

PRISON SERVICE JOURNAL

September 2024 No 274



Special Edition: Modern Slavery and Human Trafficking

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Caroline Haughey OBE KC is a criminal barrister in independent practice. She both prosecutes and defends across the entire range of criminal cases but has a specialism in modern slavery cases, specifically in prosecution. She also sits as special adviser to the House of Lords' Modern Slavery Act 2015 Committee and spends a significant part of her practice lecturing and advising jurisdictions on the drafting, implementation, and application of modern slavery legislation. She is interviewed by Dr Alicia Heys, Senior Lecturer in Modern Slavery at the Wilberforce Institute, University of Hull.

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The Editorial Board wishes to make clear that the views expressed by contributors are their own and do not necessarily reflect the official views or policies of the Prison Service.

Printed at HMP Leyhill on 115 gsm and 200 gsm Galerie Art Satin

Set in 10 on 13 pt Frutiger Light

Circulation approx 6,500

ISSN 0300-3558

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Editorial: Modern Slavery and Human Trafficking

Ann Snowden is the Head of Anti-Slavery and Human Trafficking at HM Prison and Probation Service.

This special edition of the Prison Service Journal is dedicated to the subject of 'modern slavery and human trafficking' (MSHT) and highlights the important role of prisons within the UK anti-slavery regime. Modern slavery is an umbrella term used by the UK Government which encompasses human trafficking, slavery, servitude, and forced or compulsory labour. This edition seeks to explore the diversity and realities of MSHT crimes which involve the severe exploitation of vulnerable people for economic gain. Readers may find some of the content included in this edition upsetting and disturbing.

The focus on MSHT for prisons and youth custody is timely, with increasing numbers of adults and children seeking support and protection across the UK. At the same time, securing convictions under the Modern Slavery Act 2015 (MSA) remains challenging with low charging and conviction rates.¹ Rather than being the 'end of the line', the prison environment provides valuable opportunities in responding to those who have experienced severe exploitation which constitutes MSHT. This includes identifying individuals, protecting them from re-trafficking, and supporting their recovery. Prisons have a responsibility to manage and support those convicted under the MSA, and to those who have committed offences within a modern slavery context (but where other types of convictions have been secured) to reduce their risk of future MSHT offending and disrupt suspected ongoing exploitation.

This special edition is a collaboration between His Majesty's Prison and Probation Service, the International Organization for Migration, and the Universities of Essex, Hull, Manchester, and Nottingham.

Jodi Symmonds explores and analyses coercive tactics in MSHT via two vignettes, and considers the victim-perpetrator overlap, risk assessment, treatment/response, and vulnerability to re-exploitation. Professor Rose Broad considers the representation of women in modern slavery offending, their disproportionate higher rates of conviction, and what effective responses may be developed in responding to complex vulnerabilities and needs, informed by

interviews with nine women convicted for MSHT offences. Dr Larissa Sandy, Dr James Tangen, Dr Alison Gardner, and Ann Snowden explore barriers and opportunities faced by prisons in the identification, protection, and support of those subjected to severe exploitation. They assess how sustainable reintegration may be approached for those who are justice-involved. Ann Snowden explores the role of prisons within a single whole system approach, using seven key principles. Dr Marija Jovanović, Vanessa Topp, Franziska Fluhr, and Dr Patrick Burland build on their published research which considered the role and responsibilities of prisons in securing the rights of modern slavery survivors.² They explore the extent to which prisons can act as a safehouse for individuals at risk of ongoing exploitation. The final article, by Ann Snowden, provides case studies which illustrate the four main types of MSHT, as well as 'cuckooing' and 'organ trafficking'.

We were delighted to secure two interviews for this special edition. Ann Snowden interviews Eleanor Lyons, the UK's Independent Anti-Slavery Commissioner, who provides insights into her priorities and sets out her views of how prisons may engage with wider efforts to tackle MSHT. Dr Alicia Heys from the University of Hull interviews Caroline Haughey OBE KC, a criminal barrister in independent practice who specialises in modern slavery cases.

Finally, the edition concludes with a book review by Dr Zahra Shirgholami of 'Demystifying Modern Slavery', co-edited by Professor David Gadd and Professor Rose Broad.

The guest editor, Ann Snowden, would like to thank all contributors for their timely submissions and peer reviews, to Professor David Gadd, Dr Seán Columb, Dr Alicia Heys and Dr Paul Andell for additional peer reviews, and to the PSJ editors for their support in producing this special edition.

In compiling this edition, we also recognise that there are many important areas which require further attention. Not least these include the impact of MSHT on children held in detention; how we develop

1. House of Commons Home Affairs Committee (2023). *Human Trafficking: First Report of Session 2023-24*. HM Government.

2. Jovanović, M., Burland, P., Topp, V., & Fluhr, F. (2023). *Tackling the blind spot of the UK anti-slavery regime: The role and responsibility of prisons in securing the rights of modern slavery survivors*. Modern Slavery & Human Rights Policy & Evidence Centre.

culturally sensitive approaches for those recovering from severe exploitation and who remain vulnerable to re-trafficking; a focus on race in a policy environment which prioritises nationality; the prevalence of individual, low-sophisticated opportunistic offending as well as organised crime networks; how responses to individuals convicted of diverse offences and subjected to severe exploitation can be effectively implemented; and an overarching emphasis on the importance of developing an evidence-led approach, encouraging research and accurate data. Further individual articles for future editions of the Journal are encouraged by its editorial team.

We hope that this first special edition focussing on the issues for prisons in responding to MSHT will be a valuable introduction for people living and working in prisons. We also hope it will inspire policy makers within the wider criminal justice system, those involved in the UK's anti-slavery regime and international correctional services to continue to develop effective and co-ordinated responses to MSHT. It is clear that strong multi-agency and partnership approaches are vital in tackling MSHT and the expertise within Non-Government Organisations and civil society is hugely beneficial in progressing this work.

Exploring methods of coercion in human trafficking and modern slavery: The coercive nexus of victims and perpetrators and implications for clinical practice

Jodi Symmonds is a Senior Chartered Forensic Psychologist and PIPE Clinical Lead in HM Prison and Probation Service (HMPPS) and PhD Candidate at the University of Huddersfield.

This article aims to provide an analytical identification of the range of coercive tactics employed in human trafficking and modern slavery. The paper will begin by providing an overview of coercive tactics that have been identified in existing research, followed by a discussion of the victim/perpetrator overlap to present a context in which to understand two vignettes. These are then discussed with the aim of identifying salient points for risk assessment and treatment/response. The attention to the nexus of perpetrators and victimisation will briefly explore the assessment of risk of serious harm and vulnerability to re-exploitation.

What is coercion in human trafficking and modern slavery?

Coercion plays a central role in the perpetuation of human trafficking and modern slavery. There is no definition for what coercion consists of in these crimes. However, it is reported that victims are often subjected to various forms of coercion that exploit their vulnerabilities and limit their ability to escape. These methods include physical violence, psychological manipulation, debt bondage, religious and spiritual manipulation, and confiscation of identification documents, among others.¹ The effectiveness of these coercive tactics lies in instilling fear, dependency, and a

sense of hopelessness for victims, thereby rendering them compliant and submissive.

Physical and Psychological Coercion

Coercion can be physical or psychological and implemented both directly and indirectly.² Physical coercion refers to the use of force, violence, or threats of harm to control and manipulate victims. It involves the intentional infliction or threat of physical pain, suffering, or injury to maintain dominance and exert control over individuals trapped in exploitative situations.³ This form of coercion can manifest in various ways, including but not limited to physical assaults, confinement, deprivation of basic necessities, forced use of drugs/alcohol,⁴ and sexual violence.⁵

Numerous studies have shed light on the prevalence and impact of physical coercion in human trafficking. For instance, a study by Zimmerman, Kiss and Hossain,⁶ found that physical violence was reported by 79 per cent of trafficked individuals with severe injuries documented in 31 per cent of cases. This research highlights the alarming frequency and severity of physical coercion in exploitative situations. Many researchers have examined the experiences of survivors of human trafficking and identified physical abuse as one of the most common forms of coercion used by traffickers.⁷ The researchers emphasised the long-term physical and psychological consequences of physical

1. Kara, S. (2019). *Modern slavery: A global perspective*. Columbia University Press.
2. Biderman, A. (1957). Communist attempts to elicit false confessions from air force prisoners of war. *Bulletin of the New York Academy of Medicine*, 33, 616–625.
3. Hopper, E., & Hildago, J. (2006). Invisible chains: Psychological coercion of human trafficking victims. *Intercultural Human Rights Law Review*, 1, 185-185-201.
4. Baldwin, S, Fehrenbacher, A., & Eisenman, D. (2015). Psychological coercion in human trafficking. *Qualitative Health Research*. Retrieved from <http://qhr.sagepub.com/content/early/2014/11/04/1049732314557087>
5. Baldwin, S., Eisenman, D., Sayles, J., Ryan, G., & Chuang, K. (2011). Identification of human trafficking victims in health care settings. *Health and Human Rights*, 13, 1-14.
6. Zimmerman, C., Kiss, L., & Hossain, M. (2011). Migration and health: A framework for 21st century policy-making. *PLoS medicine*, 8(5), e1001034.
7. Kerr, M. (2022). *Human trafficking: Physical and non-physical force factors and their links to victim industry*. Sociology and Criminology Undergraduate Honors Theses Retrieved from <https://scholarworks.uark.edu/sociuht/13>

coercion, including chronic pain disabilities and mental health disorders.

Physical coercion serves as a cornerstone tactic in human trafficking as it effectively establishes control and instils fear in victims. Research indicates that traffickers intentionally employ physical violence to break down the willpower of individuals making them more compliant and less likely to resist their captors.⁸ Physical abuse not only inflicts immediate harm but also creates a lasting impact on victims leading to trauma and psychological distress.

Moreover, studies have emphasised the link between physical coercion and the overall power dynamics within human trafficking. Authors have argued that physical violence reinforces the power imbalance between traffickers and victims reinforcing the notion of dominance and control. This dominance perpetuates the exploitation and enslavement of individuals making it crucial to address coercion as a means of dismantling the structures of human trafficking (e.g., raising awareness of coercive tactics as a form of prevention to interfere with the means utilised by trafficking recruiters).⁹

Psychological coercion refers to the manipulation and exploitation of an individual's mental and emotional vulnerabilities to control and subjugate them. It involves the use of various tactics such as deception, intimidation, threats, and manipulation to instil fear, dependency, and compliance in victims. Psychological coercion is intended to break down victims' psychological defences making them more susceptible to exploitation and control by traffickers and slaveholders.

Numerous studies have shed light on the nature and impact of psychological coercion in human trafficking and modern slavery. For instance, Miller and

colleagues (2017) found that psychological coercion was a common tactic employed by traffickers to maintain control over victims.¹⁰ Through interviews with survivors, they identified various forms of coercion including isolation, verbal abuse, and threats of harm to themselves or their loved ones.

Similarly, Musto and colleagues (2020) have examined the experiences of survivors of modern slavery.¹¹ The findings revealed that psychological coercion was prevalent throughout their exploitation with perpetrators using tactics such as manipulation, gaslighting, and psychological abuse to maintain dominance and control. The study highlighted the profound psychological impact of coercion leading to feelings of helplessness, fear, and trauma among survivors.

The induced perception of debt bondage, where victims believe they are in debt to their traffickers, is identified as the most prevalent tactic used in forced labour exploitation.¹² Psychological coercion acts as a powerful tool for exploiters to exert control, maintain compliance and prevent victims from seeking help or escaping. The psychological manipulation employed in these contexts targets victims' vulnerabilities, exploits their fears and erodes their sense of self-worth and agency. These tactics have previously been associated with those used on prisoners of war.¹³

Research has consistently demonstrated the pivotal role of psychological coercion in the recruitment, transportation, and exploitation of victims. According to Bales and Soodalter (2019),¹⁴ traffickers often employ a systematic process of grooming and manipulation, exploiting victims' emotional and psychological vulnerabilities to ensure their growing compliance and dependency. This process involves isolating victims, instilling fear, and using psychological

Physical coercion serves as a cornerstone tactic in human trafficking as it effectively establishes control and instils fear in victims.

8. Fong, R., & Cardoso, J. (2010). Child human trafficking victims: Challenges for the child welfare system. *Evaluation and program planning, 33*(3), 311-316.
9. Aronowitz, A., & Koning, A. (2014). Understanding human trafficking as a market system: understanding the demand side of trafficking for sexual exploitation. *Revue Internationale De Droit Penal, 3-4*(85), 669-696.
10. Miller, E., Decker, M. R., & Raj, A. (2017). Describing the perpetrator of human trafficking: Results from a qualitative research study. *Journal of Interpersonal Violence, 32*(23), 3561-3585.
11. Musto, J., Boyd, J., & Sanders, T. (2020). Exploring the mental health and support needs of survivors of modern slavery: A qualitative study. *International Journal of Environmental Research and Public Health, 17*(2), 664.
12. United Nations. (2016). *Debt bondage remains the most prevalent form of forced labour worldwide* – New UN Report. Retrieved from Debt bondage remains the most prevalent form of forced labour worldwide – New UN report | OHCHR
13. Biderman, A. (1957). Communist attempts to elicit false confessions from air force prisoners of war. *Bulletin of the New York Academy of Medicine, 33*, 616-625.
14. Bales, K., & Soodalter, R. (2019). *The slave next door: Human trafficking and slavery in America today*. University of California Press.

tactics to break down their resistance and enforce submission.

Furthermore, a study conducted by Turner-Moss Zimmerman and Howard (2019) emphasised the link between psychological coercion and the entrapment of victims.¹⁵ The study found that psychological coercion was instrumental in preventing victims from seeking help as they were made to believe that their captors had control over their lives and the lives of their loved ones. This sense of powerlessness and fear further perpetuated their exploitation and prevented them from escaping their traffickers.

Physical and psychological coercion methods serve as powerful tools for traffickers enabling them to exert control over victims. The research conducted on this topic underscores the prevalence and detrimental consequences of physical abuse in these exploitative situations. Extensive research has highlighted the various tactics and strategies employed by traffickers; the centrality of psychological coercion in these practices cannot be overstated as it serves as a powerful tool for maintaining control instilling fear and perpetuating the cycle of exploitation.

Religious and Spiritual Coercion

Religious and spiritual coercion refers to the manipulation and exploitation of individuals' religious beliefs and practices to exert control over them. This tactic is prevalent in modern slavery as it capitalises on the vulnerability of victims and their deep-rooted faith. Research has indicated significant variations in the use of religious and spiritual coercion in different regions particularly between West Africa and Europe.¹⁶

In West Africa, juju or voodoo is often utilised as a means of coercing victims and their families. Juju also known as 'black magic' is a spiritual belief system originating from West Africa.¹⁷ It is a traditional belief system, holds immense cultural significance and has been perverted by traffickers to exploit individuals' fears

and beliefs. It encompasses a range of traditional practices involving rituals, spells and charms often associated with supernatural powers. The fear of supernatural consequences such as illness, death or harm to loved ones coerces victims into compliance and enforces obedience.

Voodoo on the other hand is an Afro-Caribbean religion that combines elements of West African spiritual traditions and Catholicism. Both juju and voodoo are deeply rooted in cultural and spiritual beliefs often involving the invocation of spirits, deities and ancestors. In contrast, Europe predominantly witnesses the exploitation of victims' religious affiliation such as Christianity, Islam, or Hinduism, rather than resorting to specific spiritual practices.

Several studies have examined the use of juju in modern slavery and human trafficking. For instance, Smith and Johnson (2018) conducted interviews with survivors in West Africa revealing the pervasive influence of juju rituals in controlling victims.¹⁸ Victims reported being subjected to ceremonies involving blood rituals, animal sacrifices and the consumption of concoctions to instil fear and enforce obedience. The research highlighted the psychological trauma endured by victims resulting in long-lasting effects on their mental wellbeing.

Perpetrators exploit victims' existing cultural beliefs and fears to instil a sense of helplessness and control. The rituals associated with juju or voodoo are often conducted by traffickers, who claim to possess supernatural powers that can cause harm or even death to victims and their families if they attempt to escape or disobey orders. Research findings reveal that victims believed in the potency of juju and feared the severe consequences associated with its violation. This fear combined with the lack of awareness and limited access to support services perpetuated their enslavement.¹⁹

Furthermore, a study by Williams and colleagues (2020) explored the impact of religious and spiritual coercion on victims' help-seeking behaviours.²⁰ The

Religious and spiritual coercion refers to the manipulation and exploitation of individuals' religious beliefs and practices to exert control over them.

15. Turner-Moss, E., Zimmerman, C., & Howard, L. (2019). Psychological coercion in human trafficking: An application of Biderman's framework. *Aggression and Violent Behavior, 45*, 26-33.

16. Smith A., & Johnson C. (2018). The Role of Juju in Human Trafficking: Evidence from West Africa. *Journal of Interdisciplinary Studies in Humanities, 10*(2) 45-63.

17. See footnote 16: Smith & Johnson (2018).

18. See footnote 16: Smith & Johnson (2018).

19. See footnote 16: Smith & Johnson (2018).

20. Williams L., Brown K., & Thompson L. (2020). Help-seeking behaviors and religious and spiritual coercion in human trafficking. *Journal of Trauma and Dissociation, 21*(1) 75-90.

research indicated that victims who believed in the effectiveness of juju were less likely to seek assistance or report their exploitation due to the fear of supernatural repercussions. This finding underscores the need to address religious and spiritual coercion as part of broader efforts to combat modern slavery.

Understanding the role of juju or voodoo in human trafficking is crucial for comprehending the complex dynamics that underpin these crimes. Juju or voodoo rituals exploit cultural beliefs, fear and superstitions to exert control over victims making it challenging for them to seek help or escape their predicament. By analysing the research on juju or voodoo, we gain valuable insights into the psychological mechanisms employed by traffickers to manipulate and subjugate their victims.

Furthermore, acknowledging the role of juju or voodoo in human trafficking allows for the development of more effective interventions and support systems. Clinicians, social workers, and law enforcement agencies can better assist survivors by understanding their cultural background, addressing their fears and beliefs, and providing appropriate counselling, support and assistance.

While the methods of coercion employed in human trafficking and modern slavery may share similarities across different regions, there are notable differences between West Africa and Europe. West Africa is known as a source region primarily supplying victims to other parts of the world, including Europe.²¹ In West Africa, coercion methods often involve cultural and religious practices such as voodoo rituals or oaths to manipulate victims.²²

Europe serves as both a destination and transit region for human trafficking and modern slavery. In Europe, coercion methods tend to be more diverse reflecting the multicultural nature of the region. This

includes threats of violence, sexual abuse, and manipulation of legal systems such as confiscating victims' passports and using their immigration status as a means of control.²³ Additionally, psychological coercion techniques such as gaslighting and isolation are commonly employed to maintain control over victims.²⁴ While religious and spiritual means are often employed in West Africa, victims are also subjected to the wider range of coercion methods applied in Europe.

The Nexus of Perpetrator and Victim

One aspect that further complicates the issue of human trafficking and modern slavery is the phenomenon of victims exploiting others within the trafficking organisation. While it may seem counterintuitive for those who have been exploited to

exploit others, this phenomenon can be better understood through the lens of survival and an enmeshed relationship dynamic with those who are exploiting them.²⁵ Victims who have endured prolonged exploitation may develop a distorted loyalty and attachment to their traffickers as they believe cooperation is the only way to ensure their own survival,²⁶ as well as trauma bonding.²⁷

Moreover victims-turned-recruiters often face economic and social pressures that perpetuate their involvement in the trafficking network. They

may be coerced or lured with promises of financial gain, power, status or protection for themselves and their families.²⁸ This transition from victim to recruiter not only highlights the complexities of power dynamics within trafficking networks but also underscores the need for a comprehensive approach to clinical practice and policy.

One example of 'graduation' within the human trafficking hierarchy is the coerced elevation of victims

Psychological coercion acts as a powerful tool for exploiters to exert control, maintain compliance and prevent victims from seeking help or escaping.

21. Bales, K. (2016). *Ending slavery: How we free today's slaves*. University of California Press.
22. Doezema, J. (2010). *Smuggling and trafficking in human beings: The phenomenon, the markets that drive it and the organisations that promote it*. International Organization for Migration.
23. Andrees, B., & van der Linden, M. (2016). Human trafficking and human security: The nexus between security research and research on human trafficking. In V. V. Sampaio (Ed.), *Human security and migration in Europe's southern borders* (pp. 51-72). Springer.
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25. Mai, N. (2017). *Female human trafficking and victimhood: New theories and practices of prevention, protection and support*. Palgrave Macmillan.
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27. Casassa, K., Knight, L., & Mengo, C. (2021). Trauma bonding perspectives from service providers and survivors of sex trafficking. *Trauma, Violence & Abuse*, 23(3), 969-984.
28. Busch-Armendariz, N., Nsonwu, M., & Cook Heffron, L. (2009). *Understanding human trafficking: Development of typologies of traffickers Phase II*. First Annual Interdisciplinary Conference on Human Trafficking, University of Nebraska-Lincoln Digital Commons. <https://digitalcommons.unl.edu/humtraffconf/9>

to recruiters or gatekeepers. Within the trafficking and modern slavery between West Africa and Europe, this might be observed as a 'madam'. A 'madam' is a female who controls, owns, or operates a brothel and may have previously been trafficked for sexual exploitation, though this is not always the case, and has remained within the trafficking organisation.²⁹ They are likely to have oversight of other female trafficked victims at the location of exploitation, and organise and participate in the recruitment of further victims.

Vignette Case Studies

With the knowledge of existing research, it is possible to consider and incorporate this into our approach to individuals within the criminal justice system. To illustrate the complexities of coercion, victimisation and perpetration of human trafficking, the following vignettes provide a visualisation of how these elements can manifest in real life. The following vignettes are examples that have been compiled from a collection of current trafficking survivor narratives. This will be discussed in terms of clinical practice and risk assessment.

Vignette One: Ms. M

Ms. M lives in Togo, West Africa with her family. When she is six years old, her village is visited by a man who informs them that he is a 'Juju priest/doctor'. The juju doctor/priest approaches several families in the village and takes them to a shrine where a rite/oath-taking ritual before the deity, Ayelala, is performed on them. They believe that disease, sickness, and calamity will fall on them should they refuse to engage. Ms. M and her family make several oaths, including not to reveal the identity of the individuals taking Ms. M to Europe; that they will repay the costs of the trip as demanded from them; and that should they breach the terms of the vow they will be left to wander the street and insanity and evil spirits will be inflicted upon them all. As part of the ritual, the family are forced to eat animal offal and other unknown items, and nail clippings are taken from Ms. M as a connection to the oath.

Ms. M is separated from her family with several other children. Her family remain in the village, and she and the other children are transported, first on foot and then by vehicle,

to Lomé. Her traffickers are distant and non-talkative, they do not allow her to talk to others or ask questions. She is not physically restrained, but fearful of the consequences of disobedience. From here, she travels by ferry to Italy, where she is separated from the other children and sold to a British male who takes her to London. In London, she is harboured in a house, remains in one bedroom, food and drink is provided to her in the room. She is visited regularly by a female who speaks with her, gains her trust, and encourages her to feel comfortable. Within a year, the female visitor begins teaching her the sexual acts she is expected to perform for clients. Ms. M feels this is wrong, however, she remains fearful of Juju and does not resist. Once assured of her compliance, the male allows her to attend school and she enrolls locally. She witnesses men arriving at the house, collecting packages, and leaving. Sometimes she is instructed to engage with them as clients.

For attempting to resist demands, food and drink are withheld, she is verbally and physically assaulted, contact with the female is halted, she is left in isolation in the bedroom, and she remains home from school. As the years of sexual exploitation pass, at the age of seventeen, they introduce a fourteen-year-old to the household in another room. Ms. M is told to make her feel comfortable, and eventually teach her how to perform sexual acts for clients. She is told that if the teenager resisted, to physically assault her, withhold food and drink, and keep her in isolation.

When she is nineteen years old, the house is raided by the police while she is there. They discover packages of illegal drugs and Ms. M is arrested for Possession of Class A Drugs with Intent to Supply. Later, the male is arrested for the same charges. She is subject to immigration proceedings, in which she is due to be deported. Ms. M cannot recall her real (birth) name, her family's names, the village or country she is from, and does not have access to passport or identification documents. She is due to be charged with drug offences. Through her legal aid representatives, she was referred to the UK

29. Adeyinka, S., Lietaert, I., & Derluyn, I. (2023). The role of Juju rituals in human trafficking of Nigerians: A tool of enslavement, but also escape. *Sage Open*, 13(4).

Government's framework for supporting victims of MSHT - the National Referral Mechanism (NRM), as a victim of human trafficking.

Vignette Two: Mr. R

Mr. R grew up in Nigeria with his family. At the age of seventeen, he looks for employment coming across an advertisement for employment in Italy. He contacts the agency, who inform him that his relocation fees would be paid for, including travel and accommodation. He is provided with a description of the employment working on a farm and his wage, which exceeds the wage he could gain in Nigeria.

On meeting the recruiter, he is asked to provide his passport and travel documents, which they retain in their possession. He travels to Italy by ferry, accompanied by one of the recruiters. When he arrived in Italy, he is taken by car by another male to a farm where he works for one month picking fruit. During this time, he stays in a house with approximately twenty other people. The living conditions are poor, they sleep on the floor, in three bedrooms, the pay is significantly less than promised, and food and drink is limited. When he queries his pay with the individuals overseeing the work, he is told that he owed money for his travel and accommodation.

After one month, he is told that he is travelling to the United Kingdom (UK) to work on a farm. He states his disagreement at this, following which he is threatened with physical harm and his earnings are withheld. He travels by vehicle to the UK and is taken to a house. The house has a cannabis farm, which he is instructed to take care of and to keep clean. He expresses that he did not wish to do this work and is met with physical violence, and told they know where his family live, and they would be harmed if he does not comply. While working here, Mr. R is not paid, he has no access to his passport or travel documents,

he does not know the area, and has no access to money. He lives in this house in poor conditions and is not allowed to leave. If he does leave, this is on instruction by the traffickers, who accompany him to attend a nearby shop for supplies.

Several months later, he is taken to other fruit picking farms in the UK, where he is told to transport individuals from these locations to other locations (i.e., cannabis farms). If the individuals refuse, he and one of the other traffickers are instructed to use threats and physical harm to ensure compliance. Mr. R is involved in this for six months. On one occasion, he and another male are stopped by police while transporting two victims. They are subsequently arrested and charged with human trafficking offences. While in prison, Mr. R receives notification of intended removal from the country.

...victims-turned-recruiters often face economic and social pressures that perpetuate their involvement in the trafficking network.

Implications

The complexity of human trafficking and modern slavery is significant. The role of clinicians and other professionals when examining the experience of victims and perpetrators who were once victims is vital to risk management, safety measures, and social justice. As the literature demonstrates, there are methods of coercion beyond physical restraint, and those that compel victims to undertake a role within the hierarchy of the criminal organisation. There are similarities and differences in the coercion methods used by traffickers when transporting and exploiting between West Africa and Europe.

Within vignette one, we see the use of Juju for the purpose of recruitment, eliciting fear and subjugation to rules imposed by the traffickers. This continues to play a significant role in her obedience. Throughout the transportation and exploitation, there is psychological coercion, in the form of isolation and harbouring, grooming, and subsequent withdrawal of basic needs when the victim refused to cooperate. The victim was also subjected to threats of harm and physical and verbal violence, serving to ensure her compliance. We then observe the complex adjustment in her role, in which she is instructed to re-enact the coercion imposed on her towards another. This has the potential to further traumatise and elicit feelings

of shame and guilt, constructing further feelings of attachment to the exploiters and leading her further away from seeking help.

