

## **Modern Slavery Policy Unit's submission to the UN Special Rapporteur's Call for Input on the Role of Organised Criminal Groups with regard to Contemporary Forms of Slavery**

This submission seeks to answer the questions posed by the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, with an exclusive focus on the UK. It is important to note the limitation that the hidden nature of modern slavery means that the true scale and entire picture of organised criminal groups' involvement in this crime remains somewhat unknown. However, this submission provides a substantial insight into how organised crime and modern slavery interlink and operate in the UK, supported by government data and anecdotal evidence from the Modern Slavery Policy Unit's research and Justice and Care's frontline operations.

### **The Modern Slavery Policy Unit**

The Modern Slavery Policy Unit is a joint initiative co-led by Justice and Care UK and the Centre for Social Justice (CSJ). Justice and Care is a non-governmental organisation that brings together specialists to release and care for victims, dismantle the criminal networks and organised crime groups responsible for this crime and spark systemic change - both national and international. The CSJ is an independent think-tank that aims to place social justice at the heart of British politics by seeking to influence the policies and laws that the Government creates in ways that address the root causes of poverty.

The Modern Slavery Policy Unit's mission is to keep modern slavery at the top of the British political agenda and ensure that the UK fights this crime. It does so by advocating for policy and legislation that centres around victims and their recovery needs; bridging the gap between those working on the frontline and decision makers in Westminster; and bringing together and equipping a strong cross-party caucus of parliamentarians to lead the fight against slavery.

#### **1. Types of criminal groups involved in contemporary forms of slavery**

- 1.1 Offenders engaging in modern slavery are most likely to operate in organised criminal groups or networks (National Crime Agency, 2020:22; Cooper, et al., 2017).
- 1.2 The offenders identified are usually male, however the proportion of police investigations involving female offenders increased to 34% during the first three-quarters of 2019, with this increase largely linked to sexual exploitation (National Crime Agency, 2020:22). The majority of the organised criminal groups identified between January and September 2019 operating in the UK and engaged in modern slavery were classified as British, as a large proportion of their members were British nationals (National Crime Agency, 2020:10,25). The next most significant offender nationality identified in the same period was Romania; followed by China, Vietnam, Albania, Poland, Slovakia, Lithuania, Hungary and Pakistan (National Crime Agency, 2020:25). The Home Office also identified the additional nationalities when analysing the organised crime group members associated with 328 confirmed cases of modern slavery: India, Bangladesh, Malaysia, Thailand, Nigeria, Somalia, Malawi, Czech Republic, Russia, Ukraine, Latvia and Italy (Cooper et al, 2017).

- 1.3 Both British and non-British organised criminal groups are known to have a presence in multiple countries, given the international element to serious organised crime (National Crime Agency, 2020:10).

## **2. The nature and extent of criminal groups' involvement in contemporary forms of slavery**

- 2.1 A 2017 research report published by the Home Office identified 17 types of modern slavery offences in the UK; seven of which were found to entail high levels of organisation, with the involvement of recognised organised crime groups who may also be associated with other types of criminality (Cooper et al, 2017). These highly organised offences include: labour exploitation where victims work for someone other than the offenders; sexual exploitation and child sexual exploitation involving forced sex work in fixed or changing locations; and criminal exploitation involving forced gang-related activity, forced labour in illegal activities or financial fraud, including benefit fraud (Cooper et al, 2017).
- 2.2 Organised criminal groups are known to exploit individuals in other crime types and activities, including immigration crime, sexual exploitation, forced labour, domestic servitude, drug cultivation and distribution, benefit or identity fraud, street begging, possession of firearms and burglaries (MSOIC Unit, 2020:49,51; Gren-Jardan, 2020:19, 40). County-lines is becoming an increasing issue whereby urban gangs supply drugs to suburban areas, market and coastal towns using children, often British, and vulnerable people to transport drugs and money to and from these areas (Gren-Jardan, 2020: 40,48,57). Criminal exploitation is the most common form of exploitation, constituting 34% of all victim referrals to the National Referral Mechanism (NRM) in 2020; an additional 15% of referrals involved a combination of criminal exploitation and other exploitation types, primarily labour (Home Office, 2021:5).
- 2.3 Evidence shows that forced labour occurs in legitimate businesses associated with organised criminal groups where victims work in low-skilled jobs on temporary contracts across hospitality, construction, recycling, cleaning, gardening, packing, agriculture, car washes, food production and processing, factories, beauty and nail salons and fishing boats (Cooper et al, 2017: 17,18; US Department of State, 2020: 514; MSOIC Unit, 2020: 24). Labour exploitation accounted for 21% of all 10,613 NRM referrals in 2020 and was the most commonly reported type of exploitation for adult potential victims, 90% of whom were male (Home Office, 2021:5).
- 2.4 There is limited evidence available on corruption and obstruction of justice committed by organised criminal groups engaged in modern slavery, and hence limited evidence of its effects on victims. According to the NCA, one-quarter of all organised criminal groups are assessed to have the capability to infiltrate, bribe or corrupt private or public sector employees (NCA, 2020:14). However, overall levels of corruption in UK law enforcement are likely to be low (NCA, 2020:14).
- 2.5 The involvement of criminal groups in contemporary forms of slavery can pose additional challenges for victim identification. The use of coercion and manipulation by traffickers on victims makes identification more challenging for several reasons: firstly, many victims may not perceive themselves to be victims; secondly, victims may be too fearful to seek help from authorities due to fear of reprisal from their perpetrators; and lastly, psychological abuse can be difficult to prove because it is not always visible, unlike other forms of abuse, such as physical violence (Gren-Jardan, 2020:18).

