



The role of organised criminal groups with regard to contemporary forms of slavery

Submission by the Rights Lab, University of Nottingham

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About Us

The Rights Lab at the University of Nottingham is the first large-scale research platform for ending slavery, bringing together the largest group of modern slavery scholars in the world to tackle a key challenge of global development and one of the great human rights issues of our time. The Rights Lab works to support the wider antislavery movement with an advanced research agenda. More information about the Rights Lab is available at: <http://www.nottingham.ac.uk/rights-lab>

1. Introduction

The involvement of organised criminal groups in contemporary forms of slavery is pervasive and multi-faceted. Although not a pre-requisite for offending, the participation of organised criminal actors can increase the overall prevalence of contemporary forms of slavery (CFS) in particular areas, create and exacerbate vulnerabilities of particular populations, facilitate State corruption and complicity, and make combatting the phenomenon more difficult. This submission draws on ongoing Rights Lab research to consider:

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2. The intersection between organised criminal groups and the State

Contemporary forms of slavery committed by organised criminal actors endure where States are unable or unwilling effectively to enforce anti-slavery norms and protect human rights.

The inability of State institutions to tackle organised contemporary forms of slavery (CFS) often results from a combination of geographic, institutional, and resourcing factors. However, the dynamics of contributing factors that enable the operation of organised criminal actors vary between different national contexts, as do the specific criminal groups involved. Thus for any given national context, both

the overarching shared factors driving issues in State capacity and unique local patterns must be accounted for.

Geographic isolation of workplaces from state enforcement mechanisms, including on high seas fishing vessels, in plantations in isolated settings, and in home-based informal work, can facilitate exploitation. In these spaces, organised criminal groups are able to perpetuate contemporary forms of slavery with reduced risk of punishment by the State. Changes to migration routes as a result of increased border restrictions, including in connection to Covid-19, also has the effect of diverting vulnerable migrants towards more dangerous, irregular, and invisible routes beyond the reach of State enforcement. These patterns place migrants at greater risk of exploitation, trafficking, kidnapping, and other abuse.

Conflict and instability also degrade the capacity of the State to tackle CFS by organised criminal groups, and create conditions in which CFS can occur at higher levels. Forms of modern slavery and human trafficking have been present in 90% of modern wars.¹ In some recent conflicts, for example in Libya, access to revenues from transnational trafficking in persons has become a major factor in conflict dynamics, perpetuating conflict and entrenching large-scale slavery.² In other recent conflicts, the inability of the state to enforce anti-slavery norms has permitted non-state armed groups such as ISIL/Da'esh to engage in transnational organised slavery not only as method of revenue generation but also as a method for terrorisation and degradation of enslaved populations.³ In addition to CFS being employed by armed groups in conflict, conflict and instability exacerbate risks and vulnerabilities to CFS, including through degradation of the rule of law and displacement of populations.

States' unwillingness to enforce anti-slavery norms against organised criminal groups is often related to two factors: (1) marginalisation of vulnerable groups; and (2) corruption.

Involvement of organised criminal groups in CFS appears to be more likely where states are unwilling to protect vulnerable groups.⁴ In some countries, historically marginalised groups are also at heightened risk. Informal and discriminatory social norms that impede these groups' enjoyment of their human rights increase the risk of violation of their right to be free from slavery. For example, in South and Southeast Asia, Rohingya have faced heightened risk of enslavement by transnational organised crime groups, including being kidnapped, detained and murdered on off-shore vessels and in isolated prison camps.⁵ Roma communities across Europe are also noted to be particularly at risk, with widespread discrimination and institutional exclusion intersecting with cultural and community norms to make people from these communities particularly vulnerable to CFS by organised criminal groups.⁶ Other particularly vulnerable groups include (among others): minority clans in Somalia, including Somali ethnic Bantus; Yazidis in Iraq; Christians in Iraq and Pakistan; Sikhs in Pakistan; Egyptian communities in Albania; and Uyghur Muslims, ethnic Kazakhs, ethnic Kyrgyz, and other Muslims in China.⁷

Across national contexts, migrant workers, especially women, are at heightened risk of enslavement by transnational organised criminal groups. Refugees, people seeking asylum, and internally displaced persons are particularly at risk—not only in displacement camps and while on the move (where risks can be acute), but also in destination States. Organised criminal groups often target vulnerable populations in camps, particularly in context where security is low. The intersection between smuggling and trafficking for people on the move also places people in the hands of organised criminal groups. Where regular migration options are limited, vulnerable migrants often revert to criminal organisations to facilitate their travel. Journeys can become increasingly precarious as they progress, and migrants become increasingly vulnerable. Organised criminal actors, often operating in transnational networks (whether loosely or hierarchically structured), play a central roles in transnational smuggling and trafficking.