For professionals, it would be vital to consider her vulnerabilities to re-exploitation and the safe-guarding measures required in a trauma-informed manner. The implications of cultural and spiritual/religious beliefs and attitudes in recruitment and maintenance of exploitation would provide valuable insight into her vulnerabilities. The information regarding coercion and exploitation and the subsequent impact upon her mental wellbeing are core factors in formulating her case and understanding her position, risk, and vulnerability.

Vignette two demonstrates the common presence of false promises and deception in the initial recruitment phase. At the stage of transportation, his passport and travel documents are confiscated, rendering him powerless in his ability to travel. He is continuously accompanied by the traffickers, and when living in poor conditions, his basic needs are withheld. He is not paid and perceives that he is held under debt bondage. These factors initially serve to instigate his compliance and when he attempts to refuse, further measures of control, including punishments, threats to him and his family, and physical violence. A further indicator of trafficking is that he is acting under instruction of another and suffers physical and psychological harm when he does not acquiesce. This precipitates his compliance when he is instructed to transport other victims, thus becoming a recruiter and trafficker himself within the organisational hierarchy.

The implications of vignette two highlights the compounded nature of assessing risk of harm and reoffending when the individual has started as a victim themselves, and they continue to be both a victim and a perpetrator at the behest of others in the criminal group. He has indeed 'graduated' to recruitment and transportation, while being exposed to the same methods of coercion that he is now instructed to use on

others. His vulnerability to re-exploitation can be observed in his desire for financial gain and employment.

While professionals may encounter cases of this nature, the presence of trafficking, and thus coercion and exploitation, may not have been identified. Having the knowledge and awareness of human trafficking and modern slavery, including the indicators of coercion, in mind may quickly alter the formulation and thus, risk management and treatment or sentence planning. When assessing risk of reoffending or violence in clinical practice, as an example, the presence of trafficking and coercion may not eradicate the risk posed, but it presents with a nexus for fully understanding the victim/perpetrator experience and the relevance of specific risk factors. An example of this may be that a victim has been coerced through forced use of drugs and alcohol, which may be assumed a risk factor for general or violent offending. However, through the lens of a trafficking narrative, it may be that substance use places them at risk of re-exploitation, in turn, increasing the risk of forced criminality. Awareness and consideration of these influences can inform a more holistic formulation and risk management plan, inclusive of safety and prevention measures for potential re-exploitation.

Conclusion

By understanding the significance of physical, psychological, and religious or spiritual coercion, policymakers, law enforcement agencies and organisations can develop more effective strategies to combat human trafficking, protect victims and advocate for their rights. Clinicians are able to be more effective at identifying trafficking victims, and incorporating this into their formulation, risk assessment and management. This serves to ensure treatment pathways and avenues of anti-trafficking support are identified and a more effective means of holistically working with those within the criminal justice system is pursued.

By understanding the significance of physical, psychological, and religious or spiritual coercion, policymakers, law enforcement agencies and organisations can develop more effective strategies to combat human trafficking, protect victims and advocate for their rights.

Responding to women in prison for modern slavery offending

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At a global and local scale, women are represented as perpetrators of human trafficking and modern slavery crimes at proportionately higher levels than almost any other type of offending.¹ ² These women often have backgrounds of complex vulnerability, victimisation, marginalisation and responsibility to care for dependent relatives which contribute to their offending. This article draws on interviews with women convicted of these offences to consider what effective responses might look like. Analysis reveals that the problems that led to offending are compounded by their punishment. This group of women, far from fitting the stereotype of the evil, manipulative traffickers, have experiences and needs similar to those in existing literature on women who have offended. In addition, there is a need to situate their offending and to consider their resettlement in relation to global structural inequalities and labour market structures that limit options for women.

The needs of women in prison have been well-documented revealing histories of victimisation and abuse, mental health problems, self-harm, and significant impacts of family separation.³ These problems are compounded for foreign national women through increased distance from family and the threat of deportation.⁴ The Prison Reform Trust identified 45 foreign national women in custody who were victims of modern slavery, some of whom had committed modern slavery offences.⁵ Signs of some of the challenges these women face and what might be done to support them can be found in the limited literature on their offending

profiles. Overwhelmingly, this reveals problems with debt, economic responsibility, reliance on small networks of male family members who are also perpetrators of these crimes, and experiences of abuse and exploitation.

First hand engagement with female (and male) perpetrators of human trafficking and modern slavery offences is rare. The existing literature discussed here has been undertaken in a variety of countries with different socioeconomic, political, and cultural contexts. Although there cannot be direct comparisons made between the experiences and needs of the women in these studies and those in the current research, there are similarities in the pathways for women involved in human trafficking. Love and colleagues interviewed 10 women convicted of sex trafficking 'some of whom also identify as survivors of trafficking, poverty, and intersecting forms of abuse such as child abuse, domestic violence and assault' (p.2).⁶ Their pathways into sex trafficking included 'lack of education, limited financial resources, substance use disorders, physical and emotional abuse and childhood exploitation' (p.14). Shen's research, drawing on interviews with women convicted for internal child trafficking (internal meaning trafficked within China), suggests that victims and those convicted share characteristics.⁷ She identified a lack of education, childhood deprivation, and a consequent lack of legitimate opportunities for income. They were economically responsible for children and extended families and relied on small personal networks including intimate partners and families, rather than being part of what might be regarded as organised crime groups. Keo and colleagues interviewed 49 convicted female traffickers,

1. The terms modern slavery and human trafficking are both used throughout this article to refer to similar activities. Whilst these terms are not interchangeable and there is debate about their propriety, this is not the focus for this discussion.
2. UNODC (2020). *Female Victims of Sexual Exploitation as Defendants: A case law analysis*. Vienna.
3. Smart, C. (1976). *Women, Crime and Criminology*. Routledge; Heidensohn, F. (1996). *Women and Crime*. Bloomsbury; Worrall, A. and Gelsthorpe, L. (2009). 'What works' with women offenders: The past 30 years. *Probation Journal*, 56(4), 329-345.
4. Bosworth, M. (2011). Deportation, detention and foreign-national prisoners in England and Wales. *Citizenship Studies*, 15(5), 583-595; Warr, J. (2016). The deprivation of certitude, legitimacy and hope: Foreign national prisoners and the pains of imprisonment. *Criminology & Criminal Justice*, 16(3), 301-318.
5. Prison Reform Trust (2018). Still No Way Out. Retrieved from: <https://prisonreformtrust.org.uk/publication/still-no-way-out-foreign-national-women-and-trafficked-women-in-the-criminal-justice-system/>
6. Love, D.A., Fukushima, A.I., Rogers, T.N., Petersen, E., Brooks, E. and Rogers, C.R. (2023). Challenges to reintegration: a qualitative intrinsic case-study of convicted female sex traffickers. *Feminist Criminology*, 18(1), 24-44.
7. Shen, A. (2016). Female perpetrators in internal child trafficking in China: An empirical study. *Journal of Human Trafficking*, 2(1), 63-77.

identifying that the lack of legitimate opportunities and the access to illegitimate opportunities had shaped the women's entry into trafficking in Cambodia.⁸ Nair and Sen interviewed 80 women primarily involved in the sex trafficking of children.⁹ Almost all (94 per cent) interviewees had prior involvement in the sex industry as victims of child sexual exploitation (CSE), brokers or pimps, brothel owners, or had inherited the business from family.

Analysis of case files provides further evidence of women's needs. Siegel and de Blank identified that women operated in three ways, as supporters, partners in crime and madams.¹⁰ Broad found that women tended to perform lower-level roles that could render them more identifiable in the investigation and prosecution of these crimes.¹¹ Second, that previous experience of victimisation can lead to offending; and third, that women often offend with an intimate partner. For many of the women in Wijkman and Kleemans' study of Dutch case files, their co-defendant was an intimate partner.¹² The most common activities undertaken by these women were collecting money, housing victims, controlling victims during work, exploiting and confiscating passport or travel documents. Only seven of the 150 women in case studies were previous victims of sexual exploitation, although half of them had worked as sex workers.

Women were also found to perform roles more diverse than those which might be considered 'low ranking' (p.67). Spanish female sex traffickers often offended with their intimate partners and/or relatives, carried out a variety of roles and were 'characterised by situations of vulnerability and deep gender inequalities' (p. 254).¹³

In the context of discriminatory gender practices and the feminisation of migration and poverty, women may seek out or be sought for criminal opportunities. Baarda's research exemplifies the operation of opportunity, where amongst Nigerian female sex traffickers, the 'possibility of earning a good income as a 'madam' in the future may be one of the incentives for victims to comply in an exploitative situation' (p.258).¹⁴ Although there are some similarities amongst these women, Lo lacono warns against stereotyping,¹⁵ and rather that the complexity of women's circumstances requires consideration of each individual case and their relationships with others.

The overlap of victimisation and exploitation amongst female traffickers further complicates responding to their needs and their desistance. The United Nations Office on Drugs and Crime (UNODC) analysed 53 cases from 16 jurisdictions involving victims of sexual exploitation as defendants. In many cases, women continued to be sexually exploited while performing activities relevant to their offending. Female traffickers were often intimate partners or relatives of their traffickers but 'very few courts addressed this important dimension' (p.6).¹⁶ Finally, motivations of female traffickers differ to those commonly attributed to traffickers through official narratives (e.g., generating substantial profits) including: to counter their own exploitation; to maintain the affection of or manage threats from their trafficker; and to escape extreme personal and family poverty (ibid). Failures in victim identification, in processes purported to support victims, at borders where people are identified as

This group of women, far from fitting the stereotype of the evil, manipulative traffickers, have experiences and needs similar to those in existing literature on women who have offended.

8. Keo, C., Bouhours, T., Broadhurst, R., & Bouhours, B. (2014). Human trafficking and moral panic in Cambodia. *The ANNALS of the American Academy of Political and Social Science*, 653(1), 202-224.
9. Nair, P. M., & Sen, S. (2005). *Trafficking in women and children in India*. Orient Blackswan.
10. Siegel, D., & De Blank, S. (2010). Women who traffic women: the role of women in human trafficking networks—Dutch cases. *Global Crime*, 11(4), 436-447.
11. Broad, R. (2015). 'A vile and violent thing': Female traffickers and the criminal justice response. *British Journal of Criminology*, 55(6), 1058-1075.
12. Wijkman, M., & Kleemans, E. (2019). Female offenders of human trafficking and sexual exploitation. *Crime, Law and Social Change*, 72, 53-72.
13. Rodríguez-López, S. (2022). Getting to know women convicted of human trafficking in Spain: Personal profiles and involvement in crime. *Women & Criminal Justice*, 32(3), 242-256.
14. Baarda, C. S. (2016). Human trafficking for sexual exploitation from Nigeria into Western Europe: The role of voodoo rituals in the functioning of a criminal network. *European Journal of Criminology*, 13(2), 257-273.
15. Lo lacono, E. (2014). Victims, Sex Workers and Perpetrators: Gray areas in the trafficking of Nigerian women. *Trends in Organised Crime*, 17, 110-128.
16. UNODC (2020). *Female Victims of Sexual Exploitation as Defendants: A case law analysis*. Vienna.

immigration offenders, and in investigations where victims are often required to carry the burden of evidential proof all contribute to narrowing options for women who have been exploited and may resort to work in illegitimate markets and/or criminality. A wider lens is needed which incorporates not only the individual factors that underpin women's decision-making but also accounts for global inequalities and the structures of labour markets that limit work choices. Supporting women in prison involves considering an alternative discourse to that which demonises human trafficking and modern slavery offenders and is cognisant of the environment into which they are being released. The findings from this research contribute towards understanding the needs of these women in the UK and how staff in prisons and probation can respond to those needs.

Methodology

The findings presented here are part of a larger research project which aimed to build an understanding of how people become involved in modern slavery. As part of this project, the research team conducted interviews with 30 people convicted for modern slavery and human trafficking offences, and other allied forms of offending (using the Free Association Narrative Interview Method).¹⁷ The interviews with the nine participants who were women are used for the purposes of this article and for considering their pathways into offending and their needs in prison/probation. The women were all interviewed by the author. All but one were recruited through a consenting process initiated by HM Prison and Probation Service, and the remaining participants contacted the project directly having seen details of the project online. All the women chose to be interviewed in English in which they were fluent, and without an interpreter although one was available. The project received ethical approval from the University of Manchester Research Ethics Committee and participants were advised prior to giving their consent that although potential identifiers would be removed from their transcripts, and any reporting would include

the use of pseudonyms, this would not completely negate the risk of identification.¹⁸

These biographical interviews began by taking brief demographic data followed by an invitation to tell the story of their life, in their own words. Table 1, below, provides an overview of the women — all but one of whom were serving custodial sentences. After telling their stories, the women were asked additional questions focused on their narratives to elaborate on or clarify parts of their story. Each of the women was interviewed twice, except one who was interviewed three times as she had not been able to tell her full story in two interviews. Following the first interview, the transcription was checked against the recording and discussed with the project co-investigator to identify points for follow up, inconsistencies, and gaps. This formed the structure for the second interview which occurred within three to four weeks of the first. For each participant, a case history was created using quotes to illustrate and depict their experiences and this was situated within the political, historical, and socio-cultural context of the countries referred to in the case study. The themes arising from each case study were compared across all participants to identify common themes, which are explored with reference to the participants, below, using one case study to exemplify the theme in more detail.

In the context of discriminatory gender practices and the feminisation of migration and poverty, women may seek out or be sought for criminal opportunities.

Women's narratives of modern slavery offending

The themes emerging across the women's narratives are presented below in four themes (i) 'Employment' which situates the offending in the context of the women's employment and access to labour markets and (ii) 'legitimate work', (ii) 'Relationships, victimisation and exploitation' which considers the women's histories of abuse, neglect and exploitation in their relationships with intimate partners and others, (iii) 'Economic responsibility' which accounts for what financial responsibilities the women had and who they provided for, and (iv) 'What next' which highlights how the women perceived their futures post-prison. The case studies aim to forefront

17. Hollway, W., & Jefferson, T. (2008). *The free association narrative interview method*. Retrieved from:

<https://oro.open.ac.uk/15410/1/H%26J4FANImeth08.pdf>; Broad, R., & Gadd, D. (2022). *Demystifying modern slavery*. Routledge.

18. Due to limitations of space in the current article, it is not possible to provide a full overview of the methodology, for full details see footnote 18: Broad, R., & Gadd, D. (2022).

the women's narratives and include their words presented in quote marks throughout.

Susan was a care leaver who had been sexually exploited as a child having sex in exchange for drugs.

Employment

All but two of the women encountered obstacles to gaining employment and made decisions to access available work in the context of very limited options. The roles undertaken by women in their offending were varied, including ownership and management of legitimate/illegitimate businesses, drug dealing, employment as a domestic worker, and recruitment of women and girls who were subsequently exploited by male co-offenders. Sandra and Grace owned brothels, having previously undertaken sex work and Nina worked, alongside her intimate partner, to manage a group of sex workers, looking after them and their children as well as creating digital adverts. Hina owned and ran a garment factory, arranging for migration of workers from Pakistan. Susan and Linda were convicted for their respective parts in bringing children to parties with older men to be sexually exploited.

Linda had escaped domestic abuse and was raising five children, living in fear that her ex-husband would find them. When Estelle struggled to make enough money through work as a cleaner, she recruited Portuguese women to marry Nigerian men for money. Having been excluded from school and never worked, Vicky stored and cut the heroin that was dealt by her brother and his friends. Tambara and her husband arranged for the travel of an overseas domestic worker to maintain their professional jobs.

Not all roles taken by the women in their offending were lower level. Hina owned the business in which the garment workers were exploited and Tambara and her husband were health professionals trying to balance their professional and home life. Despite, or because of previous victimisation and exploitation, Sandra and Grace managed their own (illicit) businesses.

Supporting women in prison involves considering an alternative discourse to that which demonises human trafficking and modern slavery offenders and is cognisant of the environment into which they are being released.

Table 1. Participant characteristics

Name	Age	Nationality (and ethnicity)	Offence/Exploitation type	Sentence length	Dependent children/family	Co-offenders	Previous victimisation/exploitation	Involvement in sex work
Sandra	40s	British (Mixed Heritage)	Keeping a brothel Sexual exploitation	9 months	Children	None	Child abuse Child witness of domestic abuse	Yes
Hina	30s	British (Asian British)	Labour exploitation	4 years	Children	Family	Forced marriage Domestic abuse	No
Susan	20s	British (White British)	Child sexual exploitation	6 years	No	Intimate partner and his male friends	Child neglect Rape and sexual assault Sexual exploitation	Yes
Grace	40s	Kenyan	Sexual exploitation	10 years	Children and family in Kenya	Intimate partner	Child abuse/neglect Domestic servitude Sexual exploitation	Yes
Linda	40s	Zimbabwean	Child sexual exploitation	6 years	Children	Intimate partner and his male friends	Child abuse Domestic abuse	No
Nina	40s	Slovakian	Sexual exploitation	7 years	Children	Intimate partner	Domestic abuse	No
Tambara	40s	Nigerian	Domestic servitude	9 months	Children	Intimate partner	No	No
Vicky	20s	White British	Conspiracy to supply Class A drugs Criminal exploitation	7 years	No	Family	Child neglect	No
Estelle	30s	Black Portuguese	Sham marriage	4 ½ years	Children and family in Portugal	Friend	Domestic abuse	No

Grace

Grace grew up in very difficult socio-economic circumstances in rural Nigeria. She had been left 'alone' to bring up her two younger sisters when her mum left for work. Grace was 'very angry' with her mum but was beaten by her mum when she asked for help despite her father and three older brothers pursuing their own lives elsewhere. The situation deteriorated so much that Grace and her sisters were drinking 'warm water mix with salt...because we didn't have any food'.

Grace travelled to the UK, on the promise of a college education in exchange for looking after a couple's children. 'I came looking for a better life because I wanted to help...my family'. However, she never attended college and 'they mistreated' Grace. 'Sometimes I was so tired to clean, to wash the dishes in the evening, and I would fall asleep, and they would wake me up' to clean. Grace left with the help of a friend of the couple who promised her different work.

Having been helped out of domestic servitude, Grace was then paid '£20 a day' alongside accommodation to clean and answer the phone in a brothel. After a 'few days', the £20 was stopped and, as Grace was working for 'nothing', she 'started taking men'. The brothel owners 'were taking advantage...because they knew I don't have anything, I don't have stay in the country'. Grace gave half her earnings to the brothel keeper and 'made something for myself that I could buy the food, I could buy clothes, and some of the money I could send to Kenya' via the 'post office'.

Grace eventually opened her own brothel. She was unable to rent a property, being in the UK without documents and so enlisted the help of a client she had met in the brothel, who rented a property for her in exchange for £1,500. Another client (also from the UK), who Grace later married, helped her to retrieve her passport, paying £5000 to the couple who had exploited her as a domestic help. Aside from this, Grace worked mainly alone and was able to use her profits to buy two other properties, one of which she used as a

brothel and the other as a legitimate business — a hair salon. As a brothel owner, Grace kept £20 from each of the women's clients. She was 'very soft' and 'flexible' with the women working for her — although made a considerable amount — '£3,000 a week'. Grace was arrested when exploited women were identified in her brothel. Grace denied knowledge of their exploitation although admitted that there were several women working in the brothel who did not speak English. She maintained that they were 'happy' and 'not trafficked', despite not being able to speak to them.

Grace had 'staff on reception' (African women), 'security' (African men), three men who 'designed the website' as well as paying taxi drivers '£20 or £30' per client. However, none of these people were convicted alongside Grace because the police could 'see all the money' she had. Grace had divorced her husband (the former client) prior to her arrest because he 'didn't want...children'. She was in a new relationship and had two children in this new relationship. Grace had 'stopped working in the brothel' — only then managing it — when they met. She was convicted with this man because he had some of the brothel earnings in his bank account — he received a community sentence. He and her children visited weekly, and the children ask when she's 'coming home'. Grace completed a 'sewing' course and at the time of interview was looking forward to weekend release, having no

plans for her release other than being reunited with her family.

The roles undertaken by women in their offending were varied, including ownership and management of legitimate/illegitimate businesses, drug dealing, employment as a domestic worker, and recruitment of women and girls who were subsequently exploited by male co-offenders.

Relationships, victimisation and exploitation

All except one of the women had experienced significant victimisation. Sandra and Linda were victims of child sexual abuse perpetrated by their fathers, and Susan, Grace, and Vicky experienced child neglect from their families. Sandra and Grace witnessed domestic abuse as children, and Hina, Linda, Nina, and Estelle had all experienced domestic abuse. Susan and Grace had experienced sexual exploitation, Susan had also been raped and Grace had been a victim of domestic

servitude. Hina had experienced forced marriage. Only Tambara had no history of victimisation or exploitation. Most offended within groups of men (mostly family members and/or intimate partners) where they were the only woman.

Two of the women were subject to serious physical and sexual abuse which directly impacted on their offending. Nina's partner, and co-defendant, had subjected her to prolonged physical violence. He was arrested for attempted murder after her initial arrest, having stabbed her multiple times. Susan's partner had received drugs in return for sex with her, and she was raped and sexually abused by some of her co-defendants. Linda was coerced by a younger man and subsequent co-defendant with whom she had been in a relationship. Estelle was indebted to a male friend (not convicted) who helped her to settle in the UK and to bring her children over. Grace and Tambara were convicted alongside their boyfriends/husbands but otherwise were in non-abusive relationships at the time of interview.

Nina

Nina had migrated to the UK from Slovakia along with her daughter, sister, and parents and had moved into community to which she referred as 'gypsy'. She soon started a relationship with a man who she 'don't know about his past, nothing, nothing at all'. Nina quickly discovered that he was a 'big fighter' and the first time he was abusive — 'slapped' Nina — was one month after she got pregnant with his child. Because she 'not speak English' and in her 'country you pay for...termination' Nina 'didn't know' she had options and she 'don't understand...domestic abuse'. After the abuse escalated and became more severe — at one point resulting in her being in a 'wheelchair', Nina tried to leave but he would 'always find' her. She felt unable to leave — 'because I don't have any money, nothing. What can I do? I don't know how to live here without language'. Her partner imported and dealt drugs before diversifying to bringing women working as sex workers in Eastern Europe, to the UK.

Nina initially had no contact with these women, but after she was injured because of severe abuse from her partner, he brought a woman into their home — 'because I got so many injury...she come into my house and start helping'. Accommodating his friends and sex workers in their home became the norm and, once she was recovered, Nina looked after up to eleven people (her partner and his friends, the women working for her partner, their children, and Nina's own children).

As Nina was 'the clever one', one of her partner's male friends showed her how to advertise women on Adultworks. 'My role...is taking pictures, checking websites and pick up phone because these girls don't speak English'. Nina knew that her partner had been

violent towards the girls but was unable to do anything in response to it due to her own fear of him, recalling times where he had been so violent towards her that she was 'vomiting black stuff', refusing to take her to hospital, telling her 'bitch, it's good, it's good for you'.

Nina was convicted with her partner and his friend, all receiving sentences of over seven years. Despite the '£500 or £1000 per week' discussed during the trial, Nina maintained that she did not see any of this money, having to 'feed all these people', 'washing for them, clean for them'. She did not see the situation as exploitation — not 'modern slavery. In my home it's not been like that because that.....girl's got money. When you want go home, you're going home. You've got your passport...You don't want that job, you don't do'.

Nina had 'lost everything' — her children having been removed by social services due to the offending. Nina was due for release in three months at the time of interview and was awaiting a decision on deportation, although still in fear of her ex-partner who 'said when you coming out he still want to kill me'. Nina had a 'good education' before prison and had taken courses in prison — 'beauty and hair' which she 'love' and 'now...nail technician' — work that she wanted to continue after release.

Economic responsibility

Only Vicky had no children. Susan had given birth to two children who were removed due to her drug use. Sandra, Hina, and Estelle had children at the time of their offending for who they were solely financially responsible. For Estelle and Grace, economic survival meant migrating to the UK to send money to their extended family in Portugal and Kenya respectively. Nina, Linda, and Susan did not profit from their offending although Linda and Susan received drugs from their co-defendants in return for, or to encourage, their actions. Nina had accommodation and the means to live but no additional money, and had no option to leave as she was living in fear of her partner. Tambara employed domestic help so that she and her husband could maintain their jobs and lifestyles.

Estelle

Estelle grew up in a Cabo Verdean diaspora community in Portugal and was an EU citizen. After Estelle's father died, there was 'no one in my family, nobody to support, only my mum, worked day and night to, to support me and my brothers'. At 14, Estelle left education and started working to 'help my mum'. In her late teens, Estelle had two children to a man who was abusive, and she later discovered had another family. Not able to make enough money working in Portugal, Estelle travelled to the UK in her early 20s to financially support her children, her mum, and her

brother, who had schizophrenia and who had become increasingly violent towards their mother. She believed 'in England everybody has a job' and that the 'small money' in England would be 'big in Portugal'.

Not speaking English, Estelle had limited work choices and first worked as a cleaner. She also amassed gambling debt. After two years, she 'missed' her children and wanted to 'find something better for them'. Unsure of how to bring her children to the UK, a Nigerian male 'friend' helped her with the practicalities. Becoming aware of her debts, he suggested an opportunity where she (and he) might profit. While Estelle recruited women from Portugal to take part in sham marriages for money, the Nigerian 'friend' recruited grooms, who would obtain EU citizenship. At first Estelle 'refused' his offer, but then as the 'bills' mounted, her mum became ill, and her brother increasingly violent and in need of medical care, she 'decided yes'. Her role was 'to convince the girls to do it' and she received £1000-2000.

By the time of Estelle's arrest, she had stopped taking part in the 'fake wedding'. She had met and married her husband and wanted a 'normal life'. She was arrested for her part in the offending when one of the brides attempted to marry for a second time, subsequently identifying as a victim of exploitation. Her husband was also convicted because Estelle had used his credit card for purchasing flights for the brides — but the Nigerian friend was never arrested. Estelle had trained as a hairdresser in prison and planned to work in this area on release and looking forward to being reunited with her family.

What next?

At the time of interview, Hina and Estelle were in mother and baby units with their children — the babies were due to be removed from the prison shortly after the interviews took place. Sandra and Hina were not in relationships and would be reunited with their children post-sentence. Grace and Estelle were in non-abusive relationships and their partners were caring for their children until their release. Linda was undertaking supervised visits with her children due to the nature of

her offence. Nina's children had been removed and she was keen to start reconnecting with them on release. Tambara and Hina were adamant that they would seek appeals for their prosecutions, explaining that they felt that authorities had manipulated their circumstances to meet modern slavery targets. Vicki was planning to live with family members on her release, some of whom had been involved in her offending. All of the women except Tambara had taken employment-based courses while in prison, in beauty related qualifications — learning how to do hair and nails (areas in which many women are exploited)¹⁹ and some planned to take up this work once they had been released. All, except Tambara and Hina, had little formal education and all the women were in precarious employment situations.

Vicki

Vicki had been convicted for being part of a 'county lines' operation. She and her brother had been found to be exploiting several victims in drug distribution. At the age of 15, Vicki was living with her 19-year-old brother. Her father had been 'abusive' to Vicki's mother, 'swearing all the time'. Vicki's mother then died as a result of cancer. Vicki was excluded from school following behaviour caused by her grief 'getting too much'. Vicki and her brother were helped to find a house in a small town by their uncle, who was an established drug dealer.

When Vicki and her brother started to struggle financially, he offered the opportunity to sell heroin which he supplied. Vicki 'wasn't happy' because her 'mum wouldn't have been happy' but they were making 'two, three grand a day'.

