

# Independent Anti-Slavery Commissioner



**Dear colleagues,**

I hope that you and your families are remaining healthy in these difficult times.

This bulletin summarises some of our work in the last few months and I hope that you find it useful. We have been able to do more face to face meetings but have been very active online with several publications. Concerns about the

implications of the Nationality and Borders Bill for modern slavery continue to be a priority.

I wish you all a Happy Christmas and a prosperous and healthy New Year.

A handwritten signature in black ink, appearing to read 'Sara Thornton', is centered on the page.

**Dame Sara Thornton, Independent Anti-Slavery Commissioner**

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## **IASC, OSCE and the FAST Joint Statement: The critical role of the financial sector in combatting the trafficking of human beings and modern slavery**

On 29 November the Roundtable on Trafficking in Human Beings and the Financial Sector, jointly organized by the OSCE, IASC and the FAST, took place at the Franklin Templeton offices in London. The hybrid event brought together financial institutions, financial intelligence units, and anti-trafficking coordinators from twelve countries to discuss the importance of detecting and disrupting illicit financial flows generated from trafficking in human beings.

Following the conclusion of the roundtable OSCE, IASC and the FAST released a [joint statement](#) collectively noting that, “trafficking in human beings and modern-day slavery are, at their core, financially motivated crimes and financial

services have a critical role to play in tackling these crimes”. The statement includes seven commitments made by the co-hosts and participating financial services businesses.

The organisers of the roundtable are confident that by agreeing to the commitments and promoting efforts with financial service providers to “follow the money”, significant progress can be made to end trafficking in human beings and modern-day slavery, in line with international commitments, including target 8.7 of the UN Sustainable Development Goals.

**Read the full [joint statement](#).**



Dame Sara is joined by H.S.H. Adelheid Coudenhove-Kalergi, Princess of

Liechtenstein and Valient Richey, OSCE Special Representative on Combating Trafficking in Human Beings at the roundtable in London.

## **IASC and Rights Lab launch re-trafficking report**

On 30 November a joint report with the University of Nottingham Rights Lab was launched. [Re-trafficking: The current state of play](#) examines the evidence, data and literature on re-trafficking.

Earlier in the year Dame Sara commissioned Kate Garbers, Research Fellow in Policy Evidence and Survivor Support at the University of Nottingham Rights Lab, to undertake a rapid research project to identify knowledge and data gaps in relation to re-trafficking and its causes, and to hear from those across the sector on their understanding of the reality of re-trafficking on the ground. IASC ran a [call for evidence](#) inviting service providers, civil society and survivor organisations, and policymakers to submit views about the definition of re-trafficking, its causes and drivers, and prevention and mitigation. A rich set of case studies obtained through the call for evidence demonstrated that re-trafficking is happening in a UK context, and is affecting a diverse range of survivors regardless of gender, age, nationality and exploitation type.

In a [blog](#) post to mark the launch of the report Dame Sara said, "We need to listen to survivors and support providers about their experiences, and incorporate such crucial insights into policy guidance and the systems of support for survivors of modern slavery. This new report brings together the insights and experiences of those who have faced re-trafficking and those who have supported them, and identifies three areas to address for us to better understand re-trafficking in the UK."

**Read the full report** [Re-trafficking: The current state of play](#)

## **IASC calls on the government to publish its review of employment ban**

The Commissioner has called on the government to publish the full version of its review into the employment ban for individuals awaiting asylum decisions. Currently, asylum seekers in the UK do not have the right to work. Those who have been waiting for an asylum status decision for more than 12 months can apply for permission to work and if granted they can apply for a limited selection of jobs on the Shortage Occupation List. The Commissioner's request follows the announcement on 8 December by immigration minister Tom Pursglove that a review of the current policy first promised in 2018 had concluded that the ban must remain in place. The [written ministerial statement](#) did not include full report findings or supporting evidence.

