
Survivors of modern slavery need rights enshrined in law – to ensure people can build new futures and prevent re-trafficking

Rt Hon Sir Iain Duncan Smith MP, former Secretary of State for Work and Pensions (2010-16) and former Leader of the Opposition (2001-03)

While the UK has been a world leader in the drive to eradicate modern slavery, the problem has not gone away and political leadership is needed now more than ever, with cases in the UK likely to be on a far bigger scale than previous calculations have suggested. It is no secret that the crisis triggered by Covid-19 will also lead to a rise in modern slavery and human trafficking in the UK. The main drivers of slavery – unemployment, lack of opportunity and other vulnerabilities – are likely to intensify as we emerge from this pandemic, all of which increase the risk of exploitation and abuse.

In addition, the last year has meant that while police officers and local authorities were facing competing priorities and had limited resources, criminals, not prepared to lose profits, quickly adapted their tactics. Instances of exploitation and furlough fraud uncovered during the pandemic have shown the determination of traffickers to continue their abuse even as the country went into lockdown.²⁸ The economic impact of the pandemic has led to mass unemployment and increased poverty around the world, creating a

breeding ground for slavery and trafficking both globally and nationally, and this creates new challenges in how we work to eradicate it.

The Modern Slavery Act 2015 was groundbreaking in setting out Britain's response to this heinous crime and set a global precedent.²⁹

The Act consolidated separate crimes around trafficking, slavery, servitude and forced labour into a single offence and introduced severe punishments for perpetrators, including life sentences. The Act also introduced Slavery and Trafficking Prevention Orders, statutory guidance for public authorities on how to identify victims, and the Independent Anti-Slavery Commissioner to coordinate the national response. There were huge steps forward in assessing the supply of products that involved slave labour, with the introduction of annual modern slavery statements for larger businesses who were required to outline their actions to eliminate slavery from their supply chains.

Since 2015 there have been several independent and government commissioned reviews on the impact of the Act, and in the last three years £13 million was made available to build police response capacity across England and Wales.^{30, 31}



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Beyond action taken at home, the UK has been a global leader in the push to eradicate modern slavery. In 2017, the government, with other states, launched the Call to Action to End Forced Labour, Modern Slavery and Human Trafficking during the 72nd meeting of the UN General Assembly.³² Last year, to coincide with the fifth anniversary of the Modern Slavery Act, the UK was the first government in the world to publish a Modern Slavery Statement, in line with the provisions of the Transparency in Supply Chains clause of the Act.³³

Based on a new police data analysis tool it is believed there could be at least 100,000 victims in the UK³⁴ – a figure 10 times higher than previously estimated.³⁵ There is a risk that the Modern Slavery Act has lured us into a false sense of security that our work in this area is finished. In fact, it has only just begun.

Although we have evidence that incidences of modern slavery are rising across the country, detection is, alarmingly, on the

decline. Last year, detection rates and referrals to the National Referral Mechanism (NRM) decreased for the first time since 2016, by a 14 per cent drop in the first quarter of 2020 and by a further 23 per cent in the second quarter.³⁶ These numbers are still likely to represent just the tip of the iceberg as they only show the cases that were identified, and in the case of adults, where consent was given for a referral to the NRM.

Although 63 per cent of people³⁷ say they are more aware of the issue of modern slavery than they were five years ago, it is not just awareness, but a marked increase in prosecutions and convictions that is needed to pull up modern slavery from its root. Very few perpetrators of modern slavery face prosecutions and even fewer are convicted. In the year ending March 2019 there were 322 completed prosecutions for modern slavery-related crimes and 219 convictions.³⁸ Since March 2016, prosecutions have risen by only 9 per cent, while the number of victims identified and referred to the NRM has

increased by 119 per cent.³⁹ Prosecutions and convictions do not match the increase in modern slavery crimes, meaning too many criminals are acting with impunity.

It is survivors of modern slavery that hold the key to more successful prosecutions.

Their lived experience and eyewitness evidence will dismantle the organised trafficking networks and criminal gangs that drive many of the heinous incidences in the UK. It was the testimonies of two victims, who escaped and provided evidence to the police, that uncovered the largest-ever UK modern slavery ring, where 400 victims had worked for as little as 50 pence a day in squalid conditions.⁴⁰ However, survivors often require support and security to enable them to even consider assisting in the police process. Interview-based research by the British Red Cross in the report *First Steps to Safety?*, found that survivors of trafficking often need more time and support to make decisions about their future than the current system offers.⁴¹ For many victims who are trying to rebuild their lives, assisting the police is the last thing on their minds as they navigate the immigration and welfare system.

The Director of Prosecution Policy and Inclusion at the Crown Prosecution Service told the Home Affairs Select Committee in 2019 that the lack of sustained support for victims is a key factor in the failure to bring successful prosecutions.⁴² Promising pilots have shown that wrap around support gives victims the confidence and security to testify: all 62 survivors referred to a Home Office funded pilot in Leeds assisted the criminal investigation into prosecuting their perpetrators.⁴³

I believe we have a duty to protect modern slavery survivors, which is why the government should enshrine survivor rights in law to guarantee their access to support. Along with Lord McColl of Dulwich, I am the co-sponsor of the Modern Slavery Victim Support Bill⁴⁴, which would give victims in England and Wales a guaranteed right to support during the initial period when the NRM decision is being made, and for a further minimum of 12 months afterwards. Putting victims first and guaranteeing their access to provision is critical to gaining trust and unlocking crucial evidence against their traffickers.

The standard of evidence required for positive conclusive grounds – proving that a person really is a victim of modern slavery – is high, meaning vexatious claims are rooted out by the system. For those trafficked into the country, the provision provided by the Bill would include granting 12 months of discretionary leave to remain to give victims security, as well as the ability to plan ahead as they access vital services. The impact on immigration figures would be negligible as current NRM statistics show that just over 2000 victims with a positive conclusive grounds decision would be granted discretionary leave each year.

Now that we have left the EU, we have the opportunity to rethink our immigration policy as a nation and use it as a vehicle to protect and support the most vulnerable. Victims of modern slavery should receive statutorily required provision, which will not only reduce the risk of re-trafficking but also support survivors to build full and empowered futures. Victims' testimonies are key to dismantling organised trafficking networks and to bring perpetrators to justice. There is an opportunity for the UK government to provide this, and I hope they will seize it with both hands.