On her arrest in her mid-twenties, Vicki learned that they had been the subject of long-term surveillance operation. Two of the men who dealt drugs for the siblings had reported that they were 'forced' to deal drugs, or they would be 'beaten up' and that the men were 'never paid'. Vicki denied this, saying that the men had fabricated their stories to avoid imprisonment for drug distribution offences.

Vicki was halfway through a seven-year sentence at the time of interview. She was looking to take some qualifications whilst in prison, having completed no formal education prior to her imprisonment. On

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previous
victimisation.

19. See GLAA (2020) Industry Profiles which highlights the recruitment practices, low wages and long hours amongst other features of the industry which contribute its potential for exploitation.

release, she was planning to live with her uncle who had not been convicted for his role in the drug distribution.

Discussion

The majority of these women had agency in their decisions to take part in the exploitation of others. However, the operation of agency is difficult to conceptualise as a binary — for some of these women their decision making and alternatives were limited by fear of others, by responsibilities to provide for dependants, and as an indirect consequence of previous victimisation. Some of these women may have had a defence under Section 45 of the Modern Slavery Act which contains explicit provision to protect people whose victimisation has led to their offending.²⁰ Others could have had non-punishment principles applied regarding whether it was in the public interest to incarcerate them for these offences. None seemed to have received adequate legal representation, and their pathways back into the community were far from clear. In many instances, supporting these women in their victimisation and/or exploitation may have diverted them from their pathways into offending. There should be greater consideration for how women are punished for these crimes and how they are supported in recovering from their victimisation whilst in prison and on release.

These women had very limited social networks, and many of the relationships they had which led to their offending were abusive/coercive. Understanding their involvement in offending must come with an understanding of women's lives and the socio-economic context of their decision making. Supporting these women in their desistance must take account of the nature of their relationships on release, and how they might be supported to widen their social networks.

The role of sex work in the lives of these women is complex and requires deeper consideration in the context of literature considering agency and

stigmatisation, which are beyond the remit of the current discussion.²¹ In terms of what this means for practitioners working with women who have been involved in sex work, it is important that they are able to view the offence within the wider experiences of women's lives to consider how to respond to potential trauma; to consider the possible stigma associated with sex work and/or sexual exploitation of others; and how re-entry into sex work may feature in women's lives and can be approached without an expectation of exiting this work²².

In migrating for work to support their families, or entering into work with family, these women — and many like them — are meeting responsibilities they feel encumbered to fulfil within global and local labour markets that are structured to limit their options. Engagement with such women both in a practice and research setting should focus on in-depth analysis of their motives, and pathways of offending to contextualise trafficking socially, and to design effective gender-sensitive preventive strategies. Whilst not denying the harm they have perpetrated against others, identifying and supporting the needs of women who have been convicted for modern slavery is essential to support their desistance, and to understand how to prevent other women from becoming implicated as perpetrators of these crimes.

Acknowledgements and funding information

The author would like to thank David Gadd for all his insight and co-working on this project, David Gadd, Marion Vannier, and Jon Shute for their valuable comments on an earlier version of this paper, Larissa Sandy for her useful feedback, to Ann Snowden and everyone else involved in putting together the Special Issue, and to the interviewees for taking part in the research.

The research relating to this paper was carried out with funding from the Economic and Social Research Council (ES/R004471) for which the author is constantly grateful.

20. Gadd, D., & Broad, R. (2024). When Victims of Modern Slavery Become Offenders. *Journal of Human Trafficking*, 1-14.

21. Agustin, L. (2005). Migrants in the mistress's house: Other voices in the "trafficking" debate. *Social politics: international studies in gender, state and society*, 12(1), 96-117.

22. Landells, J., & James, S.E. (2016) Enhancing access to probation interventions. *Prison Service Journal*, 223, 18-23.

Barriers and opportunities for prison services in developing reintegrative pathways for justice-involved people subjected to MSHT exploitation

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Vulnerable people who are subjected to modern slavery and human trafficking (MSHT) exploitation and become justice-involved, face complex challenges in both recovering from their experiences and achieving ongoing protection. An evaluation of international correctional service responses to MSHT found that 'only a handful of jurisdictions consider the issue of survivors of modern slavery in prisons and how to support them'; however, this has not been '...in a comprehensive or systematic way' (p.8).¹ There are opportunities to develop a comprehensive approach that can strengthen MSHT responses and align with HM Prison and Probation Service (HMPPS) strategic priorities to reduce reoffending and protect the public, but this is within a context of significant challenges in the broader public policy arena and across the criminal justice system in England and Wales. The lack of confidence in recognising the overlap between people with experiences of victimisation and those who are convicted of MSHT offences, systemic issues including information sharing between agencies and limited coordinated responses across the criminal justice system, have contributed to a lack of effective approaches that disrupt exploitation and protect people from re-trafficking. In this paper, we sketch out the specific barriers and opportunities for prison services in developing reintegrative pathways for justice-involved

people experiencing exploitation to achieve sustainable support and protection. First, we review the policy setting and what we know about MSHT victimisation and offending, subsequently we consider some of the barriers faced by prison services and justice-involved people in achieving support and protection, with a focus on the potential for trafficking and re-trafficking. We then explore opportunities for developing reintegrative pathways to better support and protect people who have experienced MSHT exploitation and are under the care and management of HMPPS. Ultimately, we argue for the need to move towards a multi-agency, public health approach that adopts trauma-informed principles to support justice-involved people who have experienced exploitation and prevent re-trafficking.

Modern Slavery and Human Trafficking in UK prisons

The UK Government has described MSHT as an 'abhorrent crime' (p.4) motivated primarily by economic gain.² Gaining an accurate understanding of prevalence is challenging and compounded by the wider diversity of offending which occurs in MSHT contexts. However, while research suggests an increase in people reporting exploitation, locally and globally, for varied reasons it is difficult to know the scale and extent of MSHT in the

1. Jovanović, M., Burland, P., Topp, V., & Fluhr, F. (2023). *Tackling the blind spot of the UK anti-slavery regime: The role and responsibility of prisons in securing the rights of modern slavery survivors*. Modern Slavery & Human Rights Policy & Evidence Centre. Available at: <https://modernslaverypec.org/assets/downloads/Prisons-modern-slavery-full-report-final.pdf>.
2. Home Affairs Committee. (2023). *Human trafficking: First report of session 2023-24*. House of Commons. Available at: <https://publications.parliament.uk/pa/cm5804/cmselect/cmhaff/124/report.html>.

UK.³ According to the Home Affairs Committee, this is because the:

Home Office does not hold a definitive data source on the number of victims in the UK and while the number of referrals into the National Referral Mechanism (NRM) has grown substantially since its creation in 2009, there is still likely to be underreporting of the true number of victims (p.4).⁴

Additionally, it is difficult to know the MSHT prison population in the UK. There are no official data on the number of justice-involved people who have experienced exploitation in UK prisons, and this is a significant issue hampering the development of responses by prison services. As Jovanović and colleagues note, 'this is not a fringe concern affecting only a small number of isolated cases' (p.15), highlighting the need for action.⁵ Although the UK has adopted some policies and legislation on non-punishment, Burland's research shows that potentially or actually trafficked people are 'still being punished on a worrying scale' (p.168).⁶ His work has highlighted cases where the non-punishment principle should have been considered but was not for people convicted of cannabis cultivation. This, Burland claims, is because justice-involved people are not being properly identified as trafficked, or the policy and legislation were not applied.

Increasing awareness of the overlap between justice involvement and MSHT victimisation has led to calls for correctional services, like HMPPS, to develop responses to human trafficking. However, as Rizo and colleagues argue, it is not clear how correctional facilities like jails and prisons are responding to this call for action.⁷ This is a significant issue in the UK as the imprisonment rate of 144 prisoners per 100,000 population is higher than comparable European nations

such as Spain, France and Germany.⁸ At 162 prisoners per 100,000 population aged 15 and over, Scotland has the highest imprisonment rate among Western European jurisdictions followed by England and Wales at 159 prisoners per 100,000. The rates of return to prison show that more than four in ten adults (42 per cent) are reconvicted of another offence within a year from release, and coupled with this, more people leaving custody are now required to serve a minimum of 12 months under community supervision.⁹ This has seen the number of people recalled into custody increasing, particularly for women. While the UK has the largest prison population in Western Europe, the MSHT prison population is not a formal recording

group, and this further compounds issues in identifying and supporting incarcerated people who have experienced exploitation and understanding the factors shaping victimisation, offending and re-offending. This is a significant challenge for HMPPS as they are legally obligated to raise awareness of MSHT and take reasonable steps to identify adults and children under its management and care, who are or have been subjected to MSHT exploitation, to support their recovery and protect them from ongoing or new exploitation and re-trafficking. These obligations stand irrespective of whether a person enters the NRM, which is the UK's framework for recognising,

supporting and protecting victims of MSHT.

...limited coordinated responses across the criminal justice system, have contributed to a lack of effective approaches that disrupt exploitation and protect people from re-trafficking.

MSHT Victimisation and Offending Patterns

While we have little data and research about MSHT in the prison system and no statistics are available for justice-involved survivors, the relatively low conviction rate for offences under the Modern Slavery Act (2015), currently at 2.5 per cent, presents challenges in

3. Broad, R. (2018). Assessing convicted traffickers: Negotiating migration, employment and opportunity through restricted networks. *The Howard Journal of Crime and Justice*, 57(1), 37-56; see footnote 1: Jovanović et al. (2023).
4. See footnote 2: Home Affairs Committee (2023).
5. See footnote 1: Jovanović et al. (2023).
6. Burland, P. (2023). Still punishing the wrong people: The criminalisation of potential trafficked cannabis gardeners. In C. Craig, A. Balch, H. Lewis, & L. Waite (Eds.). *The modern slavery agenda: Policy, politics and practice* (pp. 167-186). Bristol University Press.
7. Rizo, C., Wretman, C., Luo, J., Van Deirse, T., Sullivan, N., Godoy, S., Meehan E., & Macy, R. (2024). Human trafficking in correctional institutions: A survey of correctional and anti-trafficking leaders. *Journal of Human Trafficking*, 10(1), 135-152.
8. Sturge, G. (2023). *UK prison population statistics*. House of Commons. Available at: <https://researchbriefings.files.parliament.uk/documents/SN04334/SN04334.pdf>; World Prison Brief. (2023). *World prison brief data: Europe*. Available at: <https://www.prisonstudies.org/map/europe>.
9. Prison Reform Trust. (2023). *Bromley briefings prison factfile, January 2023*. Available at: <https://prisonreformtrust.org.uk/wp-content/uploads/2023/02/January-2023-Bromley-Briefings.pdf>.

assessment and sentence planning for prison staff who are aware of offending occurring within a MSHT context but where alternative charges have secured a conviction.¹⁰ However, the evidence suggests a diverse range of offences are committed in this area of offending, and we cannot consider survivors and perpetrators as a cohesive cohort.

A small but growing body of research has documented how the degree to which trafficking is organised differs, falling on a continuum ranging from soloists or individual traffickers or loose networks of organised criminals to highly structured international trafficking networks.¹¹ In Jespersen and Henriksen's 'criminal pyramid scheme', offenders are at the apex, driving recruitment and exploitation, communities and families are in the middle, encouraging people to migrate, with trafficked people making up the largest layer of the pyramid.¹² Key actors, then, can range from professional criminals to family and friends, including highly organised criminal groups, loosely connected networks, individuals, or family and friends of the victim-survivor. While the involvement of organised crime makes MSHT more difficult to detect and dangerous for victims, the former Independent Anti-Slavery Commissioner encouraged consideration of loosely organised groups and individuals of 'low sophistication', which may be as, or more, prevalent than those operating in organised crime groups.¹³ What is clear is that the relationships between those facilitating MSHT and people with experiences of trafficking are often complex, involving subtle methods of recruitment and control. This means there is diversity in the level and nature of organisation, the relationships between people convicted of MSHT

offences, other justice-involved persons, and victims, as well as the circumstances that enable these relationships to be manipulated for crime.

Victimhood is complex, and sometimes when the label of 'victim' is applied to people, their identity can be reduced to a narrow set of traits relating to vulnerability and passivity.¹⁴ This can result in people rejecting the label, particularly by young people striving to survive their experiences or sex workers who do not see themselves as 'victims of trafficking', and also risks obscuring our understanding of their agency. Research has consistently shown gendered aspects to victimisation and offending and overlaps between justice involvement and MSHT victimisation. MSHT has a relatively high rate of female involvement, both as

Victimhood is complex, and sometimes when the label of 'victim' is applied to people, their identity can be reduced to a narrow set of traits relating to vulnerability and passivity.

people with experiences of being trafficked and as those convicted of MSHT offences. The similarities between these groups are important in recruiting and controlling people.¹⁵ Although we only have a small number of studies of people convicted of trafficking offences, research highlights cases of former victim-survivors being involved in offending. In this process Aronowitz and colleagues claim that people with MSHT convictions undergo '...a sort of transformation of their exploitation as former victims into traffickers themselves' (p.44),¹⁶ with Colvin explaining how coercion provokes several

social-psychological deficits, which include anger, low self-control, social bonding and 'coercive ideation', where those once coerced have the potential to become the coercers, further reasons explored by Atkinson-Sheppard and colleagues and Broad in this volume.¹⁷ Broad's research reflects the findings of feminist criminological literature, which shows how

10. The Crown Prosecution Service (CPS) publishes data on convictions under the *Modern Slavery Act* (2015), but these convictions may not necessarily result in a prison or community sentence.
11. Aronowitz, A., Theuermann, G., & Tyurykanova, E. (2010). *Analysing the business model of trafficking in human beings to better prevent the crime*. Office of the Special Representative and Co-Ordinator for Combating Trafficking in Human Beings OSCE. Available at: <http://www.osce.org/cthb/69028?download=true>.
12. Jespersen, S., & Henriksen, R. (2022). Criminal pyramid scheme: Organised crime recruitment strategies. In C. Murphy & R. Lazzarino (Eds.), *Modern slavery and human trafficking: The victim journey* (pp. 25-40). Bristol University Press.
13. Independent Anti-Slavery Commissioner (IASC). (2022). *Independent Anti-Slavery Commissioner annual report 2021-2022*. Available at: <https://www.antislaverycommissioner.co.uk/media/1796/iasc-annual-report-2021-2022.pdf>.
14. Christie, N. (1986). The ideal victim. In E. Fattah (Ed.), *From crime policy to victim policy: Reorienting the justice system* (pp. 17-30). Palgrave Macmillan.
15. Surtees, R. (2008). Traffickers and trafficking in southern and eastern Europe: Considering the other side of human trafficking. *European Journal of Criminology*, 5(1), 39-68.
16. See footnote 11: Aronowitz et al. (2010).
17. Atkinson-Sheppard, S., Dando, C., Ormerod, T., & Robinson, B. (2023). Coercion and crime: Convergences, divergences and 'county lines'. *Criminology & Criminal Justice*, (Online first); Colvin, M. (2000). *Crime and coercion: An integrated theory of chronic criminality*. St. Martin's Press.

many imprisoned women have experiences as both victim-survivor and of perpetrating MSHT offences with many surviving significant trauma and their offending part of a patriarchal victimisation matrix.¹⁸

The transformation of a victim-survivor into someone who commits MSHT offences, documented in the literature and discussed by Broad in this volume, raises the issue of how prison services can respond to trafficking victim-survivors who become perpetrators and the complexity surrounding the detection and prosecution of MSHT offences. Moreover, as Jovanović and colleagues highlight, prison services face significant challenges in identifying and supporting justice-involved people who have experienced exploitation. In their paper in this volume, they highlight how the prison environment itself acts as a barrier to identifying victim-survivors, arguing that underreporting and missed cases are highly likely. Prison itself may also create conditions conducive to exploitation and trafficking within the prison estate, with incarcerated people generating significant debts in prison that are then used as a means of control on release, or cell debt extortion scams being used to control vulnerable prisoners.¹⁹ According to Grey, county lines are known to be operating from within the UK prison system, and while the authorities have developed interventions, National Crime Agency (NCA) data shows a significant increase in the number of county lines operating in England and Wales, up from 720 in 2017 to 2000+ by 2020, an expansion that signals the likelihood of trafficking and re-trafficking occurring both within prison and after release.²⁰

The research discussed above highlights the potential for re-trafficking and raises questions about the prison system and environment supporting the needs of the MSHT prison population. Support must be

developed to reduce the risk of re-trafficking as this further increases the likelihood of offending and re-offending. Given the transformation of victim-survivors into offenders, how can prison services address the overlap between justice involvement and MSHT victimisation? What capacity does the prison environment have to be supportive of justice involved people who are victims of MSHT exploitation, and those convicted of or at risk of MSHT offending? If the current operational environment cannot support justice-involved peoples' needs, what are the alternatives? In the following sections, we sketch an attempt to identify some of the barriers and challenges in addressing these questions and provide a possible framework for action.

Prison itself may also create conditions conducive to exploitation and trafficking within the prison estate, with incarcerated people generating significant debts in prison that are then used as a means of control.

Barriers

In this section of the paper, we consider some of the barriers faced by prison services and justice-involved people in achieving support and protection. This ranges from issues surrounding systems for managing justice-involved persons, and the NRM to challenges in reintegration and rehabilitation.

Systems of Risk Management

In the UK, HMPPS use the Offender Assessment System (OASys) to measure risk and as the first step in developing plans for rehabilitation. This system for managing justice-involved persons is based on the principles of the risk-needs-responsivity (RNR) model and 'what works' approaches, and more recently, HMPPS have adopted a needs assessment and sentence planning process that integrates RNR and desistance approaches.²¹ As a standardised, structured risk assessment tool used in custodial and community settings, OASys evaluates the likelihood of future reoffending and the risk a person

18. Carlton, B., & Segrave, M. (2013). *Women exiting prison: Critical essays on gender, post-release support and survival*. Taylor & Francis; Franich, G., Sandy, L., & Stone, U. (2021). 'It's not designed for women at all': Exploring service providers' perspectives of working in the Victorian criminal justice system. *Current Issues in Criminal Justice*, 33(2), 211-227.
19. Grey, K. (2023). County lines in prison. In P. Andell & J. Pitts (Eds.). *The Palgrave handbook of youth gangs in the UK* (pp. 473-488). Palgrave; Pitts, J. (2021). *County lines*. HM Inspectorate of Prisons Academic Insights 2021/01. Available at: <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2021/01/Academic-Insights-county-lines-.pdf>.
20. See footnote 19: Grey (2023).
21. Andrews, D. & Bonta, J. (2010). Rehabilitating criminal justice policy and practice. *Psychology, Public Policy and Law*, 16(1), 39-55; Moore, R. (2015). The Offender Assessment System (OASys) and the 2009-2013 research projects. In R. Moore (Ed.). *A compendium of research and analysis on the Offender Assessment System (OASys) 2009-2013* (pp. 2-8). National Offender Management Service. Available at: <https://assets.publishing.service.gov.uk/media/5a7f676fed915d74e33f6380/research-analysis-offender-assessment-system.pdf>.

poses in causing serious harm to themselves or others, based on recognised criminogenic risks and needs (e.g., factors linked to recidivism). OASys in part derives its logic from algorithms derived from criminal justice databases as the key to understanding the risk factors involved in why people commit crime and using the criminal punishment system to achieve its aims. While these tools are said to be 'robust' with claims to 'veracity', the work on which they are based is partial.²² As Shaw and Hannah-Moffitt argue, these universal actuarial systems are based on a male, usually white, correctional population, wherein criminogenic needs are seen as 'un-gendered' (p.163), which has implications for women and other minoritised groups.²³

Actuarial systems like OASys may be considered a deficits-based approach that focuses on understanding crime as a function of the factors in a person's life that encourage criminality and managing the risk of this occurring. In this framework, risk is conceptualised as a quality of the individual, with the degree and extent measurable by identifiable factors. It is framed as knowable and measurable through formulated risk assessments and can be accurately measured by appropriate tool design and use. This can lead to the categorisation, classification, assessment and diagnosis of individual as 'offenders' and has been criticised by some as being part of an increasingly dehumanising, atomising and actuarial approach that views justice-involved persons as clusters of risk.²⁴ Actuarial approaches 'uncritically prioritise individual characteristics' (p.244) and influence rehabilitation, as the focus becomes transforming 'irresponsible' citizens into responsible, self-managing ones, with programs targeting behaviours and thinking patterns and downplaying factors connected to social considerations and disadvantage.²⁵ This compounds issues for incarcerated women and other minoritised groups who live very marginal lives in the community and the partial

Support must be developed to reduce the risk of re-trafficking as this further increases the likelihood of offending and re-offending.

lens can lead to an inability to view problems holistically, and in the broader context of people's lives. In addition, a risk management approach can influence relationships between people with convictions and prison and probation officers, as reflected in the experiences of incarcerated people who have experienced exploitation:

You're just seen as a prisoner. For them you're a criminal — you serve your sentence, and then you go. There's not a system put into place to really understand (p.35).²⁶

These carceral logics act as a barrier to care for people who experience prison, and understanding these barriers are key to improving access to appropriate rehabilitative interventions during and after incarceration. While a growing body of literature, such as the Good Lives Model advocates a strengths-based approach, aspects of which have been incorporated into accredited programmes, low recruitment and completion rates, long waiting times and availability of structured interventions remains a challenge.²⁷ Moreover, prison is a difficult environment to recover from the trauma caused by MSHT victimisation. There is a dire need for prisons to recognise the long-lasting impacts of victimisation and trauma and to avoid re-traumatisation, and here we can see how the dominant criminal justice framing of the 4Ps (pursue, prevent, protect and prepare), and RNR model, not only neglects some very fundamental aspects of MSHT victimisation and offending, but also inhibits the shift needed towards trauma-informed practice. It is clear that a paradigm shift is necessary in moving away from a deficit-based model that asks what is wrong with this person (i.e., what needs to be fixed), toward needing to know about the person (i.e., understanding what has happened) allowing the shift into needing to connect with the person — what do you need and how can we help, which underlies trauma-informed care.

22. Shaw, M., & Hannah-Moffitt, K. (2000). Gender, diversity and risk assessment in Canadian corrections. *Probation Journal*, 47(3), 163-172.
23. See footnote 22: Shaw & Hannah-Moffitt (2000).
24. Garland, D. (2001). *The culture of control: Crime and social order in contemporary society*. Clarendon Studies in Criminology, University of Oxford Press; Kemshall, H. (2003). *Understanding risk in criminal justice*. McGraw-Hill Education.
25. Hannah-Moffitt, K. (2015). The uncertainties of risk assessment: Partiality, transparency and just decisions. *Federal Sentencing Reporter*, 27(4), 244-247; Kemshall, H. (2002). Effective probation practice: An example of 'advanced liberal' responsabilisation? *Howard Journal of Criminal Justice*, 41(1), 41-58.
26. See footnote 1: Jovanović et al. (2023).
27. HM Inspectorate of Probation. (2023). *HM Inspectorate of Probation Annual Report 2022/23*. HM Inspectorate of Probation. Available at: <https://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2023/09/2022-2023-HMIP-Probation-Annual-Report-v1.0.pdf>; Ward, T., & Maruna, S. (2007). *Rehabilitation: Beyond the risk paradigm*. Routledge.

National Referral Mechanism

The design of the NRM does not currently meet the complex needs of justice-involved people who have experienced exploitation. The service itself is provided centrally on a contract basis via a consortium of NGOs, which offer safe-house and outreach-based support, and does not commence until the point of release from prison. While these organisations have considerable expertise in service delivery, none specifically focus on justice-involved clients. Multi-agency working can also be challenging, relationships with local statutory agencies can be ad-hoc and are dependent on informally constituted local partnerships, which are often poorly resourced and vary widely across regions.²⁸

For justice-involved people, concerns surround immediate custody and processing. In OASys emphasis is placed on addressing past events to prevent reoccurrence; however, the NRM investigates and deliberates whether the status of 'victim', and the support that goes with this, be afforded to the person. Thus, the policy status of 'prisoner' is structured by a timeframe that differs in tempo and temporality to the status of 'victim of trafficking'. For example, in 2022, the average length of a custodial sentence was 21.4 months,²⁹ but the median number of days for a NRM decision 543 (17-18 months).³⁰ Most prisoners will have served the custodial element of their sentence and be under statutory community supervision or post-release licence supervision before official recognition of 'victim' under the NRM.

In 2023 the UK Government restricted entry to the NRM to exclude anyone who had arrived by irregular means or had committed a criminal offence constituting a 'threat to public order' (irrespective of whether this was an aspect of their exploitation). Following legal challenge, the Government has indicated that it intends to specify a definition for public order focusing on 'serious criminality and threats to

national security' but many justice-involved people are likely to be impacted by this policy.³¹ The disqualification of trafficking survivors from accessing government-funded support was first introduced in the Nationalities and Borders Act (2022) and strengthened under the Illegal Migration Act (2023). Foreign nationals who spend time in prison are at a high risk of disqualification, while British citizens may be disqualified if they have committed any of the 100 plus offences listed under schedule 4 of the Modern Slavery Act (2015).

For those who are referred, there are significant delays in accessing services, creating an extended period of 'limbo' for those seeking help.³² Many UK nationals are not referred or choose not to enter, partly due to a lack of clarity about the benefits.³³ For those without UK residency, a positive 'conclusive grounds' decision, which acknowledges that an individual has experienced MSHT, still confers no legal rights to work or education for those with unstable immigration status, although conversely a negative conclusion may impact negatively on an asylum claim. As a result of these exclusionary policies and ambiguous benefits, it is estimated that half of adults who qualify to access the NRM are choosing not to.³⁴

'Reintegration'

Globally, MSHT is one area with higher numbers of women involved in victimisation and offending, however in the UK, men and boys make up the majority of NRM referrals, for example in 2022 78 per cent of referrals were male and 21 per cent were female. The term 'reintegration' is misleading as it assumes community integration before incarceration, but for many incarcerated people, and women in particular, this is not the case. Suitable and stable housing, addiction and recovery support programs and education and training programs are crucial for

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28. Gardner, A. (2018). An idea whose time has come? Modern slavery, multiple streams approach and multi-layer policy implementation. *Journal of Human Rights Practice*, 10(3), 461-481.
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 33. Murphy, C., Heys, A., Barlow, C., Gleich, L., & Wilkinson, S. (2022). *Identifying pathways to support British victims of modern slavery towards safety and recovery, a scoping study*. St Mary's University. Available at: <https://modernslaverypec.org/assets/downloads/British-nationals-full-report.pdf>.
 34. Tomas, J. (2019). *Responding to modern slavery and exploitation within the homelessness sector*. The Passage. Available at: <https://passage.org.uk/wp-content/uploads/2022/12/Modern-Slavery-Report-2019.pdf>.

reintegration and preventing re-trafficking. However, in this area of service delivery, HMPPS, and especially probation, largely relies on NGOs and charities to meet these needs. This includes employment and training, accommodation, community mental health, and drug treatment services.

Education, employment and training

In a recent survey of people on probation, only 27 per cent of respondents felt that the service met their employment, education and training needs.³⁵ This is a significant barrier to reintegration as gaining employment after release helps to reduce recidivism and a person's vulnerability to re-trafficking, but people who have been in prison face barriers to finding secure employment. This includes the stigma of criminalisation and having a criminal record, the disconnect parolees see between in-prison employment or training and post-release employment, and personal barriers like limited education and work experience and poor mental health.³⁶ However, for justice-involved women, many also struggle to find satisfying jobs that are ongoing, which impacts on their ability to attain and retain stable employment.³⁷ Clearly, post-release employment is important, but getting and staying in employment is connected to other post-release challenges, including housing, addressing addiction and other mental and physical health issues, where programs are needed both in-prison and after release.