Access to decent work is fundamental to living a life of sustainable independence. Many survivors face lengthy delays for decisions about their trafficking status and those claiming asylum then face a further wait. Dame Sara first [raised concerns](#) about the impact of not being able to work during this time with the Home Office in October 2019, and suggested exploring an initiative permitting those awaiting NRM and asylum decisions access to paid work. Following [further correspondence](#) in March 2020 to the then Safeguarding Minister, Victoria Atkins MP, she was [advised](#) that the Home Office would await findings from the review of asylum seeker right to work before considering any specific initiatives for victims of modern slavery. Dame Sara raised the possibility of a pilot initiative for victims of modern slavery and the outstanding review for a third time in a [letter](#) to the Minister in October 2021.

An [article](#) published in the Independent on 17 December quoted the Commissioner alongside high profile figures including Professor Brian Bell, chair of the Migration Advisory Committee. In the article Dame Sara raised her concerns about the length of time that victims of modern slavery and trafficking are unable to work while they wait for asylum status decisions, and that length of time compares badly with less restrictive policies in the United States and Europe.

In a statement released on the IASC website Dame Sara said:

"The recent decision by the government to uphold the current approach to asylum seekers' right to work is disappointing, and the absence of a full publicly available report to support it is concerning. It is important that the full review on the employment ban, including supporting evidence, is published so that we can have proper and informed debate on the issue."

**Read the Commissioner's full statement [here](#).**

## **IASC response to the Home Office and Police data sharing arrangements**

On 15 December the Commissioner responded to publication of the Home Office [Review of data sharing: migrant victims and witnesses of crime](#).

In December 2020, Her Majesty's Inspectorate of Constabularies and Fire and Rescue Services, the College of Policing and the Independent Office for Police Conduct published their investigative report [Safe to share?](#) in response to the super-complaint raised by Liberty and Southall Black Sisters regarding the treatment of victims of crime with insecure immigration status. The report made

a series of recommendations aimed at stakeholders across policing and the Home Office.

The review published by the Home Office sets out their response primarily in relation to Recommendation 2, that the Home Office review the legal framework and policy underpinning the matters raised by the super-complaint and give consideration to a mechanism for establishing a firewall between the police and immigration enforcement for all migrant victims of crime with insecure immigration status. It concludes in announcing a Migrant Victims Protocol for migrant victims of crime that have been referred to immigration enforcement from the police.

In her statement the Commissioner said,

"I welcome proposals for a Migrant Victims Protocol which will ensure that no immigration enforcement action will be taken against a victim of crime while their case is being investigated and prosecuted. It is good to see that there will be no time limit on this and that victims will be given advice about regularising their immigration status."

**Find out more about and read the Commissioner's full statement [here](#).**

## **IASC responds to the Low Pay Commissioner Report 2021**

Last week the Commissioner released a statement of support for the Low Pay Commission (LPC) [2021 report](#).

As part of its remit for 2021, the LPC gathered evidence on the application of the live-in domestic worker exemption to minimum wage entitlements. It found that the exemption is being abused not only in the case of au pairs, but also for

live in workers, particularly those on Overseas Domestic Worker (ODW) visas. As well as cases of modern slavery, the LPC also identified far greater numbers of workers suffering lower, but nevertheless persistent levels of exploitation. In many cases, the exemption is being used by employers to justify paying less than minimum wage.

The LPC recommends that the current exemption for live-in domestic workers should be removed. In the case that government does not repeal it, introducing instead a visa route for au pairs, the LPC recommends that the exemption is amended to give more legal clarity. It should clearly define the role for au pairs and the scope of their duties, and explicitly state that it cannot be relied upon by those employing workers on ODW visas.

In her statement Dame Sara said,

"I am supportive of the LPC's recommendation. Ending any doubt that live-in domestic workers should be paid the minimum wage could protect thousands from more serious exploitation."

**Find out more about the LPC report and read the Commissioner's full statement [here](#).**

## **IASC responds to Financial Regulatory Council report**

In November the Financial Reporting Council (FRC) published its [Annual Review of Corporate Governance](#) which for the first time included examination of companies' reportage on modern slavery risk and strategy, as part of their duty to shareholders and other stakeholders. The FRC commissioned research on a random sample of companies, analysing both their annual reports and modern slavery statements against an ethical framework developed by the Business



and Human Rights Resource Centre (BHRRC). Lancaster University's Department of Accounting and Finance carried out the research.