¹ Kevin Bales, Angharad Smith, and Monti Datta, 'Contemporary Slavery in Armed Conflict', available [here](#).

² See for instance Jean-Louis Romanet Perroux, 'Human Trafficking, Smuggling and Governance in Libya: Implications for Stability and Programming' (USAID, May 2020).

³ Nadia Al-Dayel, Andrew Mumford and Kevin Bales, 'Not Yet Dead: The Establishment and Regulation of Slavery by the Islamic state' (2020) *Studies in Conflict & Terrorism*.

⁴ See for instance Katarina Schwarz, Ana Valverde-Cano, Alexandra Williams-Woods and Daniel Ogunniyi, 'The Top 20 Source Countries for Modern Slavery Victims in the UK: Comparative Report' (*The Rights Lab*, April 2021), available [here](#).

⁵ See Amy Gunia, 'Human Traffickers Accused of 'Crimes Against Humanity' in Thailand and Malaysia' (*Time*, 28 March 2019).

⁶ Schwarz et al, above n 4.

⁷ Ibid.

Organised criminal groups actively work to corrupt state officials, using both coercion and remuneration.⁸

Corruption creates situations of official complicity in CFS, facilitating offending and impunity, as well as fostering direct involvement in some cases. In south-east Asia, corruption is so integral to the use of forced labour in some aspects of agriculture that it has been described as a *mafia system*.⁹ In Eritrea, officials were noted to be to be complicit in both trafficking and abduction, combined with widespread state imposition of indefinite forced conscription and national service that have been labelled a form of modern slavery. In Pakistan, local government officials have been reported to be responsible for trafficking, while local officials and border agents in Iraq were also noted to demonstrate complicity and direct involvement. Corruption was described as 'rampant' in Somalia, while Iranian officials were specifically noted to acquiesce to, and perpetrate, commercial sexual exploitation and trafficking of women and girls.¹⁰ Corruption is a means by which illegal movement and exploitation of people is organised.¹¹

Violence and intimidation of government officials often plays an important role. In Brazil, for example, criminal groups involved in labour trafficking have a history of threatening and visiting violence on government officials responsible for areas where trafficked labour is exploited.¹² Organised criminal groups also use bribery and remuneration to corrupt officials. This is why bribery is a significant factor in trafficking organisations' overhead costs.¹³ This has been well documented, for example, in the Thai fishing industry.¹⁴ Despite recent efforts by the Thai government to address these challenges, the ILO found in 2020 that coercion and involuntary work are still prevalent because 'officials either do not see or simply ignore these abuses', leading it to conclude that 'the industry and government officials have apparently reached an accommodation – most visible in fishing at the provincial level – that causes some violations to go undetected or unreported.'¹⁵

Corruption is normalised by drawing on local and informal norms to justify exploitation and enslavement. In Brazil, for example, exploiters and traffickers draw on traditional social norms around honour and obligation to create moral dependency between enslaved workers and their exploiters.¹⁶ Over time, corruption can become entrenched, leading to government complicity or, worse, state capture. In the most extreme cases, governmental actors may come to see transnational organisation of contemporary forms of slavery as a source of revenue and a mechanism for social and political control. The United Nations system has documented examples of governments participating in transnational organisation of contemporary forms of slavery in the Democratic People's Republic of Korea¹⁷ and Eritrea¹⁸.

⁸ United Nations Office on Drugs and Crime (UNODC), 'The Role of Corruption in Trafficking in Persons' (UNODC, 2011); Sheldon X Zhang and Samuel L Pineda, 'Corruption as a causal factor in human trafficking', in D Siegel and H Nelen, (eds), *Organized Crime: Culture, markets and policies* (Springer Science+Business Media, 2008); Osita Agbu, 'Corruption and human trafficking: The Nigerian case' (2003) 4(1) *West Africa Review* 1; PACO, 'Trafficking in human beings and corruption: Report on the regional seminar' (Program against corruption and organised crime in South Eastern Europe, Economic Crime Division, 2002).

⁹ Tanya Murray Li, 'After the land grab: Infrastructural violence and the "Mafia System" in Indonesia's oil palm plantation zones' (2018) 96 *Geoforum* 328. See also James Cockayne, 'Developing Freedom: The Sustainable Development Case for Ending Modern Slavery, Forced Labour and Human Trafficking' (United Nations University, 2021).

¹⁰ Schwarz et al, above n 4, 27.

¹¹ See Verité and Freedom Fund, *An Exploratory Study on the Role of Corruption in International Labor Migration* (London, 2016); Robert E. Wright (2017). *The Poverty of Slavery: How Unfree Labor Pollutes the Economy*. Cham: Palgrave Macmillan, pp. 180-181.

¹² See Cockayne, above n 9, 102-103.

