Centre for Modern Slavery and Human Rights to transform our understanding of modern slavery. The Home Office will continue working with the Centre and other partners to strengthen the evidence base underpinning our policy and operational response to modern slavery and to develop more robust ways to assess prevalence.

### [Slavery](#)

**22 Dec 2022 | HL4202**

**Asked by: Lord McColl of Dulwich**

To ask His Majesty's Government when the 2022 UK annual report on modern slavery will be published.

**Answering member: Lord Murray of Blidworth Department: Home Office**

This Government remains committed to tackling the heinous crime of modern slavery and ensuring that victims are provided with the support they need to begin rebuilding their lives and that those responsible are prosecuted. We will continue to pursue the criminals who seek to profit from these crimes, and ensure genuine victims get the support they deserve.

Given recent changes, Ministers are considering next steps on our strategic approach, including publication of a Modern Slavery Report.

**[Slavery](#)**

**19 Dec 2022 | 110727**

**Asked by: Jess Phillips**

To ask the Secretary of State for the Home Department, with reference to the Written Statement by the Minister of State for Immigration of 13 December on Update to Modern Slavery Statutory Guidance, HCWS441, what her definition is of objective factors; and how she expects this to affect decisions by case workers.

**Answering member: Miss Sarah Dines | Department: Home Office**

The updated Reasonable Grounds guidance will mean decision makers now base their assessments on objective factors to determine whether there are reasonable grounds to believe a person is a victim.

An “objective” factor is a piece of information or evidence that is based in fact. This will ensure that decision makers can make timely and robust evidence-backed decisions and that assistance and support are focused on those who most need it.

**[Independent Anti-slavery Commissioner: Public Appointments](#)**

**14 Dec 2022 | HL3881**

**Asked by: Baroness Butler-Sloss**

To ask His Majesty's Government, further to the Written Answer by Lord Murray of Blidworth on 22 November (HL3235), what are the reasons for the delay in appointing an Independent Anti-slavery Commissioner; and what is their timetable for making the appointment.

**Answering member: Lord Murray of Blidworth | Department: Home Office**



The process to recruit a new Independent Anti-slavery Commissioner (IASC) follows the principles set out within the Cabinet Office Governance Code on Public Appointments.

A fair and open recruitment campaign is underway, and it would be inappropriate to comment any further while this process is ongoing.

A decision on the appointment is currently under consideration.

### Victims: Slavery

**29 Nov 2022 | HL3433**

**Asked by: Lord Randall of Uxbridge**

To ask His Majesty's Government which minister in the Home Office has responsibility for victims of modern slavery within the UK.

**Answering member: Lord Murray of Blidworth | Department: Home Office**

Modern Slavery is a complex issue, with links to crime, safeguarding and immigration.

Therefore, as set out on gov.uk, the Minister of State for Immigration, The Rt Hon Robert Jenrick, will have responsibility for aspects of the policy which link to the National Referral Mechanism and migration.

The Safeguarding Minister, Sarah Dines, leads on victim support policy across all crime types, as well as the Home Office relationship with the Gangmasters and Labour Abuse Authority.

### Slavery

**18 Nov 2022 | 86508**

**Asked by: Jess Phillips**

To ask the Secretary of State for the Home Department, what is her Department's target timescale for making a Reasonable Grounds decision in the National Referral Mechanism; and what is the current average wait time for a victim of modern slavery to be given a Reasonable Grounds decision.

**Answering member: Sarah Dines | Department: Home Office**

The Home Office publishes quarterly and annual statistics regarding the National Referral Mechanism (NRM). These include the average time taken to make a Conclusive Grounds Decision. The latest published NRM statistics can be found here:

[National Referral Mechanism statistics - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/national-referral-mechanism-statistics).

As outlined in the 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, the expectation is that the Competent Authority will make a Reasonable Grounds decision within five working days, where possible, of the NRM referral being received. There is no target to make a Conclusive Grounds decision within a specific timeframe. A decision can only be made fairly and reasonably once sufficient information has been made available to the Competent Authority for it to complete the decision. When the relevant Competent Authority has received sufficient information for it to complete a decision it should seek to do so as soon as possible but only once a minimum Recovery and Reflection Period has passed, unless the relevant Competent Authority has received a request to delay the decision. The Recovery and Reflection period begins when the relevant competent authority makes a positive Reasonable Grounds decision.

[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 \(accessible version\) - GOV.UK \(www.gov.uk\).](#)

### **Undocumented Migrants: Albania**

**16 Nov 2022 | 79310**

**Asked by: Stephen Kinnock**

To ask the Secretary of State for the Home Department, how many Albanians arrived in the UK on small boats between 1 June 2022 and 31 October 2022; and how many and what proportion of those Albanians said they had been victims of modern slavery.