For example, Justice and Care's victim navigators<sup>1</sup> and police officers from Essex Police and Devon and Cornwall Police all frequently report that the inability or unwillingness of victims to acknowledge and report their abuse, due to the coercion and fear of their traffickers, results in many victims going unidentified (Gren-Jardan, 2020:18). In addition, Justice and Care's victim navigators have experienced first-hand instances where victims confirm to police that all is well in the presence of their traffickers; but once removed to a place of safety, disclose the harsh details of their abuse (Gren-Jardan, 2020:18).

### **3. Legislative Frameworks**

- 3.1 Through section 45 of the 2015 Serious Crime Act, anyone who takes part in the criminal activities of an organised crime group commits an offence. This includes any activity which a person reasonably suspects will help an organised crime group to carry out criminal activities. Additionally, part two of the 2007 Serious Crimes Act also ensures legal accountability for any individual intentionally encouraging or assisting organised criminal acts (CPS, 2019).
- 3.2 In March 2015 the Modern Slavery Act was introduced in England and Wales as a landmark piece of legislation that provided law enforcement agencies with tools to fight modern slavery, and enhanced protection for victims. This introduced more severe punishments for traffickers, including life sentencing.
- 3.3 UK law governing organised crime does not penalise slavery and human trafficking defendants for their involvement in an organised criminal group. Charges and sentencing are based on their participation in activity which an individual might reasonably suspect aided exploitation or trafficking, meaning that their participation in an organised criminal group is inextricably linked to their crimes, without acting as an aggravating factor increasing penalties.
- 3.4 The Proceeds of Crime Act 2002 (POCA) sets out the legislative scheme for the recovery of criminal assets with criminal confiscation being the most commonly used power. Criminal confiscation upon conviction enables the recovery of proceeds of crime, while Unexplained Wealth Orders (UWO's) and Account Freezing Orders (AFO's) can ensure that assets are available to satisfy any confiscation order which may be made against the defendant (Home Office, 2019:11). Part five of POCA also enables civil asset recovery without criminal conviction through an order issued by the high court (POCA, 2002). The UK anti-money laundering regime requirements are set out in part seven of the POCA (as amended by the Serious Organised Crime and Police Act 2005 (SOCPA)).

### **4. Victims'/survivors' access to justice and to remedies**

- 4.1 Potential victims of modern slavery are directed to the National Referral Mechanism (NRM) - Britain's victim identification and support system set up following the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT). If potential adult victims of modern slavery receive a

---

<sup>1</sup> The Victim Navigator is a unique pilot whereby a specialist worker is deployed into a UK police force, including border teams and serious organised crime units, to provide specialist knowledge and support to modern slavery investigations. The Navigator is designed to help victims of modern slavery to rebuild their lives and engage with the criminal justice system through the provision of wraparound support, from the point of rescue and throughout the investigation process.

positive 'reasonable grounds decision', they are provided with support for a minimum 'recovery period' of 45 days. This includes:

- Access to Government-funded support through the Modern Slavery Victim Care Contract (including accommodation, material assistance, financial support, translation and interpretation services, information and advice)
- Outreach support if already in safe, secure and appropriate accommodation (which may include local authority accommodation or asylum accommodation)
- Access to legal aid for immigration advice
- Medical care and counselling
- Assistance to return to their home country if not a UK national (Home Office, 2021:45)

Trafficked children are being supported by the local authorities that act as the primary service provider for safeguarding child victims regardless of their nationality and immigration status (HO, 2021:45).