¹³ UNODC, above n 8; Ray Jureidini, 'Transnational Culture of Corruption in Migrant Labour Recruitment', in M McAuliffe and M Klein Solomon (Conveners) *Migration Research Leaders' Syndicate: Ideas to Inform International Cooperation on Safe, Orderly and Regular Migration*. (Geneva: IOM, 2017), 67-72.

¹⁴ Cockayne, above n 9, 181; Environmental Justice Foundation, 'Slavery at Sea: The Continued Plight of Trafficked Migrants in Thailand's Fishing Industry' (EJF, 2014); Environmental Justice Foundation, 'Thailand's Seafood Slaves: Human trafficking, slavery and murder in Kantang's fishing industry' (EJF, 2015).

¹⁵ ILO, 'Endline research findings on fishers and seafood workers in Thailand' (Geneva, 2020).

¹⁶ Cockayne, above n 9, 103.

¹⁷ UN Human Rights Council, 'Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea' (7 February 2014) UN Doc. A/HRC/25/CRP.1.

¹⁸ UN Human Rights Council, 'Detailed findings of the Commission of Inquiry on Human Rights in Eritrea' (8 June 2016) UN Doc. A/HRC/32/CPR.1.

3. Proceeds of crime, money-laundering, and illicit financial flows¹⁹

Handling the proceeds of contemporary forms of slavery may constitute money-laundering, or, where the group involved is connected to terrorism, terrorist financing.²⁰ Financial institutions have responsibilities to report suspicious transactions that may be connected to CFS. The UN Security Council has repeatedly called attention to the need for financial institutions and governments to use the Anti-Money Laundering/Combating the Financing of Terrorism (AML/CFT) system to address human trafficking.²¹ Effective use of AML/CFT tools to identify and trace the financial flows associated with CFS can facilitate effective investigation of these crimes, and support successful prosecutions through development of documentary evidence and reduction of reliance on oral testimony by victims and survivors.²² Numerous anti-money laundering bodies, including the Financial Action Task Force and various FATF-Style Regional Bodies (FSRBs) have developed typologies and guidance to encourage use of AML/CFT tools to address trafficking in persons.²³

There is a discernible trend towards greater use of AML/CFT enforcement tools by States to address connections between transnational organised crime and CFS. In the US, Western Union reached a USD 60 million settlement in 2018 arising out of allegations of money-laundering relating to human trafficking. In Australia, attention has been heightened by the levelling of the largest-ever AML fine in Australian history against one of the major banks, after it was discovered to have failed to prevent AML violations relating to child sexual exploitation in the Philippines. A joint initiative by the governments of Australia, Liechtenstein and The Netherlands, together with the Association of Certified Anti-Money Laundering Specialists, has trained over 9,000 financial sector professionals in more than 135 countries on using AML/CFT tools to address modern slavery, since June 2020.

States are also increasingly using sanctions as instruments to address these connections, laying the groundwork for asset freezes and recovery. The United Nations Security Council sanctioned six Libyan human traffickers in 2018, though to date there does not appear to have been any asset forfeiture process initiated in relation to these traffickers.²⁴ The United States has sanctioned both individuals and organisations suspected of involvement forced labour in human trafficking. The UK Government recently imposed sanctions on two North Korean entities involved in transnational organized forced labour.

The financial flows arising from CFS may also constitute illicit transnational financial flows wherever the value from exploitation is captured in a jurisdiction that is different from the source of the labour.²⁵ For example, where migrant workers have been illegally exploited, underpaid and kept in debt bondage, the profits accrued by their exploiters are, in effect, stolen remittances that would otherwise have been sent back to the host country to fuel economic development.²⁶ Migrant worker host countries that fail to prevent such exploitation and theft, or to remedy it, may be enabling illicit transfers of value from the

¹⁹ See also James Cockayne, 'Developments in the Field: Working with the Financial Sector to Correct the Market Failure of Modern Slavery' *Business and Human Rights Journal*, available [here](#).

²⁰ See Finance Against Slavery and Trafficking, 'Unlocking Value: A Blueprint for Mobilizing Finance Against Slavery and Trafficking' (UNU, 2019); UN CTED, 'Identifying and Exploring the Nexus Between Human Trafficking, Terrorism, and Terrorism Financing' (New York, 2019).

²¹ See for instance UNSC Resolutions 2331 (2016) and 2388 (2017).

²² FAST 2019.