Accommodation

Suitable and stable housing is crucial for reintegration and preventing re-trafficking. However, according to the HM Inspectorate of Probation, more than 11,000 prisoners are released into homelessness

each year, and in a 2022 survey of people on probation, only 43 per cent of respondents said their accommodation needs were being met.³⁸ The issues in providing adequate and stable housing are exacerbated by the 'loss of ring-fenced supported housing for people on probation; changes to benefit rules; and other barriers [that] have created a housing crisis' (p.8) for many justice-involved people, increasing vulnerability for re-trafficking.³⁹ The sector lacks direct access to housing for people on probation, with most probation services only offering advice and support, and there is also a lack of rapid interventions for people in immediate need. If the sector is to prevent re-trafficking, what is needed is 'a focus on real, practical and measurable outcomes rather than merely signposting people on probation to services that might be able to help them' (p.31).⁴⁰

In addition to these barriers, justice-involved people who have experienced exploitation face specific challenges with accommodation as a part of their reintegration into the community. For example, short-term and temporary housing providing accommodation for people released from prison can be targeted by former residents engaged in trafficking who are aware of its use by justice agencies. Some specific addresses may have links to cuckooing and other forms of exploitation, which is not only unsuitable but also increases the likelihood of re-trafficking.⁴¹ This highlights the risks and additional barriers associated with greater proximity between victim-survivors and people engaged in trafficking.

Victim navigator approaches, like advocacy models, can provide blueprints for more tailored solutions for justice-involved people.

'Community'

These known barriers to reintegration heighten the importance of establishing community-based support networks for justice-involved people who have experienced exploitation. Social isolation is a recognised

35. See footnote 27: HM Inspectorate of Probation (2023).

36. Heydon, G., & Naylor, B. (2018). Criminal record checking and employment: The importance of policy and proximity. *Australian and New Zealand Journal of Criminology*, 51(3), 372-394.

37. Baldry, E. (2010). Women in transition: From prison to... *Current Issues in Criminal Justice: Beyond Prison: Women, Incarceration and Justice*, 22(2), 253-267.

38. See footnote 27: HM Inspectorate of Probation (2023); HM Inspectorate of Probation (2020). 2019/20 annual report: Inspections of probation services. HM Inspectorate of Probations. Available at: <https://www.justiceinspectrates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2020/12/2019-2020-Annual-Report-Inspection-of-probation-services.pdf>.

39. See footnote 38: HM Inspectorate of Prisons (2020).

40. See footnote 27: HM Protectorate of Probation (2023).

41. Cuckooing is a term used to describe when a person/s take over the homes of other people to facilitate criminal or sexual exploitation. For more on this see: Spicer, J., Moyle, C., & Coomber, R. (2020). The variable and evolved nature of 'cuckooing' as a form of criminal exploitation in street level drug markets. *Trends in Organised Crime*, 23, 301-323.

risk-factor for MSHT and re-trafficking. Strong community-based networks can additionally assist recovery from experiences of exploitation and build resilience. However, 'community' may also represent a potential source of victimisation risk, due to the complex social linkages between people with experiences of being trafficked and those who engage in trafficking noted above. If a person's original exploitation and offending is associated with people with whom they share a neighbourhood, familial or ethnic connection, returning to those communities may increase the risk of stigmatisation, retribution and/or re-exploitation. This highlights the importance of an individualised approach to reintegration, which takes account of pathways leading to exploitation when offering support to justice-involved people. It also demands a flexible multi-agency approach, although the existing system of post-NRM support is frequently hampered by fragmented service delivery arrangements, poor data sharing between providers, thresholds for access to services and an absence of 'local connection' or recourse to public funds.

Funding constraints

The lack of funding in the sector acts as a barrier to supporting justice-involved people who have experienced exploitation and could undermine efforts to prevent re-trafficking and rehabilitation. Probation funding has been on a downward trend for the past 20 years. In 2019, government spending per person under supervision had decreased 40 per cent in real terms since 2003/2004 and this has continued into the 2020s.⁴² Real-term spending on prisons is 16 per cent lower than 2009 and this lack of funding and drastic cutbacks has led to significant overcrowding in prisons.⁴³ Prisons are also under-staffed with the number of experienced officers leaving prisons increasing by 109 per cent, resulting in 50 per cent of staff having less

than five years' experience, which is twice the 2009/10 figure.⁴⁴ While efforts are being made to address this with recruitment campaigns, this may impact on safety and undermine rehabilitation efforts.

Opportunities

In this section of the paper, we explore the opportunities for developing reintegrative pathways to address some of the barriers identified above, so correctional services can better support and protect people who have experienced MSHT exploitation and are under the care and management of HMPPS.

Understanding criminogenic needs via criminal justice databases

OASys has undergone revisions over the years as datasets from criminal justice agencies have evolved. The latest version incorporates multiple tools for assessing risks associated with different types of offending, including general offending behaviours, violence, and sexual offending.⁴⁵ However, the use of criminal justice databases to develop our understanding of MSHT victimisation and offending is low, with Broad's work being a notable exception.⁴⁶ In understanding MSHT within the current prison population, and following how OASys evolved as a tool, further work could explore the utility of criminal justice databases to increase

If a person's original exploitation and offending is associated with people with whom they share a neighbourhood, familial or ethnic connection, returning to those communities may increase the risk of stigmatisation, retribution and/or re-exploitation.

understanding of people convicted of MSHT offences. This work could be linked with the Ministry of Justice's Data First programme and interrogating linked datasets of Crown and Magistrates' Court disposals, custodial sentences, and probation records since 2015. This work could inform new predictions to assess the specific criminogenic needs in MSHT offending, however, as Shaw and Hannah-Moffit argue, it is important that this work is not merely 'tinkering with male-based tools'

42. See footnote 27 & 38: HM Inspectorate of Probation (2020, 2023).

43. Hoddinott, S., Davies, N., Fright, M., & Richards, G. (2023). *Performance tracker 2023: Prisons*. Institute for Government. Available at: <https://www.instituteforgovernment.org.uk/sites/default/files/2023-10/performance-tracker-2023.pdf>.

44. See footnote 43: Hoddinott et al. (2023).

45. See footnote 21 & 29: Moore (2015), MoJ (2023).

46. Broad, R. (2014). *Stuck in traffic: A study of individuals convicted for human trafficking offences through the UK criminal justice system: Characteristics, relationships and criminal justice perspectives*. The University of Manchester.

(p.170).⁴⁷ As we have shown, the problem faced by prison services in responding to justice-involved people who have experienced exploitation is of addressing the needs of a small but diverse population in the context of a wider system focused on incarcerated men, and this work should not reinforce or mask racial and gender disparities and social disadvantage.

Service delivery and multi-agency models

Victim navigator approaches, like advocacy models, can provide blueprints for more tailored solutions for justice-involved people. Although initially focused on promoting engagement with law enforcement towards pursuing prosecutions, advocacy models have evolved to include welfare rights and access to wider forms of justice.⁴⁸ While such approaches are not yet provided at scale, they could be extended by training existing agencies in advocacy approaches or via 'community sponsorship' support, similar to the refugee resettlement schemes.⁴⁹ In addition, research comparing survivor experiences of support across the UK shows that geographical co-location of survivor services in clusters can assist with providing flexible service responses. Creating 'hubs' for the diverse services focussed on survivor welfare can contribute to improving coordination and mitigate the fragmentation caused by multiple service-delivery organisations.⁵⁰ A network of anti-slavery regional partnerships is established across England, and while these are not statutory, they may represent an opportunity for multi-agency regional responses to be better coordinated. Other promising models of multi-agency work to shape services at a local level around individual needs can be found in MARAC (Multi-Agency Risk Assessment Conference) models and related approaches like SERAC (Slavery and Exploitation Risk Assessment Conference) developed in Nottingham.⁵¹

More widely, there is an opportunity to move away from a focus on individual risk and responsibility by furthering the development of a public health approach to addressing MSHT within the prison population. Following Such and colleagues, this approach would entail understanding the problem from population and systems perspectives; improving data and evidence collection and reporting; focusing interventions on prevention of re-exploitation, alongside wider health, and well-being concerns; and developing improved multi-agency and multi-level responses, with an emphasis on addressing inequalities and social justice challenges.⁵²

Employment, training, education

Only 17 per cent of prison leavers are employed within a year after release.⁵³ On a personal level, some people may lack confidence, as people who have been in prison may have low self-esteem. Here, in-prison programs can take a strengths-based approach, working to improve self-confidence and develop a sense of pride by learning new skills. However, it is important that in-prison programs provide appropriate training and qualifications and focus on job-ready skills. Strong connections between in-prison employment and the wider job market are needed, and exploring options for day-release programs and working with employers will allow prison services to create opportunities for employers to meet with justice-involved people and break down the stigma of having a criminal record.

All staff working in prisons must be alert and professionally curious to suspected MSHT. Specialist prison and probation training on MSHT needs to be consistent with meeting HMPPS's legal obligations to address MSHT, and here HMPPS can draw from approaches to child safeguarding and domestic violence training, where the focus is on working in partnership with agencies to develop individual

47. See footnote 22: Shaw & Hannah-Moffitt, 2000.

48. Williams-Woods, A. (2021). *Independent review of the Hope for Justice independent modern slavery advocacy model*. University of Liverpool. Available at: [www.liverpool.ac.uk/media/livacuk/humanitiesandsocialsciences/documents/Independent_Review_of_the_Hope_for_Justice_IMSA_Model_\(University_of_Liverpool_June_2021\)_1.pdf](http://www.liverpool.ac.uk/media/livacuk/humanitiesandsocialsciences/documents/Independent_Review_of_the_Hope_for_Justice_IMSA_Model_(University_of_Liverpool_June_2021)_1.pdf).

49. Centre for Social Justice/Justice and Care. (2022). *A path to freedom and justice: A new vision for supporting victims of modern slavery*. Available at: www.centreforsocialjustice.org.uk/wp-content/uploads/2022/01/CSJ-JC-A-Path-to-Freedom-and-Justice-a-new-vision-for-supporting-victims-of-modern-slavery-single-pages.pdf; Hope for Justice. (2023). *Written evidence submitted by Hope for Justice*. Available at: <https://committees.parliament.uk/writtenevidence/119860/pdf>.

50. See footnote 32: Nicholson et al. (2023).

51. Northall, P., Brewster, B., & Gardner, A. (2020). *Partnerships for freedom*. University of Nottingham and Independent Anti-Slavery Commissioner. Available at: https://www.antislaverycommissioner.co.uk/media/1490/webtag_0920_gw_4428507_partnerships_for_freedom_v8_final.pdf.

52. Such, E., Hayes, K., Woodward, J., Campos-Matos, I., & McCoig, A. (2021). *Refining a public health approach to modern slavery*. Public Health England, IASC, The University of Sheffield. Available at: <https://www.antislaverycommissioner.co.uk/media/1606/final-report-24-may-21.pdf>.

53. House of Commons Education Committee. (2022). *Not just another brick in the wall: Why prisoners need an education to climb the ladder of opportunity*. House of Commons. Available at: <https://committees.parliament.uk/publications/22218/documents/164715/default/>.

54. Daniels, H., Leadbetter, J., Warmington, P., Edwards, A., Martin, D., Popova, A., Apostolov, A., Middleton, D., & Brown, S. (2007). Learning in and for multi-agency working. *Oxford Review of Education*, 33(4), 521-538.

practitioners' capacities.⁵⁴ At a basic level, introductory briefings and training courses should be required for all staff to raise awareness and identify potential victims. Staff in specialist roles need further training to understand how their role fits with the network of agencies engaged in local anti-slavery partnerships.⁵⁵ Co-delivery of training can help corrections staff identify their role with these partnerships, including maintaining boundaries, which is key to successful multi-agency practices.

Partnerships

Multi-agency partnerships operate across the UK, but face challenges coordinating local level services in this complex area of work. Approaches to managing serious offending provide the opportunity to learn from and improve processes. The statutory nature of Community Safety Partnerships and the duty placed on police, local authority, and probation services to coordinate strategic responses to crime at a local level could be adapted to multi-agency approaches in MSHT. Indeed, the Nottinghamshire Modern Slavery Partnership has adopted this structure, and prison services could benefit from engagement with such local partnerships to explore local working arrangements and NGO-commissioned service provisions. Local Prison Single Point of Contacts for MSHT were established across all prisons in England and Wales in 2022 and there are opportunities to join regional anti-slavery partnerships to augment intelligence sharing and joint operational planning. Significantly, though, this should be towards planning for prisoner reintegration to ensure safety and support on return to the community and develop resilience within communities vulnerable to MSHT.

We have shown that a significant number of justice-involved people have been victims previously, and partnerships present the opportunity to further deepen policy responses by engaging with civil society to support people leaving custody who have lived experiences of MSHT. One possible response here includes adapting successful reintegration programmes like Circles of Support and Accountability (CoSA),

which is a process for reintegrating people convicted of sexual offences after incarceration. In building community resilience, the objectives of CoSA are to reintegrate people convicted of sexual offences into the community and reduce victimisation and research documents how this programme reduces offending, enhances community safety and reduces criminal justice expenditure.⁵⁶ In developing novel reintegrative pathways, a CoSA pilot could focus on risk management through proactive monitoring of behaviours and activities of people convicted of MSHT offences in the community. A key element of CoSA is the need to provide support and accountability for individuals from their communities to limit the risk of re-offending. In the context of MSHT, a parallel can be drawn by encouraging the involvement of both people convicted of MSHT offences and local communities to address the risk of re-trafficking and ongoing MSHT offending.⁵⁷ However, it would be necessary to research public opinion about policies to address people with MSHT convictions to avoid misunderstandings, raise public awareness and develop key messages.⁵⁸

Conclusion

In this paper, we have attempted to spark dialogue within prison services, necessitated by the fact that MSHT is a visible feature of the penal landscape. However, for further development to take place, it is equally important to recognise the essential role played by probation services in supporting and supervising justice-involved people, alongside the constraints faced by and opportunities presented to prison services highlighted in this paper. We have argued for the need to move toward a public health approach that adopts trauma-informed principles and views MSHT through a systems lens so victimisation and offending can be understood as a 'multi-staged process of cumulative harm' (p.327),⁵⁹ with complex layers of trauma for survivors that these services have a duty to address. We see this as a necessary first step in developing reintegrative pathways for justice-involved people who have experienced exploitation and preventing re-trafficking.

55. Gardner, A., Amann, J., & Gardner, M. (2017). *Collaborating for freedom: Strengthening multi-agency anti-slavery partnerships*. University of Nottingham. Available at: <http://iascmap.nottingham.ac.uk/about/>.

56. McCartan, K., Kemshall, H., Westwood, S., Solle, J., Mackenzie, G., Cattell, J., & Pollard, A. (2014). *Circles of Support and Accountability (CoSA): A case study file review of two pilots*. Ministry of Justice. Available at: <https://assets.publishing.service.gov.uk/media/5a7c67efed915d6969f44a4a/cosa-research-summary.pdf>.

57. Schwarz, K., & Williams-Woods, A. (2022). Protection and support for survivors of modern slavery in the UK: Assessing current provision and what we need to change. *Journal of Poverty and Social Justice*, 30(2), 98-119.

58. Richards, K., & McCartan, K. (2018). Public views about reintegrating child sex offenders via Circles of Support and Accountability (CoSA): A qualitative analysis. *Deviant Behavior*, 39(3), 400-416.

59. Zimmerman, C., Hossain, M., & Watts, C. (2011). Human trafficking and health: A conceptual model to inform policy, intervention and research. *Social Science & Medicine*, 73(2), 327-335.

Can we lock modern slavery away? The role of prisons within a 'single whole system approach'.

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Modern slavery and human trafficking are grave crimes involving the severe exploitation of human beings, primarily for economic gain. The UK's 2015 Modern Slavery Act (MSA), considered by many as groundbreaking legislation, defines its scope as follows: An Act to make provision about slavery, servitude and forced or compulsory labour and about human trafficking, including provision for the protection of victims; to make provision for an Independent Anti-slavery Commissioner; and for connected purposes.¹

In her 2021-2022 annual report, the UK's former Independent Anti-Slavery Commissioner encouraged a 'single whole system approach' (p. 24) to ensure that national, regional, and local resources work together.² Despite the (revised) legislative commitment to sentencing those convicted of modern slavery offences to prison terms of 18 years, the role of prisons in the UK's anti-slavery regime has received limited attention. This article aims to identify the potential contribution of prisons within a single whole system approach. Although design proposals for such an approach have yet to be articulated, seven potential underpinning principles are explored in this article. These are 1) consistent application of legal obligations; 2) professional standards; 3) a shared understanding of the diversity of MSHT offending; 4) embedding MSHT into organisational 'DNA'; 5) multi-agency and partnership working; 6) evidence-informed approaches; and 7) policy alignment. The role of prisons is examined within this framework which further challenges notions that prisons have a peripheral role in the UK Anti-Slavery Regime, as outlined by Jovanović and colleagues.³

Definitions and challenges in developing a single whole system response to MSHT

This article discusses how the application of a whole system approach may improve responses to MSHT across the wider criminal justice system, with a particular emphasis on the role of prisons. Whole systems theory recognises that there is no one solution to tackling complex issues. The concept of a 'whole system approach' has been applied by governments in responding to a wide range of complex problems from health inequalities such as obesity,⁴ to seeking to supporting young adults at risk of offending.⁵ It has also been a valuable approach used within industry in developing sustainable and innovative designs across diverse sectors. It is described as an integrated framework which requires cross-disciplinary skills across a flattened hierarchy, from local working through to strategic leadership, where relationships are identified between parts of the system which maximise opportunities across the whole system, underpinned by core values of empowerment, trust, and fostering long-term collaborative relationships.

Despite over 100 years of international and domestic legislation, conventions, and protocols attempting to eradicate slavery, not only does it persist but the prevalence, types, and methodologies appear to be multiplying. Global estimates of modern slavery in 2023 indicate that some 50 million children, women, and men experience modern slavery exploitation on any given day — a rise of 10 million since the previous Global Index report in 2017.⁶ It is estimated that the number of victims in the UK is at least 122,000,⁷ however, this is likely to be an underestimate because it is not clear how victims are counted. The National

1. Modern Slavery Act 2015.
2. Independent Anti-Slavery Commissioner (2022). *Annual Report 2021-22*. Independent Anti-Slavery Commissioner.
3. Jovanović, M., Burland, P., Topp, V., & Fluhr, F. (2023). *Tackling the blind spot of the UK anti-slavery regime: The role and responsibility of prisons in securing the rights of modern slavery survivors*. Modern Slavery & Human Rights Policy & Evidence Centre.
4. Public Health England (2020). *Community-centred public health: Taking a whole-system approach*. Public Health England.
5. Dyer, F., & Carter, K. (2017). *Supporting young people involved in offending up to 21 years old: Extending the Whole System Approach*. Centre for Youth and Criminal Justice.
6. Walk Free Foundation (2023). *Global Estimates of Modern Slavery*.
7. See footnote 6: Walk Free Foundation. (2023).

Crime Agency (NCA) identify that the scale and threat of MSHT offending in the UK is increasing, estimating that between 6,000 to 8,000 individuals are involved in the exploitation of people who carry out a variety of roles linked to MSHT.⁸ Broad and Gadd,⁹ and Craig and colleagues,¹⁰ conclude that both international and UK efforts to effectively respond to the challenges of modern slavery are inadequate and weak. However, the UK Government insists that MSHT continues to be a priority, reflected in a £17.8m investment in the police force's Modern Slavery and Organised Immigration Crime Unit (MSOIC), and a commitment for the NCA and police forces to build capability to tackle high harm threats linked to modern slavery, including county lines drug supply,¹¹ trafficking for sexual exploitation, and organised immigration crime.

Principle 1: Consistent application of legal obligations

Within the Modern Slavery Statutory Guidance,¹² prisons are neither a first responder (an organisation able to directly refer individuals into the National Referral Mechanism (NRM) which is the UK's framework for protecting and supporting victims), nor a specified organisation able to fulfil the Duty to Notify role (alerting the NRM to suspected MSHT, where individuals do not seek to enter the NRM). This adds an additional layer of complexity for prisons in using first responders to refer and report suspected MSHT, and for tracking progress in individual cases.

Consistency in applying the legal framework when managing individuals convicted under the MSA is hampered by a lack of universally agreed definitions and terminology relating to MSHT.¹³ Following an independent review of the MSA in 2019, the UK Government defended a flexible definition of the term 'exploitation' in anticipation of emerging new forms of

modern slavery. However, the legal obligations for prisons in relation to victims of MSHT are clear. Obligations include raising awareness of MSHT, ensuring reasonable measures are in place to identify victims, protect them from re-trafficking, and support their recovery (irrespective of whether the person seeks to enter the NRM or not). However, opportunities to protect individuals from re-trafficking who are incarcerated prior to deportation are severely limited. As NRM support measures do not commence until release from custody, prisons are required to provide healthcare, access to legal services, and other relevant support during the custodial term. The Care Act (2014) remains highly relevant to prisons who must fulfil their safeguarding responsibilities for all adults and children in custody who are deemed vulnerable to any form of exploitation, including severe forms which constitute MSHT.¹⁴

...the role of prisons in the UK's anti-slavery regime has received limited attention.

Within the UK, low conviction rates compare starkly with high numbers of victims referred into the NRM.¹⁵ The use of alternative or 'flagged' offences disguises both the nature and extent of offending which directly impacts upon prisons when completing assessments and sentence plans. Common examples include the pursuit of convictions for drug trafficking or immigration crime

where people trafficking was a core component but is not evidenced at court. This is specifically problematic for prisons when assessing future risk of reoffending when involvement in human trafficking is not documented and/or only becomes apparent through disclosure during the prison sentence.

Heys and Jovanović both point to the narrow use of the 'non-punishment principle' enshrined in section 45 of the MSA, where individuals have an opportunity to evidence that they have been compelled into illegal activities.^{16 17} As of 31 March 2024, 16,458 individuals (representing 19 per cent of the prison population in

8. National Crime Agency (2020). *National Strategic Assessment*. NCA.
9. Broad, R., & Gadd, D. (2023). *Demystifying Modern Slavery*. Routledge.
10. Craig, G., Balch, A., Lewis H., & Waite, L. (2019). *The Modern Slavery Agenda: Policy, Politics and Practice*. Policy Press.
11. County Lines is where illegal drugs are transported from one area to another, often across police and local authority boundaries, usually by children or vulnerable people who are coerced into it by gangs. The 'County Line' is the mobile phone line used to take the orders of drugs.
12. Home Office (2024). *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*. HM Government.
13. See footnote 10: Craig, G., Balch, A., Lewis H., & Waite, L. (2019).
14. Care Act 2014
15. Home Office (2024). *Modern Slavery: NRM and DtN statistics, end of year summary 2023*. HMP Government.
16. Heys, A. (2023). The UK's Statutory Defence for Victims of Modern Slavery and its Narrow Understanding of Victimhood. *The Journal of Criminal Law*, 87(4), 237-251.
17. Jovanović, M. (2023). *State Responsibility for 'Modern Slavery' in Human Rights Law – A Right Not to Be Trafficked*. Oxford University Press.

England and Wales) were remanded into custody awaiting trial, conviction, and/or sentence.¹⁸ It may be incumbent upon prisons to ensure that where MSHT is suspected, unconvicted people are informed of this legal provision and have timely access to the legal representation needed to question whether the CPS are abiding by the non-punishment principle. However, individuals may fear using this defence, or disclosing their experiences when remanded, as they may be accommodated with their exploiters as co-defendants due to the need to appear before the local court.

As of 31 March 2024, the foreign national prison population comprised 10,422 people (representing 12 per cent of the total prison population in England and Wales).¹⁹ In responding to MSHT, prisons are required to engage with both parts of the NRM competent authority (the Single Competent Authority for British citizens and the Immigration Enforcement Competent Authority for foreign nationals). However, it is the introduction of the Public Order Disqualification in 2024 which presents a significant operational challenge for prisons, and more broadly, to the Ministry of Justice given its duties towards victims.²⁰ Although safeguards were introduced to assess risks of re-exploitation, this excluded those in prison environments where these risks are not considered to be immediate. The impact has yet

to be determined but it may disincentivise adults in custody in applying to the NRM, requiring prisons, probation, and partnership agencies to implement safeguarding measures to comply with legal duties to provide protection and support. Concerns have been raised that the Public Order Disqualification is incompatible with the UK's obligations under Article 4 of the European Convention of Human Rights (ECHR) and the Council of Europe's Convention on Action

Against Trafficking in Human Beings (ECAT) and raises questions if a review of current legislation is urgently needed.

Principle 2: Professional standards

Major concerns remain about the extent and quality of training available to all those tasked with addressing modern slavery, from High Court judges through to hotel receptionists... (p. 18).²¹

Despite over 100 years of international and domestic legislation, conventions, and protocols attempting to eradicate slavery, not only does it persist but the prevalence, types, and methodologies appear to be multiplying.

It is vital that baseline training in responding to MSHT is identified within a single whole system approach, and for individual organisations to provide role-appropriate training for their staff. The Modern Slavery Care Standards published in 2018 (and due to be updated) set out a comprehensive guide and benchmark for organisations involved in supporting survivors of MSHT which includes trauma-informed approaches, confidentiality, and empowerment.²²

Professional standards within HMPPS emphasise equal and fair treatment.²³ Prison Governors have a pivotal role in prioritising the well-being of their staff. This includes encouraging a culture where staff are supported by informed line-managers in learning about the diversity of the prison cohort. In response to

MSHT, this may include how prison staff are equipped and supported to recognise exploitative behaviours; how they can engage people with pathways into and out of exploitation; understand how trauma impacts those who are exploited and then become incarcerated; and understand other systemic factors that make prisoners vulnerable. HMPPS guidance provides a starting point for signposting individuals to legal advice and support.²⁴ However, there are opportunities to

18. Ministry of Justice (2024). *Offender Management Statistical Bulletin, England and Wales: Quarterly: October to December 2023* (inc. annual calendar year 2023). Ministry of Justice

19. See footnote 18: Ministry of Justice. (2024).

20. Public Order Disqualifications (POD) were introduced in the National and Borders Act 2023. Individuals who have previously served or are currently serving a custodial sentence of 12 months or more may be ejected from the NRM following a Reasonable Grounds decision and receive a POD.

21. See footnote 10: Craig, G., Balch, A., Lewis H., & Waite, L. (2019).

22. Human Trafficking Foundation (2018). *The Slavery and Trafficking Survivor Care Standards*. Human Trafficking Foundation

23. HMPPS (2023). *HMPPS Annual Report and Accounts 2022-2023*. HMPPS.

24. HMPPS (2023). *Modern Slavery Guidance for Prison Staff*. HMPPS.

update and develop this guidance further, including clarifying the important roles of security and healthcare within prisons, and in co-producing guidance with those who have been exploited.

The theory of procedural justice is based on the premise that if people feel they are treated in a procedurally fair and just way, starting from the very first contact with authorities, this will build trust, respect, engagement, and compliance, even when the outcomes of decisions or processes are unfavourable.²⁵ HMPPS is striving to embed the principles of procedural justice across all operational policies. It is particularly relevant to those subjected to MSHT who are considering disclosing their experiences to prison staff where confidentiality and safety are paramount. In responding to individuals who do not seek recognition

of their experiences, prison staff can draw upon parallel approaches used in domestic abuse cases to form a trusted relationship and create an environment where they are supported to disclose if they choose to.