**Answering member: Robert Jenrick | Department: Home Office**

The Home Office publishes statistics on small boat arrivals to the UK in the '[Irregular Migration to the UK statistics](#)' report. Data on small boat arrivals are published in table Irr\_01 of the '[Irregular migration to the UK data tables](#)' with the top 20 nationalities arriving via small boat published in table Irr\_02b with the latest data up to the end of June 2022. The release also includes information about the number of small boat arrivals who claim asylum.

The Home Office published a factsheet on [small boat crossings since July 2022](#), including information on the number of small boat arrivals and asylum claims of Albanians.

The Home Office publishes statistics on referrals to the National Referral Mechanism for potential victims of modern slavery in the '[National Referral Mechanism statistics](#)'. Data on the number of potential victims of modern slavery referred to the NRM (including nationality breakdowns) are published in the '[National Referral Mechanism and Duty to Notify data tables](#)' with the latest data for July – September 2022.

## Slavery

09 Nov 2022 | HL2918

**Asked by: Lord Coaker**

To ask His Majesty's Government which Minister is responsible for the National Referral Mechanism, given that it (1) is no longer alongside modern slavery within the remit of the Minister for Safeguarding, and (2) has not been added to the remit of Minister for Immigration.

**Answering member: Lord Sharpe of Epsom | Department: Home Office**

Modern Slavery now falls under the remit of The Rt.Hon Robert Jenrick as the Minister of State for Migration.

There are close links between modern slavery and migration. About two thirds of potential victims are foreign nationals, and often potential victims have ongoing engagement with the immigration system so having one minister overseeing both modern slavery and migration will help to ensure the interaction works effectively.

## Slavery: British Nationality

09 Nov 2022 | HL2917

**Asked by: Lord Coaker**

To ask His Majesty's Government which Minister is responsible for British victims of modern slavery, given that 31 per cent of all potential victims referred to the National Referral Mechanism in 2021 were UK nationals which do not fit under the heading 'Illegal migration and asylum' within the new remit of the Minister for Immigration.

**Answering member: Lord Murray of Blidworth | Department: Home Office**

The Government remains committed to tackling the heinous crime of modern slavery and supporting victims, regardless of policy portfolio.

There are close links between modern slavery and migration; about two thirds of potential victims are foreign nationals, and often potential victims have ongoing engagement with the immigration system.

While a Ministerial portfolio hopes to group together related policies, there will be elements of complex policy areas which fall across multiple portfolios. Home Office Ministers work together on complex policy issues.

## Undocumented Migrants: Slavery

28 Oct 2022 | 67149

**Asked by: Liz Saville Roberts**

To ask the Secretary of State for the Home Department, if his Department will publish the guidance on its proposed policy to reclassify modern slavery as an illegal immigration issue.

**Answering member: Robert Jenrick | Department: Home Office**

This Government is committed to tackling the heinous crime of modern slavery and in the UK we have a world-leading response.

There are close links between modern slavery and migration; about two thirds of potential victims are foreign nationals, and often potential victims have ongoing engagement with the immigration system.

This is not a reclassification. Modern Slavery is a harmful and exploitative crime which Home Office ministers continue to tackle and support victims.

**Slavery**

**25 Oct 2022 | 65775**

**Asked by: Jim Shannon**

To ask the Secretary of State for the Home Department, what steps her Department is taking to reduce the number of victims of modern slavery.

**Answering member: Mims Davies | Department: Home Office**

The Government is committed to tackling the heinous crime of modern slavery. We are identifying more victims of modern slavery and doing more to bring perpetrators to justice than ever before.

The Home Office works with a range of partners to deliver effective prevention activity and to stop exploitation from occurring in the first place. These include:

- Providing dedicated funding to policing to drive forward work to increase modern slavery prosecutions.
- Requiring large business to report on steps they have taken to tackle modern slavery in supply chains.
- Providing training for frontline responders to better prevent and spot the signs of modern slavery including ensuring operational colleagues such as Border Force recognise signs and are equipped to step in.
- Establishing a Modern Slavery Prevention Fund to fund organisations to deliver targeted prevention interventions and build up the evidence base on what interventions are most effective.

- Working upstream with international partners to reduce vulnerability to exploitation and strengthen law enforcement approaches.

We are also working to tackle abuses in the system and make sure foreign national offenders or those who arrive here illegally and have no right to stay in the UK are not able to misuse a system intended to protect genuine victims in order to avoid justice.

### Human Trafficking: EU Law

**21 Sep 2022 | HL2212**

**Asked by: Lord Coaker**

To ask Her Majesty's Government which articles and sections of Directive 2011/36/EU on preventing and combating trafficking they have identified as being incompatible with the Nationality and Borders Act 2022.