²³ See for example Financial Action Task Force and APG, 'Financial Flows from Human Trafficking' (FATF, July 2018); Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG), 'Typologies project report on the vulnerabilities of money laundering related to trafficking in persons in the ESAAMLG region (September 2011)' (2011) ESAAMLG/TFM/XXII, WGTY, doc. TIP (REV1); Asia/Pacific Group on Money Laundering, 'APG Yearly Typologies Report: Methods and Trends of Money Laundering and Terrorism Financing' (July 2018); Caribbean FATF (CFATF), Working Group on Typologies, 'Human Trafficking and Smuggling of Migrants (2014)', (July 2014); Select Committee of Experts on the Evaluation of Anti-Money Laundering Measures (MONEYVAL), European Committee on Crime Problems (CDPC), Workshop 5 Project Team, 'Proceeds from trafficking in human beings and illegal migration/human smuggling, MONEYVAL (2005) 7', (Strasbourg, May 2005); Middle East and North Africa Financial Action Task Force (MENAFATF), 'Biennial Typologies Report' (2014); The Bali Process, 'Policy Guide on Following the Money in Trafficking in Persons Cases: An introductory guide for practitioners on using financial investigation tools in trafficking in persons cases' (Australian Government Department of Home Affairs, July 2018).

²⁴ See UN Doc. S/RES/2441 (5 November 2018).

²⁵ Fabrizio Sarrica, 'Stealing Labour: An Economic Analysis of Forced Labour and Human Trafficking' (2015) 8 *Forum on Crime and Society* 137, 150.

²⁶ Compare Frank Laczko and Gergana Danailova-Trainor, 'Trafficking in Persons and Human Development: Towards A More Integrated Policy Response'. UNDP Human Development Reports, Research Paper 2009/51, October 2009. New York: UN Development Programme, pp. 29-30.

sending country to their own economy. International stolen assets recovery initiatives, such as the joint UNODC-World Bank StAR Initiative may be useful for identifying and recovering such assets.

Despite promising steps in this area, asset recovery and use of recovered assets to compensate victims remain very low. For example, in Europe in 2015-2016, 72 orders freezing assets associated with trafficking cases were reported, freezing property worth EUR 6,099,984.²⁷ A further 38 asset confiscation orders (seizure, not merely freezing) recovered property worth EUR 2,008,416. This is a very small fraction of the total asset freezes and seizures for that period across all offences – around EUR 2.4 billion and EUR 1.2 billion respectively.²⁸ In the United States between 2012 and 2016, the average restitution award in trafficking cases was USD 59,244.25.²⁹

4. Case study: the role of organised criminal groups in contemporary forms of slavery in Sudan³⁰

Based on increased efforts to reduce trafficking in the country, Sudan was recently moved from Tier 3 to the Tier 2 Watchlist in the US Department of State's Trafficking in Persons ratings. This indicates that the Government of Sudan has made significant or considerable effort to comply with the minimum standards outlined in the United States Trafficking Victims Protection Act of 2000. However, while the Government has made significant efforts to address human trafficking and slavery within and across its borders, there is considerable evidence of ongoing exploitation. Exploitation—both in the form of human trafficking and other modern slavery practices—remains prevalent in Sudan. Frequent targets include women, children, refugees, and displaced persons.

The Rights Lab has recently concluded a project exploring the effects of the COVID-19 pandemic and the practices, prevalence, and responses to modern slavery in Sudan. This case study draws primarily from that project, which employed combined systematic evidence review with key informant interviews and a stakeholder survey, covering the following key issues:

1. Is there evidence of organised criminal groups engaging in contemporary forms of slavery in Sudan?
2. Does the involvement of organised criminal groups in contemporary forms of slavery pose additional challenges in the identification of victims in Sudan?
3. What are the key challenges in combating contemporary forms of slavery committed by organised criminal groups in Sudan?

4.1. Background

This case study identifies evidence of organised criminal groups engaging in human trafficking in Sudan. It builds on prior research conducted before the pandemic and evidence from key stakeholders working to evaluate the implications of the pandemic. This evidence suggests that organised militia groups and broadly termed tribal organisations are engaged in and/or benefit from human trafficking.

Migrants travelling along the Central Mediterranean Route (CMR) from the east cross through Sudan. The CMR is considered one of the most dangerous migratory routes in the world, not only because of the geography and the necessity of crossing both the Sahara and the Mediterranean but also, and perhaps more so, because of the risk migrants face to human trafficking, abduction and exploitation.³¹

²⁷ European Commission, 'Data collection on trafficking in human beings in the EU' (European Union, 2018), 103.

²⁸ Ibid. See also Europol, 'Criminal Asset Recovery in the EU: Survey of Statistical Information 2010-2014' (Europol, 2016).

²⁹ Alexandra Levy, 'United States Federal Courts' Continuing Failure to Order Mandatory Criminal Restitution for Human Trafficking Victims' (The Human Trafficking Legal Center, September 2018).

³⁰ This case study is based on research conducted in the project 'The Impact of Covid-19 on Modern Slavery in Transition: A Cases Study of Sudan' funded by the Arts and Humanities Research Council through the Modern Slavery and Human Rights Policy and Evidence Centre. An emerging findings briefing is publicly available [here](#), with a full report to follow (available from the Rights Lab website [here](#) on 30 April 2021).