Principle 3: A shared understanding of the diversity of MSHT offending

A transparent, single whole system approach is reliant upon a shared and evidence-informed understanding of MSHT offending and how it works, without conflating modern slavery with immigration issues or serving other political agendas. In 2017, the Home Office identified the following four typologies of modern slavery offences in the UK:²⁶

Labour Exploitation	Victims exploited for multiple purposes in isolated environments
	Victims work for perpetrators
	Victims work for someone other than perpetrators
Domestic Servitude	Exploited by partner
	Exploited by relatives
	Exploiters not related to victims
Sexual Exploitation	Child sexual exploitation — group exploitation
	Child sexual exploitation — single exploiter
	Forced sex work in fixed location
	Forced sex work in changing location
	Trafficking for personal gratification
Criminal Exploitation	Forced gang related criminality
	Forced Labour in illegal activities
	Forced acquisitive crime
	Forced begging
	Trafficking for forced sham marriage
	Financial fraud (including benefit fraud)

Of these four types of exploitation, claims of criminal exploitation are most common.²⁷ It is also important that prison staff recognise that some individuals may have experienced multiple types of exploitation and that new types of MSHT have been formally recognised in the UK since 2017, including the first conviction for conspiracy to harvest human organs in 2023.

It is important for all agencies within a single whole system approach, including prisons, to better understand how MSHT is organised and how

it operates. The United National Office on Drugs and Crime (UNODC) undertook research relating to organised crime involvement in trafficking of people in 2010.²⁸ They found very little reliable pre-existing research, but recognised that the global arena of organised crime, including trafficking of human beings (THB), drugs, weapons, or other goods was constantly changing with enormous diversity both in the landscape of organised crime and those involved. They provide a list of concepts, as follows:

28. UNODC (2010). *Organized crime involvement in trafficking in persons and smuggling of migrants*. United Nations.
 25. HM Inspectorate of Probation (2020). *Procedural Justice*. HMI Probation.
 26. Cooper C., Hesketh O., Ellis N., & Fair, A. (2017). *A typology of modern slavery offences in the UK*. Home Office.
 27. Home Office (2024). *Official Statistics: National Referral Mechanism and Duty to Notify statistics UK, quarter 1 2024 January to March*. Home Office.

Un-organised criminal involvement	Involvement in MSHT but not as part of an organised criminal group.
Individual traffickers	Where one exploiter is responsible for all different stages of the trafficking process.
Social networks	Including friends, relatives, acquaintances, or indirect acquaintances.
Criminal (loosely connected)	Consisting of loosely connected specialized criminals, all playing their own specific part in the criminal operation.
Vertically related crimes	Where all crimes could be vertically listed under the main offence of trafficking in THB.
Horizontally related crimes	Offences that are not directly related to or are committed in preparation for THB but are still committed in relation to THB.
Hierarchical/ 'mafia-like' organised crime groups	An organised criminal group, structured in a pyramid with a rigid hierarchy.

In the UK, the National Crime Agency (NCA) assess that whilst individuals involved in MSHT offending are likely to operate in organised groups or networks, these are often loosely connected and of low sophistication.²⁹ One of the very few empirical studies within prisons found that 'Mr Bigs', who substantially profit from organised MSHT crime, are only a small minority of those convicted.³⁰ Rather, many are substitutable actors, and some are destitute, themselves victims of exploitation. In developing a response to the risks and needs of those involved in MSHT offending, greater insights are needed to avoid adopting an approach where all those convicted of MSHT are treated as 'Mr Bigs'.

Gadd and Broad highlight that the wide diversity of offending amongst those convicted under the MSA presents challenges, including for prisons, in that they cannot be categorised as a homogenous cohort.³¹ Whereas categorisation and cohort approaches are important tools for prisons in managing a population of almost 90,000 people on any given day, assessments and sentence plans are enhanced by

clear, unbiased information relating to the risks and needs pertaining to that individual. This applies to individuals involved in MSHT offending who have a history of poly-offending and where MSHT is neither an index offence nor a previous conviction.

Individuals subjected and/or vulnerable to MSHT re-exploitation may also have diverse offending histories. Risks associated with reoffending appear to mirror many of the risks associated with re-exploitation (including relationships, accommodation, employment etc).^{32 33} Specific, culturally informed responses to those who share protected characteristics will enhance understandings of the impact for children, young adults, women, foreign nationals (particularly those who are undocumented), care leavers, sex workers, and people with neurodiversity challenges or other physical or mental disabilities.

A single whole system approach requires a shared understanding of MSHT methods and the following examples of methods from the Home Office could be a way to develop this.³⁴

29. See footnote 2: Independent Anti-Slavery Commissioner. (2022).

30. Gadd, D., & Broad, R. (2022). *The truth about modern slavery offenders*. Available at: <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/the-truth-about-modern-slavery-offenders/>

31. Gadd, D., & Broad, R. (2022). Facing the Folk Devils of Modern Slavery Policy. *Critical Social Policy*, 43(4), 581-601.

32. Bonta, J., & Andrews, D. (2017). *The psychology of criminal conduct*. Anderson.

33. Independent Anti-Slavery Commissioner and University of Nottingham (2021). *Retrafficking: the current state of play*. Independent Anti-Slavery Commissioner and University of Nottingham.

34. Home Office (2023). *Modern slavery and human trafficking: identifying and reporting perpetrators*. HM Government.

Abuse	Abduction or kidnap of victims or their family; verbal, physical, sexual, and/or psychological, imposing charges/debts, threats, withholding basic provisions, increasing workload.
Creating dependency	On food, accommodation, drugs, alcohol, restricting movement or access to services.
Deception	False promises for improved lifestyles, jobs, and income, offering refuge with intent to exploit.
Emotional control	Threats of harm, making victims believe they are responsible for their part in an offence; instilling fears, making victim feel that they are part of a supportive network, removal of freedom to choose, creating dependency.
Exploiting cultural beliefs	Imposing debts, coercing victims via threats of exposure or shame, spiritual practices.
Financial control	Managing victims into debt, control of bank accounts, debt bondage, not allowing victims to control own finances.
Grooming	Inappropriate relationships, intimate relationships, offering gifts, praise, and reassurance of future payments/lifestyle.
Isolation	Physical and/or psychological isolation — separation from family, denying or controlling access to mobile phones, internet, or passports.

It is important that prison staff understand known methods of MSHT offending in order to recognise ‘offence-paralleling behaviours’ in custodial environments. Examples of offence-paralleling behaviours in custody may include extreme and/or prolonged coercive control of vulnerable individuals that reflect the types and methods of exploitation as set out above. This could include forced cleaning of cells, controlling personal items, forced storage of prohibited items, sexual exploitation, debt bondage, and grooming of individuals prior to release with false promises of accommodation or employment with the aim to engineer the individual’s recall to custody with secreted drugs or mobile phones. Further risks may also involve prison visitors, who seek to ensure that individuals are aware of expectations to return to exploitative situations and collecting them from the prison gate on their release. Alternatively, individuals may be forced to visit numerous prisons to deliver drugs and other items.

Principle 4: Embedding MSHT into organisational ‘DNA’

The technique of ‘business event analysis’ may be useful for individual organisations to fully embed responses to MSHT which can then, in turn, contribute to an integrated single whole system approach. Cadle

and colleagues approach this technique by identifying three types of events in which organisations can examine any type of system or activity: (i) external events — usually prompted by external stakeholders; (ii) internal events — usually prompted by management within the business area; and (iii) time-based events — regular activities that occur at predefined times, and which are usually prompted by legal duties or organisational policies.³⁵

This technique presents an opportunity for prisons to apply business event analysis in responding to MSHT as follows: (i) external events relating to new legislation and updates to the Modern Slavery Statutory Guidance; the Council of Europe’s monitoring of UK prisons from 2024; and data and sector reports from key stakeholders and experts, including civil society. (ii) Internal events such as internal policy frameworks and guidance; recording systems to identify victim/survivors; and training for prison staff. (iii) Time-based events including audits of policy frameworks and guidance; data collation; and contributions to annual sector reports. This technique enables organisations such as prisons to identify the external landscape across the anti-slavery sector more precisely to inform its own response. This includes identifying its own events, and understanding the time based requirements from partner organisations. If such an approach were to be adopted, opportunities for cross-organisational

35. Cadle, J., Paul, D., & Turner, P. (2014). *Business Analysis Techniques – 99 essential tools for success*. BCS.

learning, creation of new knowledge, and more effective responses may be significant.

Principle 5: Multi-agency and partnership working

Prisons contribute to multi-agency and partnership working at national, regional, and local levels. Arrangements can present challenges to prisons where centrally resourced operational policies and guidance are developed, but each prison region or individual establishment is expected to forge engagement with local partners within an array of competing priorities. Given that prisons operate on the edge of local markets for stolen goods, drugs, and sex, which is often the focus of prison security departments, keeping the illicit market dynamics of modern slavery out of prisons — beyond the wall — is a big task.

Gardner considers national, regional, and local implementation of the MSA and highlights ‘implementation gaps’ between national and local level responses.³⁶ Whilst some responses aligned with existing multi-agency arrangements, such as local safeguarding boards and multi-agency safeguarding hubs (MASH), risks of duplication and lack of ownership were identified, except in cases where local ‘policy entrepreneurs’ had pioneered co-ordinated action.

Gardner also points to a ‘patchwork’ of non-statutory, multi-agency anti-slavery partnership networks which exist across England and Wales, at both local and regional levels. A single whole system approach potentially presents opportunities for prisons to join anti-slavery partnerships to share knowledge and resources and build collaborative responses with a wide range of statutory and non-statutory partners. GRETA emphasise the valuable contribution and expertise of non-governmental organisations and civil society within anti-slavery regimes.³⁷ In designing a single whole system approach to MSHT, attention to consistency in multi-agency work is vital, alongside direct involvement of those who have experience of severe exploitation.

In designing a single whole system approach to MSHT, attention to consistency in multi-agency work is vital, alongside direct involvement of those who have experience of severe exploitation.

However, anti-slavery partnerships emerged, without central guidance or funding, and continue to exist informally with wide variations in structure and practice.

Multi-agency statutory obligations which incorporate MSHT include safeguarding vulnerable adults and children, child protection, and wider public protection. Individuals involved in MSHT offending may be eligible for management under the Multi-Agency Public Protection Arrangements depending on their index offence and/or sentence length. Within a single whole system approach to MSHT, there are opportunities for prisons to adopt a significant role in supporting the statutory duties of other organisations. One clear example is in supporting the monitoring of Slavery and Trafficking Prevention Orders (STPO) and Slavery and Trafficking Risk Orders (STRO) during the custodial term.³⁸ These ancillary orders represent important but underutilised tools in proportionately restricting and monitoring those who present an ongoing risk of MSHT offending. Applications to the courts for a STPO or STRO are restricted to the police, NCA, and Gangmasters Labour Abuse Authority.³⁹ However, prison staff may be able to provide evidence to support the breach of an order via adjudications or intelligence sharing processes and to support the Probation Service in developing post-release licence plans.

Principle 6: Evidence-based approaches

Any credible single whole system approach to MSHT must be informed by evidence. Craig and colleagues describe the UK Government’s approach as a bungling together of activities, policies, and practice and point to the need for a more precise approach in the descriptive narrative surrounding the increasing profile surrounding the modern slavery phenomena.⁴⁰ The National Audit Office (NAO) concluded in 2020 that all data relating to MSHT was unreliable and urged

36. Gardner, A. (2018). An Idea Whose Time Has Come? Modern Slavery, Multiple Streams Approach and Multilayer Policy Implementation. *Journal of Human Rights Practice*, 10(3), 461–481.

37. Group of Experts on Action against Trafficking in Human Beings (GRETA).

38. Home Office (2017). *Slavery and Trafficking Prevention and Risk Orders*. HM Government.

39. The Gangmasters and Labour Abuse Authority works in partnership to protect vulnerable and exploited workers.

40. See footnote 10: Craig, G., Balch, A., Lewis H., & Waite, L. (2019).

for a greater understanding of both victims and perpetrators.⁴¹

A single whole system approach may present opportunities to develop theory of change models - how and why a desired change is expected to happen in a particular context.⁴² and examine how data collation and sharing could be improved. Empirical studies into justice-involved individuals who have been subjected to MSHT exploitation and/or involved in MSHT offending could be supported across a range of agencies where learning is enhanced by sharing the complexities of the lives of people in prison involved in MSHT. This would include developing an evidence-informed understanding and narrative in respect of those who are both victims/survivors of MSHT, and those who become involved in perpetrating MSHT offences,⁴³ potentially shifting notions that modern slavery can simply be locked away or deported.

Principle 7: Policy alignment

The UK Government's current MSHT strategy centres around four priority areas: Pursue (prosecuting and disrupting those responsible for modern slavery); Prevent (preventing people from engaging in MSHT crime); Protect (strengthening safeguards by protecting vulnerable people from exploitation); and Prepare (reducing the harm caused by improved victim identification).⁴⁴ The 4 P's approach is widely established, with an emphasis on organised MSHT offending.⁴⁵ Limited attention is given to evidence-informed opportunities to further develop these priorities for non-organised opportunistic and individual offending, which may be as prevalent as organised forms of MSHT exploitation.⁴⁶ The 4 P's approach appears to be quite linear and lacks an explicit acknowledgement of the cyclical nature of MSHT. This

is particularly relevant to prisons where severe exploitation continues beyond prosecution and disruption, where prevention and safeguards have failed, and where victims are lured back to exploiters. Future strategy and whole systems working would benefit from considering the cyclical nature of MSHT and in developing joined up strategies. This was highlighted by the Modern Slavery and Human Rights Policy and Evidence Centre who recommended that a whole system approach is taken towards the Prevention priority.⁴⁷ This proposal highlighted the need for a more precise approach of how prevention is defined and delivered across Government, based on an articulated Theory of Change model. From this, pathways to prevention may be more effectively designed and funded, allowing scope for MSHT concerns to be integrated into wider legislation and policies.

Conclusion

This article has demonstrated that the contribution of prisons to the UK anti-slavery regime within a single whole system approach is both integral and significant. It is timely for prisons to define their role and develop a strengthened sense of purpose in providing a comprehensive response to MSHT more clearly. By attempting to lock away the problem of slavery and trafficking, prisons also become enmeshed in global economic dynamics that link staff and prisoners to sharply exploitative processes that cannot be kept beyond the prison gates. Prisons require the support and expertise of a range of statutory organisations and civil society, including most importantly those who have experienced MSHT exploitation, in ways that are underpinned by core values of empowerment, trust, and fostering long-term collaborative relationships.

41. National Audit Office (2017). *Reducing modern slavery*. NAO.

42. Theory of Change is a method to describe and illustrate how a desired change is expected to happen in a particular context.

43. Berg, M. T., & Schreck, C.J. (2022). The meaning of the victim-offender overlap for criminal theory and crime control policy. *Annual Review of Criminology*, 5, 277-297.

44. Home Office (2014). *Modern Slavery Strategy*. HM Government.

45. HMPPS (2019). *Serious and Organised Crime Policy Framework*. Ministry of Justice.

46. See footnote 33: Independent Anti-Slavery Commissioner and University of Nottingham (2021).

47. Modern Slavery Policy and Evidence Centre (2022). *Prevention of adult sexual and labour exploitation in the UK - Research considering what does or could work to prevent modern slavery*. University of Oxford.

The Responsibility of Prisons for Securing the Rights of Modern Slavery Survivors: Prison as a Safe House?

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There has been little attention to the issue of modern slavery in the prison context,¹ beyond literature on the exploitation of prisoners as cheap labour, whether by States directly or through private sector actors.² It may, therefore, appear surprising that not only people convicted of trafficking, but also survivors of modern slavery, are sometimes imprisoned. While anecdotal evidence suggests that this is not a rare occurrence, little is known about the numbers of modern slavery survivors in prison or the treatment they receive.

The University of Essex, the International Organisation for Migration in the UK (IOM UK), and Hibiscus Initiatives conducted a joint research study in 2022 and 2023.³ The research sought to bridge this knowledge gap.⁴ It is the first comprehensive study examining the extent to which the treatment of modern slavery survivors in UK prisons is compatible with the international and domestic standards of protection enshrined in the European Convention on Human Rights (ECHR), the Council of Europe Convention on Action Against Trafficking in Human Beings (ECAT), and relevant UK legislation. The

research coincided with the publication of Modern Slavery Guidance for foreign and British nationals located in adult prisons by His Majesty's Prison and Probation Service (HMPPS).⁵ This timing allowed researchers to gain initial insights into the operationalisation of the HMPPS Guidance and capture any changes and potential improvements in the treatment of modern slavery survivors in prisons already happening in practice.

The findings of this research are underpinned by the core premise that prisons, like all other public authorities, are bound by human rights obligations enshrined in international and domestic law.⁶ These obligations include protective duties towards everyone in their care including survivors of modern slavery. Guidance and policy developed by prison administrations in devolved jurisdictions are therefore expected to assist prisons in the UK to discharge these obligations. Still, as the research has found, even when such obligations are embedded in the existing guidance, there may be numerous challenges to discharging them at the practical level.

The article discusses the following issues pertaining to the role and responsibility of prisons for securing the

1. Modern slavery is used as an umbrella term throughout this report. It covers practices prohibited under Article 4 ECHR (slavery, servitude, forced and compulsory labour, and human trafficking) and is used interchangeably with human trafficking. This is an understanding expressly used in the Modern Slavery Act 2015.
2. University College London. (2023, 3-4 July). International Workshop on "The Labour and Social Security Rights of Captive Workers" - the papers of the workshop will be published in 2024. For practices in the US, see Hoffer, S. (2022, 2 February). *Involuntary Servitude: How Prison Labor Is Modern Day Slavery*. Harvard Political Review.
3. IOM has been working to combat human trafficking for over 25 years across the globe and has assisted over 100,000 victims. IOM UK has worked on human trafficking and modern slavery since 2011 through activities such as capacity building, research and data analysis and direct assistance to victims. Hibiscus was founded in 1986 to support marginalised migrant women trapped in the immigration and criminal justice systems to rebuild their lives. It provides welfare, advice, advocacy, volunteering and mentoring for women in prisons and reintegration assistance and practical and emotional support for people in detention and those released from immigration removal centres.
4. While this article focuses on providing insight into these specific themes, a more detailed and complete presentation of the overall findings of this research is available in the project report. See Jovanović, M., Burland, P., Topp, V. & Fluhr, F. (2023). *Tackling the blind spot of the UK anti-slavery regime – The role and responsibility of prisons in securing the rights of modern slavery survivors*. Modern Slavery and Human Rights Policy and Evidence Centre.
5. HMPPS (2023). *Modern Slavery Guidance for prisons in England and Wales*. Ministry of Justice.
6. United Nations Office of the High Commissioner for Human Rights (2005). *Human Rights and Prisons: Manual on Human Rights Training for Prison Officials*. New York.

rights of modern slavery survivors. Section I considers the prevalence of survivors of modern slavery in prison and reasons why they might end up there. Section II discusses the relevant legal and policy frameworks and human rights obligations of prisons, particularly under the ECHR. Section III elaborates on the key challenges in identifying and supporting survivors of modern slavery in prison arising out of the empirical research. Section IV subsequently questions the capacity of the HMPPS Guidance to tackle all the challenges facing prisons in protecting survivors of modern slavery in their custody. The article finally concludes (Section V) by reflecting on the question of whether the National Referral Mechanism (NRM; the UK's framework for identifying and supporting survivors of modern slavery) is the most suitable means of identifying and supporting those survivors in prison.

I. Prevalence of Modern Slavery Survivors in Prison

Survivors of modern slavery may end up in prison for different reasons. In some cases, there is a clear nexus between an individual's status as a survivor of modern slavery and their involvement in criminal offending, raising questions about whether their imprisonment is justified. Notably, cases of criminal exploitation — when a trafficked individual is compelled to commit criminal offences — was the second most frequently reported type of exploitation in the UK in 2022.⁷ In such cases, the non-punishment principle would apply, which means that these survivors of modern slavery should not be prosecuted and punished for their illegal conduct, as it has been committed as a direct consequence of the trafficking.⁸ Hence, these survivors of modern slavery should not be in prison in the first place. In other cases, there may not be a direct link between an individual's status as a

modern slavery survivor and the criminal offence committed and as such, culpability cannot be extinguished through the non-punishment principle.⁹ This means that there may well be cases where it can be justified to imprison survivors of modern slavery.

Regardless of the reasons why survivors of modern slavery are imprisoned, reports suggest that the presence of modern slavery survivors in UK prisons is not a rare phenomenon and deserves particular attention due to their vulnerability. There are no official figures on the number of modern slavery survivors currently in prison in the UK. However, despite the lack of available data and official statistics, the issue has already been acknowledged by key actors. For example, the importance of

considering this group has been recognised by First Responder Organisations (FROs), who are authorised to refer potential modern slavery survivors to the National Referral Mechanism (NRM), and His Majesty's Inspectorate of Prisons in England and Wales.¹⁰ In addition, there have been legal challenges on the application of the non-punishment principle concerned with the imprisonment of modern slavery survivors.¹¹ Furthermore, several organisations, including the Council of Europe Group of Experts on Action against Trafficking in Human Beings

...reports suggest that the presence of modern slavery survivors in UK prisons is not a rare phenomenon and deserves particular attention due to their vulnerability.

(GRETA),¹² identified examples of modern slavery survivors being imprisoned, usually in the context of the non-punishment principles.¹³ A request for judicial review submitted by the Anti Trafficking and Labour Exploitation Unit (ATLEU) in 2021 marked an important turning point in bringing attention to the protection of survivors of modern slavery in prison. Following this, HMPPS published the Modern Slavery Guidance for prisons in England and Wales in 2022, and introduced a Single Point of Contact (SPOC) for Modern Slavery model in every prison.¹⁴

7. Home Office (2023). *Official Statistics, Modern Slavery: National Referral Mechanism and Duty to Notify Statistics UK*. London.
8. Jovanović, M., & Niezna, M. (2023). *Non-Punishment of Victims/Survivors of Human Trafficking in Practice: A Case Study of the United Kingdom*. Council of Europe.
9. The non-punishment principle does not provide survivors of modern slavery with blanket immunity from prosecution and punishment. See footnote 8: Jovanović & Niezna (2023); ECtHR (2021). *VCL and AN v the United Kingdom*. Application nos 77587/12 and 74603/12.
10. See footnote 8: Jovanović & Niezna (2023).
11. Criminal Cases Review Commission. (2023, 27 June). *Modern Slavery Victim's Drug Conviction Quashed Following CCRC Referral*.
12. GRETA monitors compliance of the State Parties with ECAT.
13. GRETA (2016). *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Denmark, Second Evaluation Round*. Council of Europe.
14. Home Office (2024). *Modern Slavery: Statutory Guidance for England and Wales (under s 49 of the Modern Slavery Act 2015 and Non-Statutory Guidance for Scotland and Northern Ireland)*. London.

The research conducted for this project represented the first opportunity for the newly instated SPOCs to be consulted on their experiences and knowledge of survivors of modern slavery in prison, and share their views on the ongoing operationalisation of this new Guidance. Research participants, including SPOCs but also other stakeholders,¹⁵ echoed the sentiment that the true scale of this issue was likely larger than known.¹⁶ For example, 20 out of 50 SPOCs (40 per cent) who participated in a survey for this research were aware of at least one case of a prisoner with an NRM referral, and 33 (66 per cent) SPOCs said that there was a high likelihood of unidentified survivors of modern slavery being present in their prison.

Overall, the research identified a significant likelihood of underreporting on this issue due to numerous barriers to disclosure.¹⁷ In addition, the absence of systematic information sharing between authorities in charge of victim identification and prisons was observed to contribute to prison staff seemingly being unaware of a survivor's status, even when the individual had been referred to the NRM prior to being in prison.¹⁸ These challenges to victim identification, which is a precondition to their receipt of support, are discussed further in section III.

II. Legal and Policy Framework on Modern Slavery and Human Rights Obligations of Prisons

The nature and scope of the Human Rights obligations of States towards survivors of modern slavery

The UK's obligations towards modern slavery survivors stem from international and regional human rights law, notably the ECHR, which is part of the British law by virtue of the Human Rights Act 1998, and the ECAT.¹⁹ Under Article 4 ECHR and Article 10 (2) ECAT, States have an obligation to identify and protect all survivors of modern slavery, without exception and without discrimination. This obligation under human rights law is binding on all public authorities, including prisons, irrespective of the way States choose to organise their national mechanism for the identification and protection of survivors.²⁰ It is triggered by a 'credible suspicion' (reasonable grounds to believe) that a person is a victim of modern slavery.²¹ Notably, discharging this obligation does not depend on a victim's report — 'the authorities must act of their own motion once the matter has come to their attention.'²² However, if an individual does raise a claim of being a victim of modern slavery, the European Court of Human Rights (ECtHR) requires that such claims 'as a whole were taken seriously'.²³

The obligation to protect victims, or potential victims, is not unlimited. The appropriate measures required from national authorities must be within the scope of their powers and must not be interpreted to impose 'an impossible or disproportionate burden' on them.²⁴ Nevertheless, it must be acknowledged that Article 4 ECHR is one of the 'absolute' or unqualified rights in the Convention. This means that it does not allow for any limitations or balancing protections for reasons entailing broader public interest, and that it

15. Research participants included prison staff, but also other stakeholder groups including survivors of modern slavery who had previously been in prison, legal experts, and staff from First Responder Organisations (FROs) and support agencies.
16. Specifically, this was referenced in the SPOC Survey and Stakeholder Interview 12 (Forensic Psychologist, England), Stakeholder Interview 26 (HMPPS SPOC, England), and Stakeholder Interview 29 (HMPPS SPOC, England). For detailed findings of the SPOC survey see footnote 8, Jovanović & Niezna (2023).
17. Barriers to disclosure referenced by research participants included a lack of privacy in the prison environment, a sense of mistrust in authorities among survivors of modern slavery, and a lack of awareness among both prison staff and survivors themselves. These are explained in greater detail in the project report see footnote 8, Jovanović & Niezna (2023).
18. SPOC Survey and Stakeholder Interview 25 (Solicitor, England) and Stakeholder Interview 28 (HMPPS SPOC, Wales).
19. When explaining and elaborating the obligations imposed by Article 4 ECHR which prohibits slavery, servitude, forced labour, and human trafficking, the European Court of Human Rights (ECtHR) draws heavily on the provisions of ECAT. See ECtHR (2010, 7 January). *Rantsev v Cyprus and Russia*. Application No 25965/04 § 285; ECtHR (2017, 30 March). *Chowdury and Others v Greece*. Application No 21884/15 § 110; ECtHR (2017, 17 January). *J and Others v Austria*. Application No 58216/12 § 106.
20. Council of Europe (adopted 1950, entered into force 1953, 3 September; amended by Protocol 3, entered into force 1970, 21 September; Protocol 5, entered into force 1971, 20 December; Protocol 8, entered into force 1990, 1 January; Protocol 11, entered into force 1998, 1 November). European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) article 4; Council of Europe (adopted 2005, 16 May; entered into force 2008, 1 February). Convention on Action against Trafficking in Human Beings (ECAT), articles 10, 12, and 13. For a discussion of obligations arising out of the ECHR and ECAT respectively, see Jovanović, M. (2023). *State Responsibility for 'Modern Slavery' in Human Rights Law: A Right Not to Be Trafficked*. Oxford University Press; Jovanović, M. (2023). *Legal Analysis of the Human Rights Compatibility of the Modern Slavery Clauses in the Illegal Migration Bill (Clauses 21-28)*. Modern Slavery Policy and Evidence Centre. See also footnote 9 (VCL and AN v United Kingdom, 2021) § 153; footnote 19, *Chowdury and Others v Greece* (2017) § 110.
21. ECtHR. (2022, 31 August). Guide on Article 4 of the European Convention on Human Rights: Prohibition of slavery and forced labour. paras 60 and 69.
22. See footnote 21: ECtHR (2022); ECtHR. (2012, 13 November). *CN v the United Kingdom*. Application no 4239/08 § 69; footnote 19, *Chowdury and Others v Greece* (2017) § 116; footnote 19, *J and Others v Austria* (2017) § 107; ECtHR (2021, 7 October). *Zoletic and Others v Azerbaijan*, Application no 20116/12 § 185.
23. See footnote 19: *J and Others v Austria* (2017) § 110-111.
24. See footnote 22: *Zoletic and Others v Azerbaijan* (2021) § 188.

cannot be derogated from, even in times of emergency.²⁵

The non-punishment principle, which applies to survivors of modern slavery who have been compelled to commit criminal offences, is enshrined in Article 26 ECAT and is further reflected in a number of other international instruments, as well as in British law.²⁶ It requires States to provide for the possibility of not prosecuting or punishing victims of human trafficking for their involvement in unlawful activities when such an involvement had a 'relevant nexus' with their experience of being trafficked.²⁷ While this provision does not provide immunity from prosecution, punishment, or even imprisonment, sentencing survivors to prison does not disqualify them from simultaneously holding victim status and accessing the protection guaranteed to any survivor.