- 4.2 Access to support through the NRM is non-conditional on cooperation with criminal investigations and proceedings in accordance with article 12.6 of ECAT (ECAT, 2005:6).
- 4.3 Victims of slavery can make claims against their offender through a Reparations Order as outlined in the 2015 Modern Slavery Act. Victims can also make a claim against the state for its failure to protect the victim or can otherwise make a claim to the criminal injuries compensation authority (CICA). Criminal injuries compensation is not contingent on the conviction of the trafficker, but rather on the basis that the individual has been conclusively identified as a victim of violent slavery or trafficking by the Home Office (ATHUB, n.d.). However, provision of legal aid for applications for CICA is highly limited, therefore preventing many victims from receiving injury compensation (FLEX, 2016:6).
- 4.4 The Asset Recovery Incentivisation Scheme channels confiscated criminal proceeds to the departments fighting against organised crime, meaning that after victims are paid reparations the remaining funds are allocated to the policing of modern slavery and human trafficking (HM Government, 2014:39). The Joint Asset Recovery Database (JARD) indicates that in 2016 £1,464,270 was ceased in criminal confiscations relating to modern slavery while £376,780 was recovered through Cash Seizure Orders (HM Government, 2017:28).
- 4.5 Section 45 of the Modern Slavery Act introduced a Statutory Defence to protect victims of contemporary slavery from prosecution for crimes which they were compelled to commit while enslaved or exploited.

## **5. Other Questions**

- 5.1 Various challenges exist in combatting contemporary forms of slavery committed by organised criminal groups including: the lack of reliable data detailing the true extent of this crime; flaws in victim support; financial fraud; and abuse of the Statutory Defence in Section 45 of the UK Modern Slavery Act.

Firstly, the true scale of modern slavery committed in the UK by organised criminal groups remains unknown due to the hidden and complex nature of this crime, which results in the data available being unreliable (Gren-Jardan, 2020:16). For example, the Home Office estimated there to be 10,000-13,000 potential victims of modern slavery in the UK in 2013; whereas the Modern Slavery Policy Unit estimated that there could be at least 100,000 victims in the UK in 2020 (Gren-Jardan, 2020).

Secondly, it is difficult for victims to leave their exploitative situations with the confidence that they and their families will not be harmed for doing so by the organised criminal groups they have encountered. It is not uncommon for victims to go missing once removed from harm, or to disengage from the criminal justice process for several reasons, including fears of reprisals from perpetrators and flaws in the state support available to victims (Gren-Jardan, 2020:8). Wraparound support for all victims rescued from harm would therefore help to mitigate this challenge.

Financial fraud, including benefit fraud, also remains a significant challenge in combatting modern slavery committed by organised criminal groups as it is a recurring issue that bolsters the capital and power that these groups have (Gren-Jardan, 2020:17). For example, Operation Fort, which exposed the largest modern slavery network ever in the UK involving 400 victims, uncovered significant benefit fraud whereby the organised crime group responsible would claim benefits on behalf of nearly all victims involved into personal bank accounts that victims had no control over (Gren-Jardan, 2020:18).

Furthermore, Section 45 of the Modern Slavery Act which was intended to protect victims from punishment, has become a significant challenge as organised criminal group members increasingly present themselves to be victims to avoid prosecution (Gren-Jardan, 2020:59). The scale of the abuse of the Statutory Defence is unknown, however anecdotal evidence from a number of police officers across England and Wales suggest that this abuse poses a critical challenge to combatting modern slavery (Gren-Jardan, 2020:59).

- 5.2 The UK participates in joint investigations using Joint Investigation Teams (JIT) to investigate and prosecute international cases where traffickers operate, recruit, transport and exploit their victims across jurisdictions (Home Office, 2020: 9). As of October 2020, the UK Crown Prosecution Service was participating in 18 live joint investigations on modern slavery, involving 8 EU member states (Home Office, 2020: 9).

Despite Britain's departure from the EU, the UK government continues to work with European partners to eradicate modern slavery. This cooperation is governed by the Crime (International Cooperation) Act 2003, which establishes powers and tools for investigating, cooperating and providing mutual legal assistance in every country (UK Government, 2020:39).

- 5.3 Criminals have adapted their modes of operating as a result of Covid-19, largely through transferring victims to different labour types to meet wherever demand is greater (Gren-Jardan, 2020). For example, following the introduction of lockdown restrictions, a number of victims in the West Midlands were found working in a cannabis factory, having been moved from a hand car-wash which was forced to close (Gren-Jardan, 2020:64).

Sexual exploitation has also been modified, in that organised crime groups have moved the supply of these services online when in-person services became difficult (Gren-Jardan, 2020:64 and Gren-Jardan, 2021). Once lockdown restrictions began to ease, criminal groups were found to operate "Covid-compliant" brothels (The Guardian, 2021).