³¹ United Nations High Commissioner for Refugees, 'Live Learn and Participate Overview' (October 2019).

The situation in Libya has made this route increasingly dangerous,³² but the externalisation of EU borders and agreements like the Khartoum process have been widely critiqued as contributing factors.³³ Described as palliative, the Khartoum process is seen as responding to the outcome—irregular migration to Europe—rather than the root causes of migration. By closing borders and criminalising migration, the effect of the Khartoum Process has been to increase the use of smugglers and more dangerous routes, in turn increasing the risks to trafficking, abduction, and exploitation.³⁴ Further, as the routes have become more complicated and dangerous, they are increasingly governed by organised groups who profit from the exploitation of vulnerable migrants. Within Sudan, militias and tribal entities are engaged in smuggling and trafficking as well as in border control where they engage in migrant extortion.

4.2. The involvement of organised criminal groups in contemporary forms of slavery in Sudan

Evidence indicates that organised groups engage in human trafficking in and through Sudan. These groups operate in different areas of Sudan. Here we identify three separate affiliations.

Toubou Tribe

Within southeast Libya, there is no formal government and is instead governed by the semi-nomadic Toubou peoples. In the absence of a formal economy, tribal organisation profits from people smuggling and human trafficking. Migrants may be held and forced to work in exchange for continued migration, or, held for ransom and extortion.³⁵ Prior scholarship has identified the commonality of human trafficking in Southeast Libya by the Toubou tribe, a semi-nomadic group operating with autonomy in the region.³⁶

Al Rashaida Tribe

Eastern Sudan is considered a key transit route for Eritreans who consider it a stopping point during their migratory journeys.³⁷ Eritreans often engage a smuggler in order to travel northwards. Prior scholarship has identified the role of the Rashaida Tribe in moving illicit goods and irregular migrants through the Sinai route and into Khartoum.³⁸ They operate in the Kassala State as well as Eritrea. This semi nomadic, pastoralist tribe is armed and has also abducted and trafficked individuals, holding them for ransom or debt bondage. According to reports of IOM and UNHCR, they are the most common trafficking perpetrator in the area.³⁹

Rapid Support Forces (RSF)

The Rapid Support Forces monitor and patrol the borders of Sudan. According to interviews with key informants, members of the RSF engage in smuggling and human trafficking, in addition to extorting bribes from migrant caravans who are being smuggled or trafficked across the Sudanese border they are meant to patrol. Interviewees asserted that the RSF paramilitary forces who were 'legitimised' in 2015, operate with impunity because of the delicacy of the transitional government.⁴⁰ More lucrative migratory routes—in terms of possible income through trafficking, extortion, and bribery—were 'given' out to RSF subunits in exchange for loyalty or other services. Interviewees highlighted, in particular,

³² Daria Davitti, 'Biopolitical Borders and the State of Exception in the European Migration "Crisis"' (2018) 29(4) *European Journal of International Law* 1173.

³³ See Lucy Hovil and Lutz Oette, 'Tackling the Root Causes of Human Trafficking and Smuggling from Eritrea: The Need for an Empirically Grounded EU Policy on Mixed Migration in the Horn of Africa' (*International Refugee Rights Initiative, SIHA Network, and SOAS*, November 2017).

³⁴ Daria Davitti and Annamaria La Chimia, 'A Lesser Evil? The European Agenda on Migration and the Use of Aid Funding for Migration Control' (*UCD Working Papers in Law, Criminology & Socio-Legal Studies Research Paper No. 07/17*, April 2017); Katie Kuschminder and Anna Triandafyllidou, 'Smuggling, Trafficking, and Extortion: New Conceptual and Policy Challenges on the Libyan Route to Europe' (2020) 52(1) *Antipode* 206.

³⁵ Tuesday Reitano and Mark Shaw 'Libya: The Politics of Power, Protection, Identity, and Illicit Trade.' (Crime-Conflict Nexus Series No. 3, *United Nations University Centre for Policy Research*, 2017).

³⁶ Kuschminder and Triandafyllidou, above n 34.

³⁷ Rachel Humphris, 'Refugees and the Rashaida: human smuggling and trafficking from Eritrea to Sudan and Egypt' (*UNHCR*, 2013).

³⁸ Ibid; see also Katie Kuschminder 'Before disembarkation: Eritrean and Nigerian migrants journeys within Africa' (2020) *Journal of Ethnic and Migration Studies*; Hassan A Abdel Ati, 'Human Smuggling and Trafficking in Eastern Sudan' (Sudan Report No 2, *CHR Michelsen Institute*, 2017).

³⁹ Ati, *ibid*.