In other words, States must also protect survivors who have committed criminal offences because international obligations do not provide a basis for excluding such individuals from protection. The only situation when States would be justified in denying protection is when a person has claimed the survivor status illegitimately.²⁸

Modern slavery in UK law and policy

The UK has given effect to its international obligations pertaining to modern slavery through the Modern Slavery Act (MSA) 2015 that applies in England and Wales, the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act 2015 (Northern Ireland), and the Human Trafficking and Exploitation Act 2015 (Scotland). These pieces of legislation are

accompanied by the Modern Slavery Statutory Guidance ('Statutory Guidance') on identifying and supporting victims of modern slavery for professionals and public authorities who may encounter potential victims, and/or who are involved in supporting them.²⁹ The Statutory Guidance has been continuously updated — with the most recent amended version dating from February 2024 — and represents a blueprint for the victim identification process in the UK.³⁰

One of the hallmarks of the UK modern slavery regime is the National Referral Mechanism (NRM) — a mechanism designed to identify and support survivors of modern slavery. Adult survivors identified through the NRM in England and Wales are entitled to Government-funded support through the Modern Slavery Victim Care Contract (MSVCC). Such support includes accommodation, material assistance, financial support, translation and interpretation services, information and advice, as well as to access to legal aid for immigration advice, medical care and counselling, and assistance to return to their home country if they are not a UK national.

Referrals to the NRM are completed by one of the designated FROs which include all police forces, local authorities, specific charities and NGOs, and immigration authorities within the Home Office. At present, the prison services of England and Wales, Scotland, and Northern Ireland are not FROs. The Statutory Guidance nonetheless stipulates that prisons 'have responsibility for identifying and supporting victims [of modern slavery] and raising awareness of this crime amongst prisoners/individuals in detention and staff'.³¹

...there has been little international guidance on how prisons ought to discharge obligations arising out of the prohibition of modern slavery.

25. The term 'absolute rights' refers to rights contained in articles 2, 3, 4(1) and 7 of the ECHR. See: Jacobs, Ovey & White. (2017). *The European Convention on Human Rights* (7th edition, p. 219). Oxford University Press.

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

27. For a discussion of what may constitute such relevant nexus between the victim's experience of trafficking and his or her offending which triggers the application of the principle see footnote 8, Jovanović & Niezna, 2023.

28. See footnote 21: ECAT article 13 (3); Council of Europe. (2005, 16 May). *Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings*. CETS 197. para 173.

29. See footnote 14: Home Office (2024).

30. There is further Guidance from the Crown Prosecution Service for public prosecutors in in England and Wales for situations where suspects in criminal cases are suspected of being victims of modern slavery. See Crown Prosecution Service. (2022, 6 July). *Modern Slavery, Human Trafficking and Smuggling, Legal Guidance, International and Organised Crime*. Similar guidance has been embedded in the Lord Advocate's instructions to prosecutors in Scotland and in the Policy for Prosecuting Cases of Modern Slavery and Human Trafficking in Northern Ireland. See Crown Office & Procurator Fiscal Service. (2021, 25 August). *Lord Advocate's Instructions for Non-Prosecution of Victims of Human Trafficking*. (2021, 25 August). See also Public Prosecution Service for Northern Ireland. (2022, 26 May). *Policy for Prosecuting Cases of Modern Slavery and Human Trafficking*.

31. See footnote 14: Home Office (2024) paragraphs 4.32, 8.5, 12.69, and 12.70.

Human rights obligations of prisons

The rights of prisoners have been discussed extensively by the ECtHR and other international bodies.³²⁻³³ The ECtHR has developed abundant case-law determining the nature and scope of prisoners' rights under the ECHR and the duties of domestic authorities regarding the treatment of prisoners. It has reminded States that imprisonment does not lead to a loss of the rights guaranteed under the ECHR and expressly ruled that 'persons in custody are in a vulnerable position and authorities have a duty to protect them'.³⁴⁻³⁵ Similarly, the Office of the UN High Commissioner for Human Rights published the Manual on Human Rights Training for prison officials, where it noted that: 'prison officials are at the forefront of human rights protection on a daily basis, experiencing them and putting them into practice; respecting them and enforcing their respect'.³⁶

Not only are prisons required to safeguard the human rights of prisoners, but it can be argued that prisons have a 'heightened duty of protection'.³⁷ Accordingly, the ECtHR has taken the stance that in certain cases, an imprisoned person may need enhanced protection due to the particular vulnerability of their situation, and because they are entirely under the responsibility of the State.³⁸ Notwithstanding this unequivocal position on the role of prisons in human rights protection, there has been little international guidance on how prisons ought to discharge obligations arising out of the prohibition of modern slavery. The ECtHR case law on Article 4 ECHR has focused solely on concerns related to labour exploitation and the rights of working prisoners, but there has been no discussion elaborating on positive obligations of prisons to identify and protect survivors of modern slavery.

...prisons have an obligation to identify and protect prisoners who are modern slavery survivors, or who are at risk of being subjected to human trafficking and exploitation.

Despite that lacuna, there is little doubt that prisons as public authorities are bound by the entire spectrum of human rights obligations.³⁹ This means that positive obligations arising out of Article 4 ECHR, especially the obligation to identify and protect every victim of human trafficking and modern slavery, equally apply in a prison setting. A State's duty to protect modern slavery survivors, especially in prisons, can furthermore be derived from case law on Article 3 ECHR, which protects against torture, inhuman or degrading treatment, or punishment, and has been frequently invoked in the context of prisons. When it comes to obligations arising out of this right, the ECtHR noted that:

[I]t has been the Court's constant approach that Article 3 imposes on States a duty to protect the physical well-being of persons who find themselves in a vulnerable position by virtue of being within the control of the authorities, such as, for instance, detainees or conscripted servicemen.⁴⁰

Prisons are expressly bound by 'positive obligation to adequately secure the physical and psychological integrity and well-being of [prisoners]'.⁴¹ This is the ECtHR's consistent approach towards rights contained in Article 2 (right to life), Article 3 (prohibition of torture), and Article 4 (prohibition of slavery) which are considered to enshrine 'one of the basic values of the democratic societies making up the Council of Europe'.⁴² It is therefore beyond doubt that prisons have an obligation to identify and protect prisoners who are modern slavery survivors, or who are at risk of being subjected to human trafficking and exploitation.

32. See footnote 21: ECtHR (2022).

33. See also Hein van Kempen, P. (2008). Positive obligations to ensure the human rights of prisoners: Safety, healthcare, conjugal visits and the possibility of founding a family under the ICCPR, the ECHR, the ACHR and the AfChHR. In P. Tak, & M. Jendly (Eds.), *Prison policy and prisoners' rights: The protection of prisoners' fundamental rights in international and domestic law*. Wolf Legal Publishers.

34. ECtHR. (2002, 12 March). *Paul and Audrey Edwards v United Kingdom*. Application No 46477/99 § 56.

35. See footnote 21: ECtHR (2022).

36. See footnote 6: UN OHCHR (2005), paragraph 11.

37. UN General Assembly. (2006, 5 September). *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions*. UN Doc A/61/311. para 51.

38. ECtHR. (2010, 14 September). *Florea v Romania*. Application No 37186/03 § 50.

39. See footnote 6: UN OHCHR (2005), paragraph 24.

40. ECtHR. (2011, 20 June). *Preminyin v Russia*. Application no 44973/04 § 73.

41. See footnote 4: *Preminyin v Russia* (2011) § 90.

42. See footnote 19: *Rantsev v Cyprus and Russia* (2010) § 283.

Shifting awareness of the role of prisons in addressing modern slavery

Recent developments suggest that a more intentional inclusion of prisons in the regime designed for addressing modern slavery is beginning to take shape. For example, in its third evaluation report for the UK, GRETA expressly referred to prisons by noting that 'insufficient attention is being given to the issue of trafficking among the prison population', although it did not elaborate any further on what sufficient attention would entail.⁴³ The evaluation report also mentioned that 'prison officers are not First Responders and they need clear guidance and training in this respect'.⁴⁴ Still, the report failed to acknowledge that there is currently no international guidance on the adequate role of prisons in identifying and supporting victims or provide instruction on how responsibilities of prisons in the UK could be discharged.

In addition, GRETA's new questionnaire for the fourth evaluation round on the implementation of ECAT by the State Parties from June 2023, includes for the first time a direct reference to identification of modern slavery survivors in prisons. Question 23 of the questionnaire asks: 'What measures are taken in your country to identify victims of trafficking in human beings (THB) in immigration detention centres and prisons?'⁴⁵ It remains to be seen how GRETA will engage with provided answers and the extent to which its reports will offer guidance to States on developing the role of prisons in tackling modern slavery.

In addition to the absence of international guidance, comparative review of other domestic jurisdictions revealed that States generally do not provide specific instruction to prisons on how to identify and protect survivors of modern slavery nor do they publish data on their numbers. While there are efforts to identify and support survivors of modern slavery in immigration detention, national action plans to combat modern slavery and human trafficking in most jurisdictions do not address the identification or support of survivors of modern slavery in prisons. Exceptions identified are Italy, Austria, and the US which mention prisons in their anti-trafficking policies, although these are not comprehensive.⁴⁶ Accordingly, the 2022 HMPPS Modern Slavery Guidance for Prisons in England and Wales, and ongoing efforts to develop further overarching HMPPS guidance for Prisons,

Probation, and Youth Custody services in England and Wales, represent a unique and innovative attempt to address this issue in a comprehensive way.

III. Key Challenges in Identifying and Supporting Survivors of Modern Slavery in Prison

The HMPPS Modern Slavery Guidance is an important first step towards a greater recognition of the role of prisons in safeguarding the rights of survivors. In practice, however, its implementation may be impeded by resource and capacity constraints and the fact that the situation of unfreedom, inherent to the prison environment itself, can mimic the experience of modern slavery and may be detrimental to survivors' recovery from trauma.⁴⁷ The challenges prisons face in discharging their international obligations towards survivors of modern slavery emerging from research findings can be categorised along the key areas of identification of survivors in prison and subsequently the provision of adequate and timely support to survivors who are in prison.

Identification of modern slavery survivors in prison

Identification of survivors of modern slavery is a prerequisite for them accessing assistance and support guaranteed by international and domestic law. A major obstacle to identifying survivors of modern slavery in prison is an apparent lack of systematic information sharing between different actors involved in the NRM process and prisons. As a result, prisons are often left unaware of survivors in their care, even when an individual may have previously been identified. Several SPOCs reported cases in which they only became aware of an individual in their prison being a survivor when an NRM decision was received, or when a prisoner directly shared this information.⁴⁸ This is in stark contrast to the approach to information sharing taken for other safeguarding issues, for example regarding people with experience of care, or those with mental health concerns.⁴⁹

Beyond information sharing, survivor identification is further impaired by a frequent lack of awareness among prison staff about modern slavery indicators and avenues for making referrals. Additional challenges to identification are related to the prison environment

43. GRETA. (2021). *Evaluation Report United Kingdom, Third Evaluation Round, Access to Justice and Effective Remedies for Victims of Trafficking in Human Beings* (paragraph 172). Council of Europe.

44. See footnote 43: GRETA (2021), paragraph 265.

45. GRETA. (2023). *Questionnaire for the Evaluation of the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties, Fourth Evaluation Round, Thematic Focus: Addressing Vulnerabilities to Trafficking in Human Beings*. Council of Europe.

46. For a more detailed analysis of comparative State practice see footnote 4, Jovanović et al. (2023).

47. Stakeholder Interviews 12 (Forensic Psychologist, England) and 25 (Solicitor, England); Survivor Interview 02.

48. SPOC Survey; Stakeholder Interviews 26, 28 and 43 (HMPPS SPOC, England) and 46 (NIPS, Northern Ireland).

49. Stakeholder Interview 37 (HMPPS SPOC, England).

itself, which inhibits survivors from disclosing their experience. For example, the lack of privacy in prison was mentioned as a reason why survivors did not feel comfortable disclosing their experience of modern slavery.⁵⁰ This is further exacerbated by a sense among some survivors — particularly those who had previous negative interactions with authorities in the criminal justice system — that even if they did disclose, they might not be believed.⁵¹

A statement of one research participant, a solicitor working with survivors of modern slavery in England, illustrates these concerns particularly well. Namely, they noted that the prison environment:

[I]s recreating the environment that survivors are regularly kept in — so it is particularly detrimental. In my experience, victims of trafficking are often suspicious of authorities, having been taught by their traffickers that if they're found by the authorities that they will be detained and removed, and that is then also happening. So it is actually putting into action the threats by their traffickers in the first instance, but also the detention context is particularly detrimental for our clients. It's recreating a lot of what they've gone through, and the evidence that we get regularly from medical practitioners is that survivors who have experienced abuse and trauma experience a profound loss of their sense of safety and security, and a reliably safe environment is a prerequisite for recovery. That really is the main part of how prisons re-traumatise survivors.⁵²

Provision of support and assistance to modern slavery survivors in prison

In addition to challenges concerning victim identification, a further challenge to protecting survivors of modern slavery in prisons concerns the

nature of support available in prison, compared with support available to survivors outside of prison. Namely, survivors in prison who receive a positive NRM decision are not entitled to receive support services available through the Home Office funded Modern Slavery Victim Care Contract (MSVCC) (managed by the Salvation Army and sub-contractors) while in custody. Instead, the HMPPS Modern Slavery Guidance states that 'where a potential or confirmed victim is within a prison, the existing services within the establishment will provide access to support services as required'.⁵³ These services, however, are often subject to resource constraints and not designed to meet the specific and unique needs of modern slavery survivors — an issue which becomes particularly apparent when considering

access to safe, secure, and appropriate accommodation and access to mental health support.

In the community setting, access to safe, secure, and appropriate accommodation, as required by Article 12 ECAT, is provided through the MSVCC. In the prison setting, accommodation is naturally provided by the prison establishment. The HMPPS Modern Slavery Guidance states that when considering the location of a survivor, prison staff should conduct a Cell Sharing Risk Assessment (CRSA) and 'consideration should be given to alternative accommodation such as a single cell if available, a

different location within the establishment, or a different prison if appropriate.' The HMPPS Guidance further stipulates that:

[P]rison staff should regularly check if victims of modern slavery are at risk of sharing accommodation or being in proximity to any alleged perpetrators of modern slavery in a sensitive manner, and be aware that victims may be reluctant to provide information about risks to them.⁵⁴

While the requirement to conduct a CRSA on its face meets the obligation from Article 12 ECAT, the ability of prisons to provide single-cells in practice

...survivor identification is further impaired by a frequent lack of awareness among prison staff about modern slavery indicators and avenues for making referrals.

50. Stakeholder Interview 18 (NGO, England).

51. Survivor Interview 4; Stakeholder Interviews 26, 31, 32 (HMPPS SPOCs, England).

52. Stakeholder Interview 25 (Solicitor, England).

53. See footnote 5: HMPPS (2023); further, a three-page modern slavery guidance for prisoners produced by HMPPS explains that '[d]uring your time in prison, the existing services will provide you with access to support as you need it'.

54. See footnote 5: HMPPS (2023).

remains dependent on availability at a time when prisons are almost completely at full capacity.⁵⁵ Specific risks related to accommodation, notably the risk of further exploitation of survivors in prison, were highlighted by several research participants.⁵⁶

In addition to the challenges with providing adequate and safe accommodation in prison, the research findings point to the lack of specialised mental healthcare support. Survivors interviewed for this research, as well as organisations supporting survivors, pointed to the lack of a trauma informed approach and raised concerns that the support available could not adequately address the complex mental health needs stemming from experiences of exploitation.⁵⁷ It was further noted that those mental healthcare resources which do exist may be overburdened due to the high demand for such services among the general prison population.⁵⁸ In practice, this means that survivors may not be able to access the support to which they are entitled due to resource constraints in prison, the reality that existing services are not designed to meet the unique needs of modern slavery survivors, and the fact that availability of services varies greatly between different establishments.

These challenges are further exacerbated by the fact that as prisons are currently not themselves FROs, they are dependent on external FROs to make NRM referrals, who may too be lacking capacity and resources, leading to delays in the referral process. In light of these challenges, it is questionable whether the NRM is the most adequate mechanism for identifying and supporting modern slavery survivors in the prison context.

IV. The HMPPS Modern Slavery Guidance: A Step in the Right Direction but Guaranteed Protection Must be Practical and Effective

As previously acknowledged, there is a noticeable absence of international guidance on how prisons should implement their obligations to identify and protect survivors of modern slavery. Against this backdrop, the recent HMPPS Modern Slavery Guidance for prisons in England and Wales represents a turning point in bringing attention to this issue and attempts to address many concerns identified in Section III.

For example, the Guidance makes several references to the same barriers to disclosure that also emerged from the findings of this empirical research, including trauma related reluctance to disclose, distrust of authorities, and coercion and fear.⁵⁹ It also stipulates that 'staff working in prisons should be professionally curious and alert to signs of modern slavery when engaging with prisoners' and provides a list of signs which may be indicative.⁶⁰ It further states that 'where modern slavery is suspected an authorised FRO makes a referral to the NRM' while noting also that 'as HMPPS is not a FRO, prisons should ensure that FROs are facilitated to complete referrals to the NRM'. Significantly, the Guidance

...survivors may not be able to access the support to which they are entitled due to resource constraints in prison.

instructs prison staff to record 'all information, actions and referrals (...) on NOMIS case notes, and information shared between relevant prison departments as needed.' This is an important starting point towards more systematic information sharing within the prison system. In contrast, however, information sharing between different agencies within the criminal justice system seems to continue to be

55. Ministry of Justice (2023). *Prison Population Figures*. London. The prison population in July 2023 for England and Wales was 86,602. This was 99% of the total operational capacity of 87,573. In conversation with HMPPS leadership it was noted however that 'even though prisons are nearly full to capacity, most prisons are made up of single cells rather than doubles. If an individual is made a high cell share risk than they will be given priority to get a single cell. Usually there are many opportunities to move a low risk CSRA individual into a double cell to accommodate a high-risk individual who needs a single cell. The only time it wouldn't be possible would be if every single cell in the prison was accommodating high risk individuals which would be very unlikely.'

56. For further detail on the perception of research participants regarding the risks related to the provision of accommodation in prison, see footnote 4, Jovanović et al. (2023), pages 44-45.

57. Katona, C., Witkin, R., Robjant, K., & Shapcott, R. (2015). *Addressing Mental Health Needs in Survivors of Modern Slavery: A Critical Review and Research Agenda*. Helen Bamber Foundation and The Freedom Fund; Dang, M., Bradbury-Jones, C., Thomas, S., Rinaldi-Semione, J., Wright, N., Brotherton, V., Esiovwa, N., Barrow, J., & Johannes, K. (2023). *Placing survivors' wellbeing on the policy and evidence map*. Modern Slavery and Human Rights Policy and Evidence Centre.

58. Criminal Justice Joint Inspection. (2021). *Criminal justice system failing people with mental health issues – with not enough progress over the past 12 years*. London.

59. See footnote 5: HMPPS (2023).

60. See footnote 4, Jovanović et al. (2023), 'Good Practice' section which indeed identified that good practice in prisons around the issue of modern slavery was primarily *ad hoc* and stemming from the commitment and motivation of individual prison staff rather than being implemented in a systematic or institutionalised manner.

done on an ad hoc rather than systematic basis — inherently limiting the ability of prisons to be aware of and identify survivors in their care. It is clear, therefore, that the Guidance represents an important first step in addressing many of the challenges identified through this research.

It must be emphasised that while many provisions of the HMPPS Modern Slavery Guidance follow the letter and spirit of international human rights instruments, they have not yet been fully implemented in practice. This may in part be due to the fact that the Guidance is still relatively recent, and has not been fully operationalised across the prisons in England and Wales. For example, awareness and training sessions, as envisaged in the Guidance, need to be provided to all staff which takes time and requires continuous efforts. Nevertheless, certain challenges, including the lack of specialist support, result from more systematic and structural issues related to insufficient resources and the difficult nature of the prison environment for modern slavery survivors. This may result in a gap between the recognition that modern slavery survivors in prison are legally entitled to protection and specialised support, and the ability of prisons to actually provide such support in practice.

Without specially allocated resources, and facing significant pressures on the existing services due to overcrowding and resource and staff shortages, prisons are likely to be unable to meet the unique needs of survivors of modern slavery, whose vulnerability may be further exacerbated in the prison setting. This in turn risks undermining the commitment to universal and unconditional protection of survivors as enshrined in international law, neglecting a particularly vulnerable category of people, who are at risk of being subject to further exploitation.⁶¹ Therefore, unless these structural concerns are addressed, survivors in prison are likely to remain

unable to access the same level of support as those in the community setting.

V. Concluding Remarks: Is the NRM the Best Mechanism for Supporting the Survivors of Modern Slavery in Prisons?

Without specially allocated resources, and facing significant pressures on the existing services due to overcrowding and resource and staff shortages, prisons are likely to be unable to meet the unique needs of survivors of modern slavery, whose vulnerability may be further exacerbated in the prison setting.

It was noted previously that support available to survivors of modern slavery in prison falls outside of the auspices of the MSVCC. Coupled with the challenges of referring survivors to the NRM due to the fact that prison services are not a FRO, this raises the question of whether the NRM system should be considered as the most appropriate means for providing support to the survivors of modern slavery in prison. It is also important to emphasise that the NRM is a system based on consent, and that there are numerous reasons why a survivor in prison may choose not to consent to a referral. These could include, for example, fears to disclose their survivor status due to threats from people involved in trafficking, fears that an NRM referral could delay or otherwise negatively affect an ongoing asylum claim, or mistrust in the system due to previous negative experiences with authorities.

Furthermore, any efforts to strengthen the identification and provision of support to modern slavery survivors in prison through the NRM framework are undermined by recent legal developments, such as the passing of the Nationality and

Borders Act (NABA) in 2022⁶² and the Illegal Migration Act (IMA) in 2023.⁶³ In particular, Section 63 (3) NABA originally provided that a non-British national whom the authorities suspect to be a survivor of modern slavery may be disqualified from protection on public order grounds if that person had received a custodial sentence of 12 months or longer. Section 29 of the IMA goes further by placing a duty on the competent authority (rather than a possibility) to disqualify such an

61. Stakeholder Interview 18 (NGO, England); and United Kingdom. (2022, 6 July). *R (ATLEU and QW) v Secretary of State for Justice*. Claim Nos CO/3171/2021 and CO/3171/2022.

62. Nationality and Borders Act 2022 (2022 c. 36) (NABA).

63. Illegal Migration Act 2023 (2023 c. 37) (IMA).

individual from protection and now applies this ‘public order disqualification’ contained in Section 63 (3) NABA to those given a custodial sentence of any length. This is contrary to international law currently binding in the UK, which allows only a limited exception from protective obligations on public order grounds.⁶⁴ Such an exception must be narrowly interpreted, requires an individualised assessment, and the burden is on a State to prove the need for such a restriction in each individual case, instead of relying on a sweeping statutory provision.⁶⁵ It is difficult to predict how the new legislation will affect recent efforts within English and Welsh prisons to improve the identification and support of potential, or identified, victims of modern slavery.

Accordingly, even though the HMPPS Modern Slavery Guidance represents a crucial move towards developing a comprehensive and tailored approach to identifying and supporting survivors of modern slavery in prison, it fails to account for the exclusion from support of those who may fall outside of the formal NRM framework — either because they do not wish to be referred to the NRM or because they are not eligible for such referral due to being subject to public order disqualification. In addition, even for those whose survivor status has been formally recognised through the NRM, adequate and specialised support in prison may not be available because the Government funding allocated for such support does not currently extend to prisons. These findings suggest that the prison context calls for a unique approach to supporting survivors, which may require establishing a distinct *sui generis* system of protection in order for prisons to comply with international obligations — irrespective of the formal role of prisons within the NRM framework.

Whether or not such a *sui generis* system tailored to the prison environment could be a feasible approach requires further consideration and a particular focus on the role of prisons in protecting against re-victimisation, both within and outside prison establishments. In that context, despite numerous challenges related to identifying and supporting survivors in prisons, it has

been suggested that custodial settings could indeed be a place of refuge for them. Thus, a 2020 study by Hestia suggested that ‘in the absence of safe spaces, and in the face of new unknowns, victims are more likely to return to their exploiters’, which sometimes means that ‘rather than releasing suspected victims of criminal exploitation, it might be safer to place them in immigration detention or in custody.’⁶⁶ The study quotes a senior police officer saying:

It is an ironic form of safeguarding, that we have victims that we take into custody because it gives them a small amount of time in which to think, in which to disclose victim status while they're at a detention centre or prison. Then we can manage them effectively.

It may therefore be pertinent to explore further the idea of prisons as ‘safe houses’ and their role in protecting against further exploitation and re-victimisation. This responsibility would be in line with another express obligation established under international human rights law — a forward-looking obligation to prevent modern slavery (in addition to a backward-looking duty to identify and protect those who had already been subject to it). The HMPPS Modern Slavery Guidance already contains instructions concerning the bail, transfer, and release of prisoners, which take into account the need for advanced planning, coordination, and communication with support organisations in order to ensure continuous access to support and prevent re-trafficking.

These findings show that it is of critical importance to continue refining the HMPPS Modern Slavery Guidance for prisons in England and Wales, and develop similar guidance for prisons in Scotland and Northern Ireland, in order to build capacity of the prison staff across the UK to meet their obligations under the ECAT and ECHR. Such guidance should in particular specify the nature of, and way of accessing, support available to those who are not formally within the NRM system.

64. See footnote 20: ECAT article 13(3); footnote 21, Jovanović (2023); GRETA (2023). *Written Evidence Submitted to the Joint Committee on Human Rights, Legislative Scrutiny: Illegal Migration Bill (IMB0024)*. Council of Europe.

65. Jovanović, M. (2024, forthcoming). *Is ‘Public Order Disqualification’ of Victims of Modern Slavery and Human Trafficking from Protections Guaranteed in Domestic and International Law Lawful? Legal Analysis of Section 63 of the Nationality and Borders Act 2022 and Modern Slavery Statutory Guidance*. Modern Slavery Policy and Evidence Centre.