**Answering member: Lord Sharpe of Epsom | Department: Home Office**

The Government remains committed to tackling the scourge of modern slavery.

Directive 2011/36/EU on preventing and combatting trafficking in human beings and protecting its victims (the "EU Trafficking Directive") was adopted on 5 April 2011.

The Nationality and Borders Act provides legislative clarity to victims and decision makers on victims' rights, including the entitlement to a recovery period and the circumstances in which confirmed victims may be granted permission to stay.

Section 68 of the Nationality and Borders Act 2022 disapplied the EU Trafficking Directive insofar as it was incompatible with provisions made by that Act.

The provisions in Section 68 aim to ensure that if there is any provision within the EU Directive that operates on the same subject as the Nationality and Borders Act 2022, whether support for victims or otherwise, there is no confusion as to which applies.

The Government believes that that if there is any provision within the Directive that operates on the same subject as the 2022 Act, whether support for victims or otherwise, it is right that people are not confused as to which applies. More broadly, the Government does not believe that any of the Directive's provisions have been given direct effect by a domestic court and so does not have effect as retained EU law.

This provision does not result in a diminution below the standards laid down in the EU Trafficking Directive, nor does section 68 remove any entitlements

from victims. This legal clarification will not have an impact on victim identification, protection and support provided through the National Referral Mechanism.

### Slavery

12 Jul 2022 | 31853

**Asked by: Steve Reed**

To ask the Attorney General, whether the Crown Prosecution Service has taken steps to examine how Modern Slavery legislation can be further used to (a) protect the public and (b) prevent the exploitation of vulnerable young men and women.

**Answering member: Edward Timpson | Department: Attorney General**

I am pleased to report that the Crown Prosecution Service (CPS) has had considerable success in using Modern Slavery legislation to increase prosecutions of modern slavery cases involving the criminal and sexual exploitation of vulnerable young people.

Prosecutors work closely with law enforcement and give early investigative stage in all cases of modern slavery to build robust cases with the aim of lessening or removing the need to rely solely upon the evidence of vulnerable victims. The CPS will try to build victimless prosecutions where possible and has obtained convictions without reliance on the victim's evidence.

The CPS will also, where possible, apply for Slavery and Trafficking Prevention Orders (STPOs) on conviction of a defendant. This enhances the court's ability to place restrictions on individuals, ensuring that even after they have served their sentence any future risk of similar criminality is effectively managed. In cases involving unconvicted defendants, the CPS will also work with law enforcement agencies to obtain Slavery and Trafficking Risk Orders (STROs) where there is a risk of harm to potential victims or to the public.

## 6.2

## Debates

### Illegal Migration Bill

13 Mar 2023 | House of Commons | 729 cc573-661

### Financial Security and Reducing Inequality in the Caribbean: Government Role

08 Mar 2023 | House of Commons | 729 cc91-112WH

Motion that this House has considered financial security and inequality in the Caribbean. Agreed to on question.

[Slavery and Human Trafficking \(Definition of Victim\) Regulations 2022](#)

20 Jul 2022 | House of Lords | 823

[NHS PPE Supply Chains: Forced Labour](#)

14 Jul 2022 | House of Commons | 718 cc161-176WH

Motion that this House has considered forced labour and NHS PPE supply chains. Agreed to on question.

[Investment Industry Exposure to Modern Slavery](#)

26 Oct 2021 | House of Commons | 702 cc100-8WH

Motion that this House has considered investment industry exposure to modern slavery. Agreed

[Nationality and Borders Bill](#)

19 Jul 2021 | House of Commons | 699 cc705-778

## 6.3

## Statements

[Illegal Migration Bill](#)

07 Mar 2023 | 729 cc151-181

Suella Braverman | Home Office

[Online Safety Update](#)

17 Jan 2023 | HCWS500

Michelle Donelan | Department for Digital, Culture, Media and Sport

[Work of the Home Office](#)

19 Dec 2022 | HCWS467

Suella Braverman | Home Office

[Provisional Police Grant Report \(England and Wales\) 2023-24](#)

14 Dec 2022 | HCWS443

Chris Philp | Home Office

[Update to the Modern Slavery Statutory Guidance](#)

13 Dec 2022 | HCWS441

Robert Jenrick | Home Office

[Statement of Changes in Immigration Rules](#)

18 Oct 2022 | HCWS328

Tom Pursglove | Home Office

[Work of the Home Office](#)

05 Sep 2022 | HCWS287

Priti Patel | Home Office

[The Government's Legislative Programme 2022](#)