⁴⁰ See Eman El-Sherbiny, 'Sudan's Transition Overlord Hemeti Still Wreaking Havoc in Darfur' (*The Africa Report*, 6 October 2020).

their role in western Sudan and Darfur specifically. Paradoxically, because of the role of the RSF in committing atrocities in Darfur, international actors will not engage them in training or support on the topic of trafficking.⁴¹

4.3. Challenges to victim identification posted by the involvement of organised criminal groups in contemporary forms of slavery

It is hard to overstate the effect of the RSF and the two tribal organisations described above in creating challenges to victim identification.

The lack of government in the areas where people are being trafficked has allowed a power vacuum into which these criminal organisations have asserted their power. In the southeast section of Libya, the Toubou tribal organisation is in large part the functional government. The Rashaida operate outside of Sudanese or Eritrean jurisdiction and largely without institutional oversight. Both groups have extended networks within the region and across the various territories allowing them to work around borders and governments. With little to no governmental oversight or victim protection after identification, identification of survivors and persecution of perpetrators is limited.

The RSF is the responsible border patrol entity. However, given their history of atrocities, interviewees described them as a red line: international actors are unwilling to expend resources training them or provide them with tools which could be weaponised for similar purposes. Thus, the entities policing the border have received little to no training, and have few resources with which to identify victims. Further, accusations of their role in perpetrating human trafficking make victims and care providers unwilling to engage with them.

4.4. Key challenges in combating contemporary forms of slavery committed by organised criminal groups in Sudan

Challenges to combatting modern slavery and human trafficking by criminal groups in the Sudan were identified in interviews with key informants during the course of the research project. These include:

1. The transition of the Sudanese government from the Bashir regime contributed to a loss of institutional memory. Many civil servants left during the transition period, leaving a gap in knowledge about basic bureaucratic functions. Interviewees suggested this made basic governmental functioning more difficult, including policing and prosecuting trafficking.
2. The pandemic shuttered public institutions in Sudan, including the court system, as well as decreasing police activity. This reduced identification of victims and prosecution of perpetrators.
3. The role of the RSF in both perpetuating and policing modern slavery and human trafficking has made it difficult to identify survivors and ensure they are adequately brought in and provided care.
4. The tribes in border and peripheral areas that perpetuate modern slavery and human trafficking operate across borders and outside of governmental oversight.
5. While the police have received ample training from international actors, and the central government has put adequate legislation in place, they lack the resources to police modern slavery and human trafficking, or a system to provide post-identification survivor care.

The crime of human trafficking in and through Sudan relies on the participation of organised criminal actors. Often these actors, responding to the lack of opportunities for regular migration, provide a service to migrants helping them to circumnavigate restrictions and closed borders. In the process,

⁴¹ Audrey Lumley-Sapanski, Katarina Schwarz, and Ana Valverde-Cano, 'The Impact of Covid-19 on Modern Slavery in Sudan' (Rights Lab, April 2021 – forthcoming).

migrants are often turned over to traffickers or exploited by these same actors who abduct and sell them or hold them for ransom and forced labour. SDG 8.7 requires governments to take immediate and effective measures to eradicate forced labour and modern-day slavery. As this case study has demonstrated, the geography and governance of Sudan presents a unique set of challenges to policing these actors. It is imperative that governments, international non-governmental organisations, and inter-governmental actors engage the transitional government of Sudan and regional partners in providing safe and orderly opportunities for migration, and, criminalising and prosecuting perpetrators. The rule of law must be extended to the border forces who require training and persecution when guilty of perpetration.

5. Case study: the role of organised criminal groups in 'County Lines' exploitation in the UK⁴²

'County Lines' (CL), refers to the domestic migration of drugs from urban to rural and coastal areas in the UK, often across different local authority (or 'county') jurisdictions using a branded mobile phone 'line'.⁴³ While there remains significant debate about the inception of CL,⁴⁴ it is suggested that the model emerged as a response to the saturation of drug availability in major metropolitan areas,⁴⁵ motivating criminals to seek out fresh demand or take control of existing local drugs markets⁴⁶ in 'provincial towns and cities within a wide radius of their home turf' to deliver and retail drug product.⁴⁷

Since becoming a national priority in the UK 2018, CL has been situated by the Government as a form of organised crime, placing 'gangs' and organised criminal networks at the centre of rising levels of violence, exploitation and illicit drug distribution.⁴⁸ In their most recent strategic assessment, the UK's National Crime Agency has associated CL with increases in both gun and knife crime, 'an expansion of gangs and organised crime outside of urban centres', and the increase in the 'coercive control and exploitation of vulnerable populations for the purposes of drug dealing'.⁴⁹

The extent to which many CL networks are organised is contested, and some scholarship asserts that the groups involved in CL present themselves as a 'hybrid between traditional street gangs and organised crime groups', noting that those involved were 'visible, known to police and operated at street level where organised criminals tend not to operate'.⁵⁰ While this may hold true for many of the networks involved in CL across the UK, the proliferation of the trafficking of children, the aforementioned increase in gun and knife crime, as well as rising cases of money laundering and cybercrime suggest that CL activity does involve many elements of organised crime.⁵¹

⁴² This case study draws on insights from the project 'Covid-19 and Child Criminal Exploitation: Closing Urgent Knowledge and Data Gaps on the Implications of the Pandemic for County Lines' (see [here](#)). Further insights are available in our [interim research briefing](#) and [evidence submission](#).