Dame Sara welcomed the FRC analysis and said, "Now that the UK Modern Slavery Act has passed the five year mark, businesses should be hitting their stride on modern slavery reporting, moving away from superficial and descriptive statements and preparing for more open dialogue with investors and other stakeholders. And the investment community, in its turn, needs to be pushing harder on businesses to disclose more. Annual reports present another lever for deeper engagement."

**Find out more about the FRC findings and read the Commissioner's full statement [here](#).**

## **IASC collaboration: Foodies Fighting Slavery**

Dame Sara is pleased to be part of the [TRIBE Freedom Foundation](#) initiative 'Foodies Fighting Slavery: An Agenda for Action for UK Food & Drink SMEs' in collaboration with [Stop the Traffik](#). The goal of the 12-month programme is to empower over 5,000 Food & Drink SMEs with practical tools and the knowledge to combat the risk of modern slavery in their supply chains.

A survey launched on December is aimed at two distinct participant groups. One version is aimed at Food & Drink SMEs and includes questions about current action being taken to address the risks of modern slavery in their supply chains. The other is aimed at consumers (anyone not working in a Food & Drink SME) and addresses their attitudes around modern slavery in the food industry and their awareness of modern slavery.

Read the **TRIBE** [blog](#) to find out more and take the [survey](#).

## **IASC visit to Scotland**

The Commissioner travelled to Scotland in December for a series of meetings in Edinburgh on 15 December.

Dame Sara met with Shan Saba, Director of recruitment firm Brightwork Ltd. to discuss how the Scotland Against Modern Slavery initiative (SAMS) is engaging with the corporate sector to help businesses address the risk of forced labour and other forms of work exploitation in their supply chains. Later she met with senior members of law enforcement as well as Rhoda Grant MSP, Convenor of the Cross-Party Group on Human Trafficking, to discuss developments within the modern slavery and human trafficking agenda in Scotland.

Virtual meetings were held with Community Safety Minister Ashten Regan MSP and Gordon Smith from the Scottish Government's Human Trafficking team to discuss issues including the potential impact of the Nationality and Borders Bill.



Dame Sara and Shan Saba, Director at Brightwork Ltd. and SAMS Leader



Dame Sara and Rhoda Grant MSP, Convenor of the Cross-Party Group on Human Trafficking

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**The Joint Committee on Human Rights publish report on**



## Nationality and Borders Bill Part 5 Modern Slavery

A report published on 21 December by the Joint Committee on Human Rights has criticised a lack of clarity in key clauses of the Nationality and Borders Bill Part 5 Modern Slavery. It includes several references to the Commissioner's [letter](#) to the Home Secretary sent in September, including her concerns about Clauses 58 (about late compliance with slavery or trafficking information notice) and 62 (about disqualification from protection).

In her statement on the publication of the report, Chair of the Joint Committee on Human Rights Harriet Harman MP said,  
“The fundamental goals of any Bill concerning modern slavery and people trafficking must be ensuring victims are supported and the criminal gangs responsible brought to justice. We are concerned that there is a lack of clarity in this Bill that could instead see victims prosecuted, while the criminal gangs evade punishment.”

**Find out more about the Joint Committee report [here](#).**

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## IASC on demand webinars

### [Simmons & Simmons LLP: Modern Slavery in Financial Services](#)

In November Dame Sara joined Penny Miller and Emily Blower of Simmons & Simmons LLP to discuss the practical steps that financial services businesses and their senior managers should be taking to address modern slavery risks and concerns. Note: **You will need to [register](#) for free to view the event**

**recording.**

[The Investor Forum: The role of investors in eradicating modern slavery](#)

On 7 December the Commissioner addressed members of The Investor Forum about the unique role of investors within the financial sector in eradicating modern slavery. **View the [event recording](#).**

[Modern Slavery & Human Rights Policy Policy and Evidence Centre: The role of consumers in addressing modern slavery](#)

Dame Sara joined fellow speakers Aja Barber, author of 'Consumed: The Need for Collective Change: Colonialism, Climate Change, and Consumerism', Ryna Sherazi, Head from Anti-Slavery International, and researchers from the Modern Slavery PEC to discuss the role of consumers in detection and prevention of modern slavery. **View the [event recording](#).**

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