These changes in the modus operandi of criminal groups are reflected in the NRM figures, where the exploitation of victims for the purpose of criminal activity, including growing and distributing drugs, is now the most prevalent type of exploitation accounting for 34% of all cases, with an additional 15% for criminal exploitation mixed with labour or sexual exploitation (Gren-Jardan, 2021).

## Bibliography

Cooper, C., Hesketh, O., Ellis, N. & Fair, A. (2017) *A Typology of Modern Slavery Offences in the UK*. Home Office.

Council of Europe (2005) *Council of Europe Convention on Action against Trafficking in Human Beings*. [online] Available at: <https://rm.coe.int/168008371d> [Accessed 14 April 2021].

Crown Prosecution Service (CPS). (2019) *Participating in Activities of an Organised Crime group*. [online] Available at: <https://www.cps.gov.uk/legal-guidance/organised-crime-group-participating-activities> [Accessed 11 April 2021]

FLEX. (2016) *Access to Compensation for Victims of Human Trafficking*. [online] Available at: <https://www.antislaverycommissioner.co.uk/media/1066/dwp-compensation-f.pdf> [Accessed 12 April 2021]

The Guardian. (2021) *Silent victims: the hidden Romanian women exploited in the UK sex trade*. [online] Available at: <https://www.theguardian.com/global-development/2020/nov/30/silent-victims-the-hidden-romanian-women-exploited-in-the-uk-sex-trade> [Accessed 14 April 2021].

Home Office (2020) *2020 UK Annual Report on Modern Slavery*. [online] Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/927111/FINAL-2020-Modern-Slavery-Report-14-10-20.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/927111/FINAL-2020-Modern-Slavery-Report-14-10-20.pdf) [Accessed 14 April 2021].

Home Office (2021) *Modern Slavery: National Referral Mechanism and Duty to Notify Statistics*. [online] Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/970995/modern-slavery-national-referral-mechanism-statistics-end-year-summary-2020-hosb0821.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/970995/modern-slavery-national-referral-mechanism-statistics-end-year-summary-2020-hosb0821.pdf) [Accessed 14 April 2021].

Home Office (2014) *Modern Slavery Strategy*. [online] Available at: [https://www.antislaverycommissioner.co.uk/media/1079/modern\\_slavery\\_strategy\\_final\\_dec2015.pdf](https://www.antislaverycommissioner.co.uk/media/1079/modern_slavery_strategy_final_dec2015.pdf) [Accessed 14 April 2021].

Home office (2021) *Modern Slavery: Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act) and Non-Statutory Guidance for Scotland and Northern Ireland*. [online] Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/974794/March\\_2021\\_-\\_Modern\\_Slavery\\_Statutory\\_Guidance\\_EW\\_Non-Statutory\\_Guidance\\_SNI\\_v2.1\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/974794/March_2021_-_Modern_Slavery_Statutory_Guidance_EW_Non-Statutory_Guidance_SNI_v2.1_.pdf) [Accessed 14 April 2021].

Gren-Jardan, T. (2020) *It Still Happens Here: Fighting UK Slavery In The 2020s* [online] The Centre for Social Justice and Justice and Care. Available at: <https://www.centreforsocialjustice.org.uk/wp-content/uploads/2020/07/It-Still-Happens-Here.pdf> [Accessed 11 April 2021].

Gren-Jardan, T. (2021) *Modern slavery isn't in retreat. It's simply taking cover underground*. [online] Conservative Home. Available at: <https://www.conservativehome.com/platform/2021/03/tatiana-gren-jardan-modern-slavery-isnt-in-retreat-its-simply-taking-cover-underground.html> [Accessed 14 April 2021].

National Crime Agency (NCA) (2020) *National Strategic Assessment of Serious and Organised Crime 2020*. National Crime Agency. Accessed at: <https://www.nationalcrimeagency.gov.uk/news/nsa2020> [Accessed 14 April 2021].

NPCC Modern Slavery and Organised Immigration Crime (MSOIC) Unit (2020) *Modern Slavery Police Transformation Training Programme Annual Report 2020*. [Online] Available at: <https://policingslavery.co.uk/annual-reports-and-programme-newsletters/#> [Accessed 11 04 2021].

Stripe, N. (2020) *Modern slavery in the UK - Office for National Statistics*. [online] Ons.gov.uk. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/modernslaveryintheuk/march2020#measuring-modern-slavery> [Accessed 14 April 2021].

US Department of State (2020) *Trafficking in Persons Report 20th Edition*. [online] US Department of State, p.514. Available at: <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf> [Accessed 11 April 2021].

Winchester, N. (2020) *Policing in the UK: Serious Organised Crime*. [online] UK Parliament. Available at: <https://lordslibrary.parliament.uk/research-briefings/lln-2020-0016/> [Accessed 12 April 2020]