⁴³ National Crime Agency, 'NCA Intelligence Assessment: County Lines, Gangs and Safeguarding' (2015).

⁴⁴ Jack Spicer, Leah Moyle, and Ross Coomber, 'The variable and evolving nature of "cuckooing" as a form of criminal exploitation in street level drug markets' (2020) 23 *Trends in Organised Crime* 301; Alexandra Turner, Lucy Belcher, and Iryna Pona, 'Counting Lives: Responding to Children who are Criminally Exploited' (*The Children's Society*, July 2019).

⁴⁵ Grace Robinson, Robert McLean, and James Densley, 'Working County Lines: Child Criminal Exploitation and Illicit Drug Dealing in Glasgow and Merseyside' (2019) 63(5) *International Journal of Offender Therapy and Comparative Criminology* 694; James Windle and Daniel Briggs "'It's like working away for two weeks": The harms associated with young drug dealers commuting from a saturated London drug market' (2015) 17(2) *Crime Prevention and Community Safety* 105.

⁴⁶ Nigel Stone, 'Child Criminal Exploitation: "County Lines", Trafficking and Cuckooing' 18(3) *Youth Justice* 285.

⁴⁷ Coomber & Moyle, 'The Changing Shape of Street-Level Heroin and Crack Supply in England: Commuting, Holidaying and Cuckooing Drug Dealers Across "County Lines"' (2018) 58(6) *British Journal of Criminology* 1323, 1323.

⁴⁸ Home Office, 'Serious Violence Strategy' (*HM Government*, April 2018).

⁴⁹ Robert McLean, Grace Robinson and James Densley, *County lines: Criminal networks and evolving drug markets in Britain* (1st edn, Springer 2020).

⁵⁰ Jessica Jaensch and Nigel South, 'Drug Gang Activity and Policing Responses in an English Seaside Town: "County Lines", "Cuckooing" and Community Impacts' (2018) 69(4) *Journal of Criminal Investigation and Criminology Revija Za Kriminalistiko in Kriminologijo*, 269.

⁵¹ Andrew O'Hagan and Amy Long, 'The socioeconomic effects of organised crimes county lines on the United Kingdom community' (2019) 7(5) *Forensic Research & Criminology International Journal* 274.

5.1. The nature and extent of criminal groups' involvement in County Lines exploitation

The County Lines model relies on the criminal exploitation of children and adolescents as 'runners' to move and sell drugs in areas far away from their homes.⁵² The use of young people in these operations offers distance and anonymity for dealers, providing them the opportunity to manage drug supply from their homes without having to remain present in market areas themselves.⁵³ Adults are also known to be exploited as drug 'runners' and 'commuters', particularly in circumstances where existing drug users are controlled as 'user dealers'.⁵⁴ The degree of child criminal and sexual exploitation in CL operations is also uncertain,⁵⁵ yet there is certainly acknowledgement of sexual exploitation within some CL environments, particularly where females are involved.⁵⁶

In County Lines, the criminal exploitation of children:⁵⁷

...occurs where an individual or group takes advantage of an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18 into any criminal activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial or other advantage of the perpetrator or facilitator and/or (c) through violence or the threat of violence. The victim may have been criminally exploited even if the activity appears consensual.

Despite their exploitation, adolescent victims often also exhibit agency and entrepreneurialism in their engagement with County Lines, seeing it is a way to earn money, gain kudos and maintain their identity with peers.⁵⁸ The dualism of their experience, in that they are exploited to commit crimes while under the control of others, poses particular challenges in their identification as victims. The process of grooming and influence that are used to coerce and control young people's engagement in the drug supply often means that many victims are uncooperative, and actively hostile towards law enforcement.