11 May 2022 | HCWS6

Mark Spencer | Leader of the House

## 6.4

## Early Day Motions (EDMs)

### Amendments to modern slavery guidance

EDM 867 (session 2022-2023)

20 February 2023

Stuart C McDonald

This House regrets the Prime Minister's announcement of 13 December 2022, which included the intention to remove the gold-plating in our modern slavery system and significantly raise the threshold someone must meet to be recognised as a victim of modern slavery; opposes the subsequent updates to Modern Slavery Guidance, which include new, impossibly high standards of evidence required within the timeframe to trigger referral to the National Referral Mechanism, a reduction of the Recovery and Reflection Period for survivors of labour abuse and sexual exploitation from 45 to 30 days, and the removal of the NRM Multi-Agency Assurance panel process, changes that make it harder for survivors to be identified and supported, and represent a regression in efforts to increase identification and support of modern slavery



victims; supports comments by anti-slavery campaigners that the existing system was not gold plated but already beset by delays and poor support; calls on the Government to reconsider these plans in light of the potential exploitation and harms they will cause, particularly for vulnerable refugees and trafficking victims, which includes a high proportion of children and young people; proposes that the government adopt a transparent data- and evidence-driven approach, in consultation with anti-trafficking organisations, to improve decision-making, following calls from STOP THE TRAFFIK supported by Anti-Slavery International; and encourages the Government to return to tackling modern slavery as both a serious crime and a safeguarding issue, not an illegal immigration issue, in order to tackle its root causes and better protect vulnerable people.

# 7

## Media

[NI human trafficking cases double, figures reveal](#)

BBC

March 2023

[Nearly 10,000 modern slavery victims waiting over two years for Home Office decision](#)

The Independent

March 2023

[Young Albanian men ‘viciously exploited’ after arriving in UK](#)

The Guardian

March 2023

[Modern slavery survivors could be re trafficked in UK, charities warn](#)

The Guardian

February 2023

[‘They just vanish’: whistleblowers met by wall of complacency over missing migrant children](#)

The Guardian

January 2023

[Pandemic fuels rise in human trafficking and forced marriage, charity warns](#)

The Express

January 2023

[Trafficking victims not referred for support in 7 in 10 sex industry police raids](#)

The Independent

December 2022

[More than 96% of modern slavery crime reports do not result in charges, statistics reveal](#)

Inews

December 2022

[Do not reduce UK's modern slavery protections, Theresa May warns](#)

BBC

December 2022

[The bleak world of trafficked children and modern slavery](#)

BBC

November 2022

['I was sold at the age of six': how climate change is driving modern slavery](#)

The Telegraph

November 2022

[Middle-class migrant trap as traffickers lure white collar workers into bogus overseas jobs](#)

The Telegraph

September 2022

[Human traffickers 'using UK universities as cover'](#)

The Guardian

July 2022

[Gang jailed after trafficking and exploiting hundreds of women across London](#)

Sky News

May 2022

[Greater cross-border co-operation is needed to help victims of trafficking](#)

The Times

February 2022

## 8 Further reading

### 8.1 House of Commons Library

#### [Illegal Migration Bill 2022-23](#)

CBP 9747

10 March 2023

#### [Modern slavery cases in the immigration system](#)

CBP 9744

8 March 2023

#### [Nationality and Borders Bill, Bill 141 of 2021-22](#)

CBP 9275

15 July 2021

### 8.2 Committee inquiries

#### [Human Trafficking](#)

##### **Home Affairs Committee**

In this new inquiry, launched in February 2023, the Home Affairs Committee will assess the scale of human trafficking in the UK and the forms it takes.

It will also investigate whether Government policy, legislation and the criminal justice system can be improved to prevent human trafficking, prosecute perpetrators and protect victims.

#### [Legislative scrutiny: Illegal Migration Bill](#)

##### **Human Rights (Joint Committee)**

The Joint Committee on Human Rights is conducting legislative scrutiny of the Illegal Migration Bill as the Bill engages numerous rights under the European Convention on Human Rights (ECHR) which are given effect in domestic law by the Human Rights Act 1998 (“the HRA”).

### [Human Rights of Asylum Seekers in the UK](#)

#### **Human Rights (Joint Committee)**

The Joint Committee on Human Rights is looking into the rights of asylum seekers in the UK, with a view to identifying human rights concerns.

## 8.3

## Websites

### [After Exploitation](#)

### [Anti-Trafficking and Labour Exploitation Unit](#)

### [British Red Cross](#)

### [Centre for Social Justice](#)

### [Every Child Protected Against Trafficking](#)

### [Justice & Care](#)

### [Kalayaan](#)

### [Modern Slavery and Human Rights Policy and Evidence Centre](#)

### [Salvation Army](#)

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