Case studies of victims and survivors of modern slavery and human trafficking

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The following case studies illustrate the four main types of modern slavery and human trafficking (MSHT): criminal exploitation, labour exploitation, sexual exploitation, and domestic servitude, identified by the Home Office.¹ Two additions, ‘cuckooing’ and ‘organ trafficking’, have also been included.²

The majority of case studies have been developed specifically for the purpose of this article. Whilst they are illustrative, some of them incorporate aspects of real cases which have been anonymised and may also reflect where victims have suffered multiple forms of exploitation. Where case studies are reproduced from published sources, references are provided.

Trigger warning: The following case studies contain information that may be upsetting and triggering to survivors of abuse. Please report if you suspect or know of any intelligence to the Modern Slavery Helpline, 08000 121 700, or to Crimestoppers anonymously, 0800 555 111.

Criminal Exploitation

Criminal exploitation incorporates a wide range of illegal activities where individuals are exploited in order to commit offences.

Case 1: Forced gang-related criminality.

Name of victim/survivor: Liam

Age: 17

Nationality: British

Type of MSHT: Child criminal exploitation.

Liam lived in London and his walkway to school was regularly blocked by a group of older boys. On one occasion when Liam was 14 years old, the older boys asked him to take a parcel to an address near the school. He was told that he would be paid £50. Liam refused but the boys persisted and said they wanted him to do it as he wasn't well known. After several weeks he reluctantly agreed but on the way to the address he was robbed. The boys said that he now

owed £800 to the people controlling the drugs and would need to do many more drug drops to pay off the debt. At first the drops were local, but over a two-year period he was forced to travel out of London. Liam became increasingly scared, felt very alone, and witnessed several violent attacks. He started smoking cannabis to ease his fear. Liam was arrested in Manchester with wraps of drugs. Out of fear of repercussions from those he owed money to, he would not disclose any information to the police and chose to provide ‘no comment’ answers. However, the police took the data from his mobile phone and were able to trace the exploiters who were controlling the drug supply. Liam was not charged with any offence. He was referred to the National Referral Mechanism (NRM) and received a positive conclusive grounds decision as a victim of modern slavery for criminal exploitation. Liam learned that the ‘robbery’ which occurred the first time he took the parcel was set up to ensnare him into working for the gang for the next two years.

Two men and a woman were convicted of trafficking and given custodial sentences. The men both received 4 years and the woman received 3 years and all were made subject to Slavery and Trafficking Prevention Orders (STPO) for a 10-year period, which included conditions of ‘no contact with children under the age of 18’, ‘not to have more than one mobile phone in their possession’, and exclusion zones across London. The police made it known in court that Liam had not co-operated with their enquiries. The Probation Service was able to align their post release licences with the STPO conditions. One of the exploiters breached the STPO on release from custody and was recalled to prison and sentenced to an additional six months in custody.

Case 2: Forced labour in illegal activities.

Name of victim/survivor: Minh

Age: 49

Nationality: Vietnamese

Type of MSHT: Forced cannabis farming — central England.

1. Cooper, C., Hesketh, O., Ellis, N., & Fair, A. (2017). *A typology of modern slavery offences in the UK*. Home Office.

2. Full details of MSHT types are set out in the article ‘Can we lock modern slavery away? The role of prisons in a single whole system approach’, also published in this edition of the PSJ.

Minh was recruited in his home village in Vietnam and trafficked to the UK in a lorry where he was forced to cultivate cannabis in a house in central England, sleeping in squalid conditions, with meagre food delivered by his exploiters. Another man lived in the house who had a learning difficulty and the two struggled to communicate with one another. They were both badly beaten on arriving at the house and were fearful of their exploiters who repeatedly threatened them and their families with torture if they tried to leave the property. They were given a mobile phone to use only to contact their traffickers. After 2 years, when one of the exploiters delivered food, the house was raided by the police. All three men were convicted of cannabis cultivation and given four-year prison sentences. Minh was hoping that the judge would see that he had been forced to do this illegal work, but he didn't, citing that he could have used the mobile phone to call for help. Minh decided to serve his sentence as quietly as possible. However, as his release date was confirmed he became highly anxious. He was terrified his exploiters would regain control over him and was scared for his family if he did not comply with their wishes. Eventually he told his prison offender manager what had happened to him, and a referral was made to the NRM. A Salvation Army safehouse in the North of England was found for him and he was met at the prison gate and transported directly to the safehouse.

Case 3: Forced acquisitive crime.

Name of victim/survivor: Melania

Age: 19

Nationality: Czech

Type of MSHT: Retail crime/shoplifting.

Melania moved to the UK when she was 12 years' old. When she was 14, Melania's mother was concerned that she was being groomed by a Czech man and contacted the police and children's services who took no action. Her mother felt powerless when Melania started to see more of him; and he forced her into marriage at the age of 16, and she fell pregnant at 19. Whilst she was in the early stage of pregnancy, Melania's husband forced her and a girl (aged 15) to shoplift in several counties. Her husband would drive for more than an hour to take them to a town where they would clear the shelves and run to the awaiting car. The shop staff never intervened directly but called the police who usually arrived after they had left. On one occasion the police did arrive in time, and Melania and the child

were taken into custody. They consistently denied that they had been forced to steal. The amount taken across three counties was in excess of £12,000. When Melania appeared in court, her husband attended with her and would not let her speak to probation staff alone. Reluctantly he gave Melania her mobile phone so she could arrange to be interviewed for a pre-sentence report. Although a community sentence was recommended as this was her first offence, the court took the view that only a custodial sentence could be justified due to the high value concerned. The court also recommended that, as a Czech national, Melania be deported when released from prison.

Case 4: Forced begging.³

Name of victim/survivor: Cristina;

Age: 56

Nationality: Albanian

Type of MSHT: Forced begging.

Cristina was trafficked out of Romania and initially lived in Germany where she was subjected to sexual exploitation for many years. When she reached the age of 50, she was trafficked to the UK where she was forced to beg on the streets of a city in the south of England. She would be given a blanket to sit on and a paper cup to collect coins for a few days in one location, before being moved to another street. At the end of each day, she would be searched, and she did not attempt to hide any money for fear of violent repercussions. She lived in a multiple occupancy house, on a mattress on the floor and given very little to eat. She urgently needed dental treatment, but her traffickers denied her access to a dentist. Sometimes people who were passing by asked her if she was ok, and she would pretend not to understand them or just smile and ask for change. Shopkeepers alerted the local authority to her actions, and she was given a Criminal Behaviour Order. When she repeatedly breached the order, she was sentenced to 2 months in custody. After she arrived at the women's prison she broke down and told prison staff of her exploitation and that she was relieved to be away from her exploiters. The police were alerted and began an investigation, but Cristina was too afraid to co-operate. Cristina refused to enter the NRM and went back to her exploiters on release as she was too afraid of the repercussions should they trace her.

3. Whereas human trafficking is often associated with secrecy, victims of forced begging will interact with anyone whose path crosses theirs.

4. Sham marriage or civil partnership are forms of immigration fraud to gain legal residency in the UK. It is usually investigated by the Home Office. Criminal investigations: sham marriages (publishing.service.gov.uk)

Case 5: Trafficking for forced sham marriage.⁴

Name of victim/survivor: Lina

Age: 42

Nationality: Latvian

Type of MSHT: Trafficking for forced sham marriage.

Lina was born in Latvia but grew up in Poland with no family support and where she developed a gambling problem. She met her boyfriend, Andria, through mutual friends and they moved to the UK together. Under pressure from Andria, she agreed to befriend women in Poland for the purpose of trafficking them to the UK for sham marriages. Five Polish women in their early 20's were befriended by the couple, who persuaded them to agree come to the UK where they would be paid for getting 'married' to non-EU men. They were coached before attending registry interviews with the men during which they lied about their relationship. Andria arranged for five non-European men to pay £900 for each woman. Two of the women were threatened and forced into prostitution before the sham marriage took place. Lina and Andria both received 10-year custodial sentences.

Case 6: Financial fraud (including benefit fraud).

Name of victim/survivor: Yusef

Age: 44

Nationality: Iranian

Type of MSHT: Benefit fraud and money laundering.

Yusef gained asylum in the UK, but he was vulnerable and isolated. He was befriended by a man who worked for an employment agency and who promised to get him a job. However, the man said he would need to continue to claim unemployment benefits until he was established in the new job. Yusef knew this was wrong but thought he would only do it for a few weeks. The man also insisted that Yusef provide his new employer with details of a bank account in another name for his wages to be paid into. The man then insisted that Yusef work overtime shifts to maximise his earnings and to pay him back for securing the job for him. This arrangement continued for 10 years and Yusef told no-one about his exploitation during this time. Over the years he built up good relationships with his new colleagues and his manager who always appreciated his willingness to work overtime. When the Modern Slavery Act 2015 came into force, his employer instigated checks against all the workers' identities and their bank accounts. He requested that Yusef attend the office where he was

asked why his wages were being paid into an account that was not in his name, but he could not provide any answers. Yusef did not turn up for work again and disappeared. His manager and colleagues were shocked as they thought they had got to know him well over the years. His manager contacted the police to report him missing but did not receive any further information about his whereabouts

Labour Exploitation

The Gangmasters and Labour Abuse Authority (GLAA) was established after the 'Cockle Pickers disaster' in Morecambe Bay in 2004 where 21 Chinese people, who had been trafficked in containers by Chinese triads into Liverpool, died when they were cut off by the incoming tide. The GLAA provide guidance on how to spot the signs of Labour Abuse.⁵ Forced or compulsory labour is sometimes hidden, but sometimes people may be exploited in plain sight. Forced labour offences in the UK apply regardless of the victim's immigration status or entitlement to work in the UK. People who are subject to forced labour are typically made to work in sectors such as agriculture and fisheries, food processing and packaging, and construction.

Case 7: Exploitation for multiple purposes in isolated environments.

Name of victim/survivor: David

Age: 49

Nationality: British

Type of MSHT: Labour exploitation.

David was an only child and had lived with his mother in a rural area in the Northwest of England all his life. He had some learning difficulties but was physically healthy and got by with simple labouring jobs. When his mother passed away, he struggled to pay the bills and was evicted by his landlord. Through one of his labouring jobs, he met a man who offered him accommodation and regular employment. He accepted but was dismayed to see that the accommodation was a caravan in the man's long and overgrown garden. He then found that the man worked with his extended family and quickly began to be forced to work very long hours for £20 per week after his 'rent' for living in the caravan was deducted. There was no running water or toilet facilities in the caravan and David had to use an outside tap to wash and an outside WC. After two years, David's physical and mental health began to deteriorate, and he had constant chest infections. Late one night, David escaped and admitted himself to hospital where he was found to have pneumonia.

5. Labour exploitation - Spot the Signs (gla.gov.uk)

Hospital staff were concerned about his condition and his reluctance to provide an address or next of kin. Eventually he told them about his living arrangements and the police were called. The wider family were convicted under the Modern Slavey Act as a total of eight other men were found to be living under similar conditions. The family received custodial sentences of between 12 months and 8 years.

Case 8: Victims work for someone other than offence perpetrators.

Name of victim/survivor: Daniel

Age: 38

Nationality: Bulgarian

Type of MSHT: Labour exploitation and money laundering.

Daniel was one of more than 500 vulnerable and impoverished male victims who were tricked by a family of eight men and three women into entering the UK by bus from Bulgaria with false promises of employment in the hospitality sector. The victims were aged between 18-58, often homeless, had addiction and mental health problems, and many were former prisoners or former armed forces veterans with few job prospects. The family used employment agencies to advertise fake jobs as well as direct recruitment in Bulgaria. Each gang member had a specific role. The victims' identities were used for benefit and bank fraud, with over 70 bank accounts opened per person which were used to launder money. They were forced to live in squalid terrace houses in filthy and cramped conditions infested by rats. There were forced to work in large waste management centres, meat rendering factories, or on farms for 12 hours per day. Victims were controlled by constant use of force, threats, and violence. This included extreme violence such as dousing with petrol, threats to remove organs, and threats to kidnap family members. They were denied healthcare and lived on meagre food rations, with some resorting to eating waste food from skips. Sometimes they would be provided with alcohol but were told that this would be added to their debts. Some victims were forced to work for up to five years before one of the victims alerted the police after escaping. Custodial sentences ranged from 7 to 12 years, depending on the roles of the people involved, and the evidence against them. They were all deported at the end of their sentences. The police

estimated that the gang made between £2-7 million over an eight-year period.

Case 9: Victims work for perpetrators.⁶

Name of victim/survivor: Divya

Age: unknown

Nationality: Indian

Type of MSHT: Labour exploitation — Care Sector.

Divya came to the UK from India to work in the care sector. She was housed with four other care workers. Their employer took their passports, and they were ordered to sign a three-year contract with the care company. Divya worked in domiciliary care. Often her employer would drive her to and from clients' homes. She would complete a 12-hour shift with one client and then be expected to go straight into another 12-hour shift supporting another client, often working more than 24 consecutive hours without breaks. A concerned client let her sleep during a shift, and provided her with food as Divya was not earning enough money to buy provisions. This client called the Modern Slavery Helpline for advice on the situation. The Helpline referred her to the appropriate police force, where her case was reviewed and actioned by their Modern Slavery Team. It is not known if her employer was prosecuted.

Sexual Exploitation

Sexual exploitation means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including (but not limited to) profiting monetarily, socially, or politically from the sexual exploitation of another. It includes but is not limited to exchanging money, employment, goods, or services for sex. This includes transactional sex regardless of the legal status of sex work in the country. It also includes any situation where sex is coerced or demanded by withholding or threatening to withhold goods or services or by blackmailing.⁷

Case 10: Child sexual exploitation — group exploitation.

Name of victim/survivor: Samantha

Age: 15

Nationality: British

Type of MSHT: Sexual exploitation.

6. Source: [unseen-Care-Sector-report-2023.pdf](#) (unseenuk.org)

7. Defining sexual exploitation and abuse and sexual harassment | UNHCR

Samantha had a stable family and no problems at school, but she felt lonely. She was befriended by a man who introduced her to alcohol and drugs at the age of 13, and after a year she started staying out for days at a time, returning home with bruises and torn clothes, and with limited recall of what had happened. Although her family attempted to stop her from going out, men would pick her up from her home. Samantha became pregnant when she was 15 and was forced to have a 'backstreet' abortion. She did not know who the father of the child was. She also contracted sexually transmitted diseases and lost count of the number of men she was forced to have sex with. Samantha said that 'they have destroyed my life and taken away my self-esteem. I feel dirty and disgusting'. She became one of more than 350 children (approximately 300 girls and 50 boys) targeted for sexual exploitation in the East of England over a 15-year period. The properties used for abuse were usually Victorian terraced houses on roads frequently rented by students. Children were trafficked to other venues where they were raped including in hotels, parks, or woods. Ultimately, 53 men of a wide range of nationalities were prosecuted, but there were a core group of men who controlled the children and sexually exploited them for both personal gratification and financial reward, charging £50 for children to be abused. Sentences ranged from 7 years to life imprisonment.

Case 11: Child sexual exploitation — single exploiter.

Name of victim/survivor: Oliver

Age: 15

Nationality: Slovakian

Type of MSHT: Sexual exploitation.

Oliver was trafficked from Slovakia by his uncle. He was forced into sexual exploitation in a flat in London over a period of 12 months. His uncle controlled every aspect of his life for personal gain. He was able to escape one afternoon and ran to a nearby shop. His uncle received a custodial sentence of 10 years and Oliver was placed into foster care.

Case 12: Forced sex work in fixed location.

Name of victim/survivor: Sade

Age: 24

Nationality: Nigerian

Type of MSHT: Trafficking for sexual exploitation.

Sade was trafficked to the UK with five other Nigerian women. When her exploiters realised that she

had become pregnant through their sexual exploitation, they moved her to work on the reception desk in the brothel. When the brothel was raided by the police, she was arrested and remanded into custody on the grounds of illegal migration and facilitating prostitution. Her exploiters were not arrested. Sade was sentenced to two years imprisonment when she was six months pregnant. When the time came closer to give birth, Sade began to have panic attacks and extreme anxiety. Eventually Sade confided in prison healthcare staff that she had been cursed and if she told the authorities what had happened to her, both her and her child would die in childbirth. Sade gave birth safely and served her sentence in a mother and baby unit. A referral was made to the NRM, and she was later placed in a safehouse under the Modern Slavery Victim Care Contract with her son.

Case 13: Forced sex work in changing location.

Name of victim/survivor: Ema

Age: 25

Nationality: Hungarian

Type of MSHT: Sexual exploitation.

Ema grew up in an orphanage in Hungary, after being subject to child sexual exploitation by her family, and there were times where she suffered sexual, physical, and psychological abuse by both the staff and other children. She had minor learning difficulties and struggled to cope with change. When the borders across Europe were opened and travel became cheaper in 2013, she was groomed by a pimp and trafficked to Switzerland. He controlled her by using drugs and psychological manipulation and in her mind she did not think that she was being forced to have sex between five and 10 times per day in a locked room. She was then moved to Germany under the same conditions. She could not speak any other language. She no longer knew who she was being exploited by, as she was being advertised on on-line sex sites and was moved across the country where demand for sex with new women and girls was higher. A further journey brought her to the West Midlands. She could not speak English and did not understand when the police raided the property. Black Country Women's Aid (BCWA) considered her to be one of the most vulnerable and traumatised victims of sexual exploitation they had encountered and found that she was HIV positive. BCWA helped to identify her and support her into the NRM. She was then placed in a refuge for victims of Modern Slavery by the Salvation Army.

8. What is domestic servitude? Definition, examples and statistics | Freedom Fund

Case 14: Trafficking for personal gratification.

Name of victim/survivor: Nadia

Age: 22

Nationality: Jamaican

Type of MSHT: Sexual exploitation.

Nadia had just finished university and was working temporarily as a waitress in Jamaica. A British man who regularly spent his extended holidays there befriended her and offered her a better paid job in his restaurant in Wales and agreed to pay her travel fare. She agreed and was provided with a privately rented furnished flat above a shop. However, he told her that he did not have a vacancy but one should come up soon. At the end of the first week, he told her that he had been paying for her rent, and he would like to start a sexual relationship with her. Nadia liked him and thought that this was the start of a new relationship. However, he began to control every aspect of her life and he often arrived at the property drunk and unannounced, expecting to have sex with her at any time. He then told Nadia that one of his friends was having a difficult time and told her that she would need to visit him. He arranged for her to go to the man's house where she was forced to have sex with him. Nadia summed up the courage to contact her aunt who lived in London, but was initially too ashamed to tell her about her exploitation. Her aunt was suspicious and arranged to visit her; at this point Nadia agreed to return with her to her home and to attempt to start her life again. Nadia contacted the police and handed over her phone with evidence of trafficking. The man received a 2-year custodial sentence for trafficking for sexual exploitation.

Domestic Servitude

Domestic servitude is a form of slavery that traps people in forced labour within private homes, where they may be ill-treated and made to work for little or no pay.⁸

Case 15: Exploited by partner.

Name of victim/survivor: Pasha

Age: 27

Nationality: Turkish

Type of MSHT: Trafficking for domestic servitude.

Michael, a British citizen, married Pasha, a Turkish national, in Istanbul. Pasha had not been to the UK before, and all her family remained in Turkey. They had a second ceremony in the UK, and they settled in the North of England, living near his wider family. After the

wedding Michael became very controlling — not allowing her to leave the house and ensuring she did all the chores and forced her to work from home, packing items for his catering business. He forced her to have sex on demand. When she became pregnant, he started to be physically violent to her, pulling her hair and punching her in the face. On one occasion he did this when she was in the back garden. The neighbours witnessed it and reported it the police and he was prosecuted for holding his wife in domestic servitude. He received a custodial sentence of 2 years.

Case 16: Exploited by relatives.

Name of victim/survivor: Ade

Age: 8

Nationality: Nigerian

Type of MSHT: Trafficking for domestic servitude.

Ade's extended family lived in Birmingham and persuaded his parents to allow him to be sent to Birmingham from Nigeria where they claimed he would have the opportunity for a better life. When he arrived, he was given a mattress in a cupboard under the stairs and was forced to clean and tidy the house, prepare food, and be on duty looking after the other children from 6am until 11pm. He was given the left-over food from dinner and other scraps. He was not allowed to speak unless he was spoken to and was made to stand facing a wall for hours at a time. The children of the family humiliated and bullied him. When he was 12, he started to take one of the younger children to school and one of the teachers asked him why he was not in school. This uncovered the abuse, and the police were called. Ade was placed into foster care and started school. His aunt and uncle who exploited him were given custodial sentences of 2 years for domestic servitude.

Case 17: Exploiters not related to victims.⁹

Name of victim/survivor: Mira

Age: 20

Nationality: Filipino

Type of MSHT: Trafficking for domestic servitude.

Mira grew up in a small village in the Philippines, in a large and poor family, and had made the hard decision to approach an agent for work overseas to support her family. In return for her first four months' salary, she was found a job in the middle east and was taken to the UK by these employers when they came to visit a family member.

Mira worked 16 hours a day with no time off and shared a room with the children. She kept all her belongings in a small space under the washing machine. She ate only leftovers and was forbidden

9. Source: Kalayaan. Available at: Case Study 2: Escaped But Failed (kalayaan.org.uk)

10. In similar cases to Mira's, domestic workers have disappeared, being driven underground, and criminalised by their immigration status.

from cooking additional food for herself. While Mira had been paid £100 per month in the middle east, three months into her time in the UK she had received nothing, and she was desperately worried about how her family were surviving without her remittances. Mira escaped to the charity Kalayaan with her passport, but when her visa was examined there was no option within the immigration rules for her to remain in the UK. Kalayaan found Mira legal immigration advice and referred her into the NRM. They found her temporary accommodation and her lawyer is looking at arguments which can be made for her to remain in the UK. In the meantime, she is dependent on the charity of others.¹⁰

Organ trafficking

Organ trafficking includes the illegal organ harvesting from a living or dead individual and the illegal sale and transplantation of human organs.

Case 18: Organ trafficking.

Name of victim/survivor: Soloman

Age: 28

Nationality: Egyptian

Type of MSHT: Selling a kidney / organ trafficking.

Four years ago, men came to Soloman's village in Egypt with promises of employment in the UK. They took him to Cairo as they said he needed a blood test first. However, he was drugged, and doctors removed one of his kidneys. The traffickers gave him \$4,500 and told him not to tell anyone before sending him back to his village. Without medical aftercare Soloman was not able to

undertake the heavy construction work he had previously done to support his family and could only perform light duties. His kidney was sold for \$80,000. His grandmother told him that she knew of at least 15 men who had died when their kidneys had been removed.

Cuckooing

Cuckooing is not yet an offence under UK law. It refers to the taking over a home of a vulnerable person for illegal activity.

Case 19: Cuckooing/criminal exploitation.

Name of victim/survivor: Rita

Age: 64

Nationality: British

Type of MSHT: Criminal exploitation — using a person's home for illegal purposes.

Rita is physically disabled and had been allocated a ground floor flat in Birmingham where she received few visitors and often felt lonely. One of her neighbours started dropping by, and after a month asked for her help and said he needed to use her flat. Keen to help her neighbour, she agreed, and the neighbour provided her with food and alcohol in return. After a couple of weeks another man started to threaten her and moved into her flat and made her sleep on the floor. Lots of people then started to knock on the door to collect drugs or make payments, especially through the night. This continued for several months until another neighbour alerted the council who informed the police and Rita was rehomed. She could not identify the individuals responsible.

Interview with Eleanor Lyons, Independent Anti-Slavery Commissioner

The UK's Independent Anti-Slavery Commissioner is a legal appointment introduced in the Modern Slavery Act 2015. Eleanor Lyons is the third Commissioner and is interviewed by Ann Snowden who is the head of anti-slavery and human trafficking at HM Prison and Probation Service (HMPPS).

This interview took place in April 2024

AS: Firstly, congratulations on your appointment. Please can you describe your route into becoming the Independent Anti-Slavery Commissioner and why you applied for this role?

EL: I have been doing jobs across government since 2015 and I think public service in general is really important. That is why I have always remained in the public sector. I have been lucky enough with those roles, either in policy positions or in different government departments, to have had the opportunity to work with lots of dedicated professionals — and a cross cutting theme has been working with victims. Whilst I was in the Ministry of Defence, I worked with women and girl victims, particularly across the Sehal region in Africa. They had been exploited as a consequence of the conflict that was going on in some of those countries. It was a real privilege to give those women a platform to speak about what changes they would like to see. It's something that stayed with me.

Another role that I also did before becoming the Independent Anti-Slavery Commissioner was Deputy Children's Commissioner. In that role, I worked with children and young people, their families and of course, those professionals that provide them with support. That was another fantastic experience in terms of realising what a difference it can make if you give the right support, and early intervention, to either prevent exploitation or help children in their recovery journey. This is particularly as children have such unique and special needs in terms of the care that we want to give them.

All of that inspired me to apply to be the Independent Anti-Slavery Commissioner. The role became available at the time when the Illegal Migration Bill had just been introduced and was having its first reading in Parliament. At that time, I was doing a lot of work on the Bill. Looking at what changes were needed for unaccompanied children seeking asylum and looking more broadly at what support we needed for victims in this legislation. That really motivated me to

apply for this role, so I can carry on working to prevent exploitation, to help strengthen victim care, and bringing together those different strands that I have been doing throughout my career.

I do think the role of Commissioner is incredibly vital, with an important group of victims and survivors to represent to make sure that their voices are amplified so that they are not overlooked by policymakers.

AS: You have been in your role since the end of December 2023. What do you see as your biggest immediate challenge and your biggest immediate opportunity?

EL: So, we will start with challenge first so we can end positively! I think the big challenge is that the role of the Independent Anti-Slavery Commissioner was left vacant for 20 months, at a critical time, whilst the Nationality and Borders Act and the Illegal Migration Act were passed and when there was a lot of change in terms of the things that would impact on the lives of those who are victims of modern slavery. I think therefore, one of the biggest challenges coming into role is rebuilding the office, rebuilding the team, rebuilding improved stakeholder networks, and looking at how we can make sure that the voices of those who are victims of modern slavery are heard again by policymakers, because inevitably there was that gap.

I think that means that one of the biggest opportunities is to make tackling modern slavery and human trafficking a priority again for everyone. I very much think that it should be a priority for not only government, but of course the work of HMPPS, policymakers, every government department, across law enforcement and for the business sector too. This is a critical moment we must say to everyone, we want to see tackling modern slavery prioritised again.

AS: Your initial term is for three years and covers the whole of the UK — have you identified your strategic priorities?

EL: As my role covers the entire United Kingdom, I have been out across the UK to meet different

stakeholders to hear about the things that they think I should be prioritising. I have also been able to meet those with lived experience themselves, take on their views and use those experiences to shape my strategic priorities. My Strategic Plan has been submitted to the Home Secretary, as directed by the Modern Slavery Act 2015 and they will publish my plan in Parliament.

AS: Responses to modern slavery and human trafficking (MSHT) involves many partners and collaboration is key. Can you describe how you will get buy-in from partners across the criminal justice system to better collaborate?

EL: Across the board, we are looking at what we can do to prevent people from becoming vulnerable to exploitation and tackle the demand for exploitation. We are looking at what we can do to protect victims in terms of identifying people that need support and care, then making sure that their recovery journey is as good as it can be and that the right support structures are in place. We are also looking at what we can do to improve policing and prosecutions, and the victim's journey through the criminal justice system, which can be a lengthy and complex process. Those three areas are underpinned by making sure that we include the voices of those with lived experience in everything the office does. And making sure that we are looking at how we can improve our knowledge and understanding of modern slavery across those three areas.