It should also be noted that the attribution of youth violence and drug market participation to 'gangs' continues to be used as a means to legitimise the over-policing of black communities, contributing to the differential treatment of young black men in the criminal justice system.⁵⁹ It 'others' specific groups and communities as problematic and requiring of state intervention and fails to situate these issues within issues of socio-economic inequality.⁶⁰

5.2. Use of special investigative techniques

In order to tackle County Lines, London's Metropolitan Police Service (responsible for law enforcement in the Metropolitan Police District consisting of 32 London boroughs) has implemented the use of cell-site analysis to co-locate the personal mobile phones of drug dealers with the main drugs line phone used in the County Lines network. The operation, known as Operation Orochi, has been working in partnership with other territorial police forces across England and Wales to secure more than 1,000 charges against suspects linked to County Lines between November 2019 and January 2021.⁶¹

5.3. Access to justice and remedies for victims and survivors

Victims of County Lines are referred into the National Referral Mechanism (the UK's framework for identifying potential victims of modern slavery and human trafficking) and assessed by the Single

⁵² Turner et al, above n 44; Lauren Wroe, 'Contextual Safeguarding and "county Lines"' (*Contextual Safeguarding Network, The International Centre, and Institute of Applied Social Research*, 2019).

⁵³ National Crime Agency, above n 43.

⁵⁴ Simon Harding, *County Lines: Exploitation and Drug Dealing Among Urban Street Gangs* (Bristol University Press, 2020).

⁵⁵ Wroe, above n 52.

⁵⁶ Robinson et al, above n 45.

⁵⁷ Home Office, above n 48, 8.

⁵⁸ Harding, above n 54; Robert Francis Hesketh and Grace Robinson, 'Grafting: "the boyz" just doing business? Deviant entrepreneurship in street gangs' (2019) 18(2) *Safer Communities* 54.

⁵⁹ Patrick Williams, 'Criminalising the Other: challenging the race-gang nexus' (2015) 56(3) *Race and Class* 18.

⁶⁰ Jack Spicer, 'Between gang talk and prohibition: The transfer of blame for County Lines' (2020) *International Journal of Drug Policy*.

⁶¹ Metropolitan Police, 'More than 1,000 charges secured for county lines offending' (24 February 2021).

Competent Authority (SCA) who sit within the Home Office. This is a two-stage process in which an initial decision (completed within 5 days) is made with regard to whether the SCA 'suspect but cannot prove' the slavery, and a final decision (completed within 45 days) is made based on whether 'on the balance of probabilities,' there are sufficient grounds to decide that the individual being considered is a victim of modern slavery. Potential victims of modern slavery have access to support for at least 45 days while their case is considered, including:

- Access to legal advice and assistance
- Material assistance
- Access to psychological support
- Accommodation
- Emergency medical treatment
- Counselling
- Education for children
- Translation and interpretation services when appropriate

Victims of County Lines exploitation are protected under The Modern Slavery Act 2015. Of most relevance to the victims of this type of exploitation, the guidance stipulates that 'children cannot give informed consent to engage in criminal or other exploitative activity, and they cannot give consent to be abused or trafficked'.⁶² In reality, many victims of CL are prosecuted because of a failure to recognise – and/or accept - the exploitation.

5.4. Key challenges in combatting County Lines exploitation

Given that County Lines involves the migration of drugs across boundaries, the response requires a cross-border policing approach. There are currently numerous issues with regard to jurisdiction and information sharing. When victims of County Lines are located by police in different local authorities across, the incident often remains hidden from their own local authority due to a lack of communication between forces and different intelligence systems.

5.5. The impacts of Covid-19 on the operation of organised criminal groups

Restrictions introduced in response to Covid-19 have forced adaptations in the methods used by County Lines drug supply networks and have impacted upon the ways in which frontline professionals work to detect and effectively safeguard children and young people.

The County Lines model traditionally relies on the use of public transport and rail networks. But with fewer people travelling by train during lockdown, drugs distribution by CL networks increasingly switched to the roads, particularly via private-hire-vehicles in order to avoid detection from law enforcement. This shift has happened alongside existing trends towards the recruitment and exploitation of young people in drug market locations. This approach requires less frequent travel than the traditional CL model. While the typical model relies on young people making regular trips from metropolitan centres into provincial areas, increasing trends towards less frequent bulk deliveries and the exploitation of local young people to sell drugs on to users are being seen. These young people are more easily able to blend-in with the local population, and avoid police detection while making drug deliveries. Point-of-sale tactics also changed, as dealers looked to hide in plain sight by dressing as key workers and using daily exercise to justify their movements.

Our research⁶³ also identified that social media has been a significant enabler of this trend. Opportunities for face-to-face interaction reduced while schools were closed and young people's time online at home increased, making them susceptible to grooming and peer-influence from those looking to exploit them.

⁶² Home Office, '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' (Version 2.1, March 2021), 21.

⁶³ Insights on the impacts of the pandemic on County Lines are drawn from the research project 'Covid-19 and Child Criminal Exploitation: Closing Urgent Knowledge and Data Gaps on the Implications of the Pandemic for County Lines' (see [here](#)). Further insights are available in our [interim research briefing](#) and [evidence submission](#).