AS: Securing convictions under the Modern Slavery Act is challenging and rates remain relatively low. How would you like to see the conviction rate improve in the future?

EL: I do think the conviction rate for modern slavery offences is too low. There is not enough going on to make sure we are tackling the perpetrators behind these horrendous crimes. I recognise that the cases are lengthy and complex and sometimes difficult to pursue, particularly when we need keep victims engaged in the criminal justice system. This is something I have already been looking at. I work across all parts of law enforcement, drawing together local forces and their national counterparts to speak about what can we do to improve the conviction rate in this area looking at a series of questions. What joined up

working do we need? What training and awareness do we need? What specialised teams can we have in local areas to tackle modern slavery? Alongside that, the focus of my work is looking at how we can improve the victim experience of the criminal justice system, what support and advocacy is required to make sure that a victim can give their evidence and testimony in a trauma-informed, victim-centric way, and navigate the criminal justice system, which we know can be really difficult even at the best of times to understand.

AS: We know from limited available research that those involved in MSHT offending commit a diverse range of offending or 'poly-offending'. As we have discussed, MSHT offences are often challenging to prove, and individuals may be charged with, say drug trafficking, instead of people trafficking or offences relating to immigration crime or other forms of violent crime. So how can we seek to ensure that our response to MSHT does not become diluted or overly conflated with other types of crime or immigration issues?

EL: The Modern Slavery Act does provide the framework to prosecute criminals behind any of these horrific crimes of modern slavery. I welcome that criminal networks are being disrupted and that there have been some prison sentences for those criminals who have been convicted. These are horrific crimes. We do need to look at what we can do to make sure that the sentencing and that the convictions reflect the severity of modern slavery offences which can carry a lifetime sentence.

AS: Research commissioned by your predecessor indicated that individual, opportunistic MSHT offending of low sophistication may be as prevalent as more organised offending by criminal networks. However it is arranged, extreme coercive control and severe, enduring exploitation may result in similar levels of trauma for victims — how will you ensure that victims have a voice?

EL: I think it is important to recognise that some exploitation is conducted by serious organised crime groups and some of it is, as you say, more localised and in a form of criminality, which may not be coordinated across the United Kingdom. I think it's also important to

I have also been able to meet those with lived experience themselves, take on their views and use those experiences to shape my strategic priorities.

recognise that victims of modern slavery can be facing multiple types of exploitation at once, and their experiences can lead to different forms of vulnerabilities. One of the things that I am keen to do is to make sure that I include the voices of those with lived experience of modern slavery and hear from victims themselves about what would make a difference. I want to establish a Survivor Advisory Council which has been done by the US Ambassador-at-Large and we have seen how much of a difference this makes. I want to make sure that we can do the same in the United Kingdom to give a platform for those with lived experience to share inputs and insights for policymakers.

AS: Do you think that the British public is aware of the extent to which MSHT impacts on British citizens, especially young British adults and children?

EL: I think we are very lucky in this country to live in a society where most people are caring and want to do their best to protect the vulnerable and victims from exploitation. I do think we have a challenge with professionals and the British public, in recognising that many of those who are exploited as victims of modern slavery are UK nationals. Last year, in the National Referral Mechanism (NRM), the framework we use to identify potential victims of modern slavery, UK nationals were the number one nationality who were referred. Many UK nationals who are identified as victims of modern slavery are young British boys who are being criminally exploited, this is really concerning. We have seen criminals becoming more ruthless in exploiting children and young people and we must do more to tackle that.

I am also concerned because I think we are seeing an under reporting in the NRM statistics in this category. I hear in local areas that quite often UK nationals are not always identified by professionals. Those who are identified can be referred into local pathways rather than the national system, so we may not be capturing the full nature of the scale of exploitation that is happening there, which is why it is one of my priorities in role to look at this a little bit more.

AS: Turning to prisons specifically, what role do you think prisons have in identifying,

protecting, and supporting victims of modern slavery and human trafficking?

EL: I think staff that work across the prison estate have a really important role to play in identifying potential victims and supporting victims from re-exploitation. I welcome that prisons are looking at this space and are prioritising what can be done to help more victims within the prison system.

AS: Some people may question if it's too late to identify and support people who have experienced severe exploitation once they are in prison. Is it ever too late to identify, protect and support those who have been subjected to MSHT exploitation?

EL: I don't think it's ever too late to identify victims of exploitation. I think we have got a duty of care to do all we can at every moment to provide the right support and care for those victims. I have seen and heard from victims and survivors themselves how actually this can be transformative to their lives and their recovery journeys. Every single potential victim we can support does make a massive difference.

AS: Individuals who enter the NRM and pass the first stage (Reasonable Grounds) may be ejected from the NRM if they have or are serving a prison sentence and may be issued with a Public Order Disqualification (POD). How do you think prisons should respond to supporting individuals where NRM support has been withdrawn?

EL: I think the prison system continues to have a key role to play even with the introduction of the Public Order Disqualification. Of course, prisons still have legal duties to support British and foreign national victims and survivors of modern slavery beyond the NRM framework, and they will continue to have those obligations and a significant role to play. I understand some of the changing legislative landscape and some of the consequences of that in terms of their day-to-day work, such as the Public Order Disqualification being one of the examples of that. It is also crucial that staff continue to look at how they can identify potential victims within their estates and their prisons. Staff also play a role in providing support to stop any re-exploitation for those victims by acting as an extra pair

...one of the biggest opportunities is to make tackling modern slavery and human trafficking a priority again for everyone.

of eyes to make sure that people are not being exploited or traumatised.

AS: Having criminal convictions is considered to increase the risk of MSHT exploitation — what can prison and probation do to address and reduce this risk?

EL: We know that criminal convictions alongside other multiple overlapping needs and vulnerabilities can make individuals more likely to be at risk of exploitation. I think prison staff have a role to play in identifying potential victims of modern slavery. They can work closely with partner organisations to share knowledge and understanding and share what they are observing in the prison estates, so that others are able to learn from what they are seeing and experiencing. Of course, they still have a duty of care to make sure that all individuals are protected.

AS: Overall, how best can HMPPS protect the public and reduce reoffending by those convicted under the Modern Slavery Act and those who present a risk of MSHT offending in the future?

EL: I think HMPPS can best protect the public and reduce re-offending by working closely in partnership with the other organisations, which I know is already happening on a regular basis. One of the mechanisms that can be used is Slavery and Trafficking Prevention Orders, which can be aligned with post-release licences. That makes a big difference, and there is also the opportunity to work with multi-agency partnerships to make sure that we are looking at what we can do to ensure that criminals are not able to cause a risk to the community.

AS: We understand from limited available research that women may be disproportionately impacted and convicted of modern slavery crimes. For example, they may adopt roles in modern slavery offending where they are more easily identifiable. How can we develop services for women who are both victims and involved in modern slavery offending?

EL: This is an area that I think is deeply concerning. Last year, we saw an ever-rising number of women and girls within the National Referral Mechanism statistics. I think the difficulty we also have is that women are sometimes the more visible faces of exploitation, due to the crimes that they are sometimes forced to commit by

exploiters. But alongside that, we also sadly have an under reporting in the number of women and girls that are impacted by modern slavery.

Professionals are sometimes less good at looking for those forms of exploitation that women are often forced to carry out, such as sexual exploitation. I think it is critical therefore, that special attention is paid to women and girls and that is something that I am doing as Independent Anti-Slavery Commissioner. I am looking at the experiences of women and girls and why we are seeing a rising number of victims of modern slavery. I think that there is also an important role for HMPPS to play in this area in being aware of the dynamic of women often being used by exploiters and to provide the right support around those women.

AS: The Council of Europe has announced its intention to commence monitoring the response of UK prisons to modern slavery for the first time and that will start later this year. How will your role sit alongside that of the Council's Group of Experts on Action against Trafficking in Human Beings (GRETA)?

EL: So firstly, I am very pleased to see that the Council of Europe is looking at this really important area. I very much welcome that my role as Independent Anti-Slavery Commissioner involves working in partnership with stakeholders such as the Council of Europe and working across wider international partners who may be interested in this space. My job is to join-up a lot of the work that goes on with the Council of Europe with Westminster policymakers and make sure that everyone understands what their role is in tackling modern slavery. The role that I play is in convening and coordinating best practice across the board.

AS: Finally, what would 'good' look like for prisons and probation in the UK in responding to modern slavery and human trafficking?

EL: For me, good would look like prisons and probation recognising the role that they have to play in tackling modern slavery. Both in protecting the public from those criminals that commit these horrific crimes and secondly providing a space where they are identifying potential victims of modern slavery. I think everyone across HMPPS has a part to play in this so it's welcome that this area is being looked at by the prison and probation service, and that all is being done to make sure that we are supporting the victims of modern slavery in this country.

Modern Slavery through the Lens of the Criminal Justice System. An Interview with Caroline Haughey OBE KC

Caroline Haughey OBE KC is a criminal barrister in independent practice. She both prosecutes and defends across the entire range of criminal cases but has a specialism in modern slavery cases, specifically in prosecution. She also sits as special adviser to the House of Lords' Modern Slavery Act 2015 Committee and spends a significant part of her practice lecturing and advising jurisdictions on the drafting, implementation, and application of modern slavery legislation. She is interviewed by Dr Alicia Heys, Senior Lecturer in Modern Slavery at the Wilberforce Institute, University of Hull.

The interview took place in May 2024.

You've clearly got a range of expertise across a variety of criminal cases. Please could you tell us a bit about your background and how you came to work on modern slavery cases?

My interest in this area started really at university. I went to Trinity College Dublin and did my final research thesis on the decriminalisation of prostitution in Ireland. I based that on fieldwork of interviewing sex workers in the Dublin area and was subsequently asked to produce a white paper on this topic for the Government, following a series of murders of sex workers in Dublin.

During my early days of practice as a criminal barrister I worked with a whole range of criminal offences, but I particularly enjoyed dealing with vulnerable witnesses, both prosecution and defence, and I was instructed to prosecute the first case of modern slavery called *R. v S.K.* This is currently the leading authority on modern slavery in the UK and since then I have prosecuted an entire range of cases under that label.

I find modern slavery cases particularly fascinating because the offending is not linear. So, in a murder case for example, we look at who died, how they died, and who did it. But modern slavery cases need to be much more holistic — we have to look at the entire range of who's done what and how it happened. So, how did someone become a victim? What other types of criminality have occurred? Who has benefitted? And I really enjoy the mental stimulation of that.

Prosecuting *R. v S.K.* as the first case of modern slavery must have given you a really unique insight into this type of crime. How has your expertise developed in this area?

I was involved in the drafting of the Modern Slavery Act and I've reviewed it once independently for

the Government and a second time as an independent legal adviser. I've given evidence in front of the Home Affairs Select Committee on Modern Slavery, I've sat on the Modern Slavery Taskforce with the Prime Minister, and I'm currently sitting as the specialist advisor to the House of Lords' Modern Slavery Act 2015 Committee.

I think I've ended up specialising in this work really because I'm passionate about our criminal justice system. This was a very nascent area of law when I first got involved, and though the Modern Slavery Act is now nine years old, I think we've still got a long way to go.

Do you find that modern slavery cases differ significantly from other cases that you work on?

It goes back to my earlier point that most offences are linear and look at who has done what and how. In those cases, it's really easy to identify the victim — either they are dead or they are making the complaint. It's different in modern slavery and human trafficking offences, where victims often don't identify as being victims. They may be ashamed about what's happened to them, they may be in denial, or they may believe simply that their exploitation was the 'least worst' option compared to the alternatives that they perceived they had. Gathering the evidence from them is very difficult and will often be challenged. This then requires us to look for other corroborative evidence which cannot be challenged, such as materials from banks, phones, and local authorities.

You've mentioned that gathering evidence from victims in modern slavery cases can be difficult. What are some of the other most challenging aspects of working on these cases?

A main challenge is funding. When the police get a case in front of the Crown Prosecution Service, we often don't have sufficient officers or resources to

ensure that we can look at all reasonable lines of enquiry. There is also a problem with the conflation of language around immigration offending with trafficking offending. Politicians, media, and indeed the public often conflate those terms, rather than identifying that modern slavery and trafficking for exploitation are separate to immigration offences.

I think the other significant challenge is that there is a lack of understanding and awareness from investigators and other participants in the criminal justice system about the law, how it applies, and how it can be investigated. However, there are very proactive participants and stakeholders in this sphere, and things — I hope — can only get better.

The Modern Slavery Act was introduced in 2015 with the broad purpose of consolidating existing offences, improving support for victims, and ensuring that perpetrators receive suitable punishment. How far do you think it is meeting these intentions?

I think that the Modern Slavery Act is, in a broad sense, fit for purpose. Consolidating the existing offences has clearly occurred. What has also happened is the evolution and application of the Act to things like county lines, which when we were drafting the Act, simply wasn't a phenomenon we were aware of.

The Act did improve support for victims, and the provision of victim navigators I think has been the single biggest improvement. However, where support has failed is in the application of the NRM [National Referral Mechanism] principles. The introduction of the Illegal Migration Act and the Nationality and Borders Act have diminished the rights that we have provided for victims.

I am seeing perpetrators receive mainly suitable punishments. We have got the Sentencing Council's Guidelines that were brought in a couple of years ago and there is the deployment of slavery and trafficking prevention orders, though I'd like longer sentences and to see these orders being used more. The failure is not in the purpose or intention of the Act but in its application, because everything is there to use, but people are fearful because of the size of these cases, because of the lack of funding and resources, and because of a lack of knowledge.

What do you feel are the biggest challenges to securing prosecutions and convictions for perpetrators of modern slavery offences?

The biggest challenges facing these prosecutions are 1) funding and resource, 2) understanding and application, and 3) generating accounts from victims. Most cases are big because trafficking is usually an organised crime group activity. They are complex because you are dealing with vulnerable witnesses. And in my experience the strongest cases are those when you have corroborative independent evidence, and securing and obtaining that information is both time-consuming and expensive. The difficulty arises when you don't have a financial investigating officer, because that means you don't have someone who can do the critical analysis of the financial material that is the foundation on which most of these cases are built.

The other biggest single area that I feel we're at risk of is that people don't understand how to prosecute these cases. People take the easy option out, take the low-hanging fruit instead of gouging out the beating heart of these organised crime groups. Another challenge we have is obtaining and understanding the accounts from these victims. Even if we're not going to rely on those victims' testimony, obtaining a reliable account that triggers lines of enquiry that enables you to build a case without a victim has got to be the way forward. And without applying those three principles, I

think we are failing.

How much do we know about rates of prosecutions and convictions, and what can we do to increase those rates?

The rates of prosecution and conviction are extremely hard to gauge because the data gathering in this area is complex. Often, pleas are accepted to lesser offences which is particularly evident in sexual offending. For example, someone who has committed a sex trafficking offence may plead out simply to controlling for the purposes of prostitution which wouldn't trigger a record under the Modern Slavery Act. Often the appropriate offence isn't prosecuted, but if it is, pleas are accepted to lower offences that don't capture the same data. Increasing these rates of investigation, prosecution, and conviction can be done

People take the easy option out, take the low-hanging fruit instead of gouging out the beating heart of these organised crime groups.

simply by giving it more resources, educating and informing more people, and having a consistent approach on how to look at these cases.

Do you think that there are other ways to deter people from committing modern slavery offences than prosecutions and convictions?

Slavery and Trafficking Risk Orders can be incredibly effective in disrupting organised crime groups and they send out a message out that this behaviour is not tolerated. I do think disruption will always be a priority together with safeguarding, but if we don't choose to prosecute and demonstrate the power of our legislation and send people to prison, then we will continue to be seen as a wide-open marketplace for this kind of offending.

Is it possible to secure convictions for perpetrators of modern slavery offences without having to rely on a victim's testimony? What evidence would be needed to do this?

I have to acknowledge that that is hard, however, it is not impossible. The approach that I always encourage in every modern slavery case is to start from the assumption that you can't rely on your victim's testimony, but you can use them to understand where you should be looking at lines of enquiry. I think looking at incontestable, documentary evidence that no one can challenge is vitally important. Things like bank statements, bank account opening documents, CCTV footage, national insurance material, Facebook documents, contemporaneous messaging, telephone records, and contents of phones. There has to be an awareness of the need to gather as much corroborative evidence as possible — evidence that is subject to as little challenge as possible. That material is very easily used to present a case and make it so that the defendant is the one that has to provide an account. Another option is to use a compare and contrast approach which considers what the victim has (or does not have) and compares and contrasts that with what the defendant has. More often than not there is a very clear picture of a luxury life comparative to that of the victim. With this information, you don't need to call the victim as long as you can show the connection with the perpetrator and the movement of the money.

How would you describe collaboration amongst modern slavery stakeholders working across the criminal justice system?

I think collaboration across the modern slavery system is challenging. We are hindered by the Data Protection Act, which people use in an uninformed way to prevent access to material without realising the overriding duty of the risk to life and the need to safeguard, and I think there is a disproportionate reliance on the threat of the Data Protection Act as a means of preventing the necessary exchange and sharing of material. I think we've become so information-sharing averse that we are doing way more harm than good.

I don't see education authorities or hospitals informed or educated enough to tell the police when they have concerns about an individual because they don't know what signs to look at and that gives me cause for concern. Also, from a criminal prosecution perspective, I struggle with the material gathering process. I have a case at the moment with a victim who has given nine different accounts to nine different people, all with nine different intentions. They're all trying to help, but because different questions are being asked for different purposes to a woman who doesn't speak English, we're getting variations in the answers. This means she is being considered as inconsistent without taking into account what she's been asked, for what

purpose, by whom, and in what language.

How aware do you think the judiciary are of Slavery and Trafficking Prevention Orders (STPOs), Slavery and Trafficking Risk Orders (STROs), and Slavery and Trafficking Reparation Orders, and do you think they are used effectively?

I don't think we're using STROs and STPOs enough and they can be extremely effective. I don't think there is enough knowledge about how to use them and the government guidance only came out recently which speaks volumes. STROs are good at immediate disruption and they send out a strong message. If someone breaches them, it's a fairly binary breach and very easy to prosecute and get custodial sentences for. With STPOs, if you have engagement from the jurisdiction where the defendants have come from,

Slavery and Trafficking Risk Orders can be incredibly effective in disrupting organised crime groups and they send out a message out that this behaviour is not tolerated.

then you can achieve a great deal, but it's really important to ensure that there is oversight and monitoring. I think people forget that they are prevention orders rather than prohibitive orders. They don't require any permanent stoppage of behaviours, they simply put the person on notice that they must notify the police before they do anything.

When it comes to compensation, in cases of multiple defendants, it is nigh on impossible to assess who should get what compensation. How do you assess the different experiences that 100 people had and when there may be more victims that you don't know about yet? One of our victims came forward seven years after the offending and five years after we'd completed the first trial. However, if compensation and reparation can be used effectively then I'm absolutely for that. Anything that provides some support to the victims has to be a good thing.

Some victims of modern slavery are coerced into committing crimes. How does this play out in a court of law when such an individual is simultaneously a victim of modern slavery and a perpetrator of the crime they were coerced to commit?

This is a tough area. I do think the section 45 defence is correct: I think it's right that if you have been compelled to commit an act as a result of being trafficked and you had no alternative but to do that act, then that should be an absolute defence.¹ There are conversations being had about changing the remit of schedule 4, but I do think that by and large, those offences on schedule 4 are correct.² I would be concerned about how far we allow it to be altered, but I do think there needs to be greater consistency in applying the public interest test.

Do you think enough is being done to prevent victims of modern slavery serving prison sentences for crimes that they had no choice but to commit?

I'm not sure we're very good at looking after victims of modern slavery who have committed criminal offences that are connected with their exploitation. I can only speak from my own anecdotal evidence, but I defended a 14-year-old at a murder trial. He was a victim of sex trafficking and exploitation and drugs, but

while this was connected to his ultimate involvement in the murder, it was not the sole cause for the murder. Should he have been convicted of manslaughter? Yes, of course he should have and he pleaded guilty in the right circumstances. I'm not sure I'm comfortable in saying that those who commit crimes as a result of modern slavery should automatically not go to prison. I think there has to be a degree of consideration. I certainly think for shoplifting and similar types of offending such as cannabis growing, if someone feels that they have no alternative but to commit the criminal act as a result of being compelled in forced and compulsory labour, then they should of course not have to go to prison because section 45 is an absolute defence. But it's less clear cut when it comes to other types of offending.

How can prisons best support victims of modern slavery who have received prison sentences?

Sometimes victims only come forward once they have gone to prison because, ironically, it is a safe space away from the perpetrators. I think opening those conversations and generating a single point of contact in prisons would be really useful. Prisons need to be intervening and assisting in these cases, because the reality is that people who are trafficked once are at a significantly increased risk of being trafficked again. The vast majority of victims are education- and opportunity-deprived. And if we altered those circumstances, then we are absolutely alleviating the risk of re-trafficking and exploitation. I think placing them in the penal system is catastrophic, it's re-exploiting them. They shouldn't be there in the first place and the court of appeal have handed down a number of judgements on that point.

What is one thing you would change about the criminal justice system in relation to modern slavery cases?

I would make it an obligation that every single individual involved in asking questions of vulnerable witnesses who make an allegation of modern slavery or trafficking has been properly trained to ask those questions, so that we get better at identifying those who need our help most.

1. Section 45 of the Modern Slavery Act provides a statutory defence for individuals who committed a crime as a direct result of their modern slavery experience
2. Schedule 4 lists all the offences for which a section 45 defence may not be used

Book Review

Demystifying Modern Slavery By Rose Broad and David Gadd Publisher: Routledge (2022)

ISBN: 9780367149307 (Hardback)
9780429053986 (eBook)

Price: £115.00 (Hardback) £35.09 (eBook)

Reviewer: Dr Zahra Shirgholami is a Lecturer in Modern Slavery at the Wilberforce Institute for the study of Slavery and Emancipation, University of Hull.

'Unless representations of perpetrators are recognisably 'real', efforts to deter offenders and safeguard potential victims will continue to be misdirected (p.145).'

Without any legal definition, modern slavery is an umbrella term that captures an expanding range of crimes. These crimes are often seen as organised crime or immigration issues within the political debates. Through in-depth interviews with people accused of, and convicted for, committing modern slavery offences, the book 'Demystifying Modern Slavery' sought to answer 'Who are the perpetrators of modern slavery? Why do they exploit others? What might be done to stop exploitation recurring?' The book analyses and interprets the life stories of 30 convicted offenders to challenge the depiction of modern slavery in the UK as an issue of organised crime and immigration.

Using the Free Association Narrative Interview Method and through interviews with people who had been accused or convicted of modern slavery and other allied forms of offending — (county lines) drug dealing, holding people in domestic servitude and facilitating illegal immigration, the book reveals how modern slavery has been mystified. Chapter by chapter,

the book runs the reader through life stories of offenders of people smuggling, cases closest to 'organised' criminals, sham marriage, domestic servitude, labour exploitation, adult sexual trafficking and child sexual exploitation.

Life stories of the convicted offenders show the challenge of drawing a line between the victim and the victimiser questioning the evil slave masters, as has been the dominant political rhetoric. While the events described by the offenders in Chapter 4, 'Organised criminal?' fit the broad definition of organised crime: 'necessitating three people engaged in ongoing serious crime for profit' — the stories their interviewees told show how interdependent the relationship between the perpetrators and victims is; in each, there has been some level of consensus, at least on the surface level, between the offender and victim.

The authors, Rose Broad and David Gadd, also shed light on how the convicted individuals themselves could have been victims of exploitation who did not have access to a fair court because of institutionalised racism. In Chapter 5: 'Sham Marriage', Broad and Gadd found that 'the case against Rasheed convicted of sham marriage was made in the language he did not understand, in a country he had barely explored given his confinement to a single shop seven days per week, with legal representation that was serving the best interest of the relative who was exploiting him (p. 90).'

The occurrence of sham marriages demonstrates how, in an unequal world with limited opportunities for movement from

poorer to wealthier countries, marriage serves as a crucial method for gaining global and, thus, social mobility. Likewise, in Chapter 6 — 'Domestic Servitude'—the authors refer to the UK's tightening up the eligibility requirements for becoming an overseas domestic worker while allowing those found to be victims of modern slavery to apply for temporary leave to remain. The book posits that the prevalence of domestic servitude can be attributed more to the absence of rights afforded to people who are forced to migrate and live in poverty, rather than the malicious intent of human traffickers and organized crime syndicates.

Chapter 6 — 'Labour Exploitation' demonstrates how the 'denial' of individuals, businesses, and government has shielded them from taking responsibility for exploitation — from the 'trouble recognition' of structural issues that have made the lives of individuals, including undocumented migrants and sex workers, more precarious. According to the book, to address labour exploitation, the first and most essential step is to provide everyone who lives in the UK with the right to a guaranteed minimum wage and secure accommodation. Additionally, it is crucial to change the culture of business practices that depend on and profit from underpaid and destitute individuals. Despite mounting evidence of exploitative labor conditions within supply chains of large businesses, the British government has only held a small number of individuals accountable for such practices. Instead of developing and enforcing frameworks that would address the root causes of exploitation, such as low prices, the government has

taken a conciliatory approach by seeking to work with the private sector. This approach has failed to effectively tackle exploitative purchasing and sourcing practices.

Regarding sexual exploitation, the book argues that the focus of the debate should shift from organised crime and evil enslavers to providing minimum wage provisions and trade union representation in the sex industry. It is important to note that while the authors question the debate about the prevalence of organized crime and evil enslavers, they do not overlook the harm suffered by

those who have been exploited financially, physically, or otherwise. Nevertheless, the life stories of those accused or convicted of modern slavery offences demonstrate how structural issues such as harsh inequality, immigration regimes, lack of labour rights, and limited opportunities have led to such exploitation, which is referred to as 'modern slavery' crimes.

In sum, the book sheds light on the mystique around modern slavery and highlights the lack of qualitative research in this field. It encourages further research to

develop a better understanding of different forms of crime that fall under the umbrella of 'modern slavery'. It is a timely and valuable read for anyone who wants to fight against modern slavery practices in the UK; it sheds light on how the state enables exploitation by ignoring structural vulnerability and mystifying modern slavery. It serves as a reminder that exploitation is still prevalent and will continue to persist unless the root causes of exploitation, such as the absence of rights and hostile immigration regimes, are recognised and addressed.

PRISON SERVICE JOURNAL

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The *Prison Service Journal* is a peer reviewed journal published by HM Prison Service of England and Wales. Its purpose is to promote discussion on issues related to the work of the Prison Service, the wider criminal justice system and associated fields. It aims to present reliable information and a range of views about these issues.

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Exploring methods of coercion in human trafficking and modern slavery: The coercive nexus of victims and perpetrators and implications for clinical practice

Jodi Symmonds

Responding to women in prison for modern slavery offending

Professor Rose Broad

Barriers and opportunities for prison services in developing reintegrative pathways for justice-involved people subjected to MSHT exploitation

Dr Larissa Sandy, Ann Snowden, Dr James Tangen and Dr Alison Gardner

Can we lock modern slavery away? The role of prisons within a 'single whole system approach'.

Ann Snowden

The responsibility of prisons for securing the rights of modern slavery survivors: Prison as a safe house?

Dr Marija Jovanović , Dr Patrick Burland, Vanessa Topp and Franziska Fluhr

Case studies of victims and survivors of modern slavery and human trafficking

Ann Snowden

Interview with Eleanor Lyons, Independent Anti-Slavery Commissioner

Eleanor Lyons and Ann Snowden

Modern slavery through the lens of the criminal justice system. An Interview with Caroline Haughey OBE KC

Caroline Haughey OBE KC and Dr Alicia Heys