

Barriers to prosecutions and convictions under the Modern Slavery Act 2015

Research summary

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This is a summary of the report: "Barriers to prosecutions and convictions under the Modern Slavery Act 2015", from a research project funded by the Modern Slavery and Human Rights Policy and Evidence Centre (PEC), part of the University of Oxford, which in turn is funded by the Arts and Humanities Research Council (AHRC).

The research was conducted by Dr Alicia Heys, Senior Lecturer in Modern Slavery at the Wilberforce Institute at the University of Hull, and a Co-Investigator of the PEC.

The full report can be accessed on the PEC website at modernslaverypec.org/resources/prosecutions-modern-slavery-act.

The PEC has supported this independent research project and worked closely with Dr Heys to produce the report and this Research Summary. However, the views expressed in this summary and the full report are those of the authors and not necessarily of the PEC or the funders – the Arts and Humanities Research Council.

This project was funded as part of the research strand focused on the effectiveness of legal enforcement measures.

Key findings

- While the Modern Slavery Act (MSA) 2015 has provided a unified legal framework for addressing modern slavery, and has raised awareness of the crime, prosecutions and convictions remain low compared to the number of potential victims identified.
- Engagement from survivors is often considered essential to securing prosecutions and convictions but is frequently undermined by poor support to create such engagement, leading to mistrust in the system. Other reasons that deter engagement include fear (of reprisals from traffickers as well as of arrest or deportation), stigma and shame. These issues are commonly compounded by practical and logistical barriers such as practitioners' flawed assumptions of how survivors should present themselves in court, misunderstandings of the impact of trauma, lengthy processes, and language barriers.
- Institutional limitations including a lack of understanding of the nuances of modern slavery cases, insufficient resources, and the complexity and protracted nature of investigations and court cases hinder the effectiveness of legal enforcement.
- Low sentencing and charging for lesser offences in order to increase the chances of successful prosecutions compromise the credibility of the criminal justice system and outcomes for survivors.

Background

The Modern Slavery Act 2015 was introduced to consolidate offences, improve victim protection, and enhance the UK's ability to prosecute those responsible for human trafficking and modern slavery offences. Despite increased public and professional awareness and a growing number of National Referral Mechanism (NRM) referrals, prosecution and conviction rates under this legislation remain low.

According to the Modern Slavery and Organised Immigration Crime Unit at the National Police Chief's Council (NPCC), as of June 2024, policing across the UK were dealing with at least 2,497 modern slavery and human trafficking investigations (including crimes committed against both adults and children).¹ Yet in the year from July 2023 to June 2024, the Crown Prosecution Service (CPS) recorded 467 prosecutions for modern slavery-flagged crimes in England and Wales, of which 355 (76%) resulted in a conviction.² In the same time frame (July 2023 to June 2024), Ministry of Justice statistics note that 114 defendants were proceeded against, 58 were convicted, and 58 sentenced for modern slavery offences in England and Wales.³ For comparison, in this same time frame of July 2023 to June 2024, there were 17,120 potential victims of modern slavery referred to the National Referral Mechanism across the UK.⁴

While the maximum penalty for offences under the Modern Slavery Act is a life sentence, the average custodial sentence for the year July 2023 to June 2024 was 5 years and 3.5 months (63.5 months), which is an increase from 4 years and 10.2 months (58.2 months) in the year ending June 2023.⁵ This data all indicates that prosecution, conviction and sentencing under the Modern Slavery Act remains challenging.

This research explores why convictions under the Modern Slavery Act remain limited and identifies opportunities to address these challenges. The report forms part of a wider research agenda under the Modern Slavery and Human Rights PEC to examine the effectiveness of legal enforcement in the UK and will be complemented by a second report exploring the use of financial investigations to improve prosecution rates.

1. Modern Slavery and Organised Immigration Crime Unit (July 2024) 'Overview of Live Modern Slavery Investigations in UK Policing June 2024'.

2. Crown Prosecution Service (2024) 'Prosecution Crime Type Data Tables Q1 24-25' Data Table 5.1. The CPS applies a modern slavery 'flag' to cases that involve modern slavery, and which may have been prosecuted under the MSA or other legislation.

3. Ministry of Justice (2024) [Criminal Justice System Statistics Quarterly: June 2024 Outcomes by Offence Data Tool](#) Some of the differences between the CPS and MoJ statistics relate to the fact that the CPS statistics are of prosecutions where the case includes a flag for modern slavery, but these numbers will include cases where the prosecution and conviction did not use modern slavery legislation.

4. Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK Q3 2023 - Q2 2024 available here: [Q2 2024, Q1 2024, Q4 2023, Q3 2023](#)

5. Ministry of Justice (2024) [Criminal Justice System Statistics Quarterly: June 2024 Outcomes by Offence Data Tool](#)

Methodology

Fifteen in-depth interviews were conducted with a range of professionals working in the modern slavery field, including police officers, lawyers, financial and cyber-crime experts, and an NGO representative with lived experience of modern slavery. Interviews were anonymised and thematically analysed. Findings were then triangulated with academic and grey literature to contextualise these practitioner insights and develop evidence-based recommendations.

Findings

1. While the Modern Slavery Act (MSA) 2015 has provided a unified legal framework for addressing modern slavery, and has raised awareness of the crime, prosecutions and convictions remain low compared to the number of potential victims identified.

The Modern Slavery Act (MSA) 2015 was widely regarded as a milestone in the UK's approach to tackling human trafficking and exploitation. It brought together disparate legislation under a single legal framework, aiming to make it easier for law enforcement and prosecutors to charge offences related to slavery, servitude, forced labour and human trafficking. This consolidation has been broadly welcomed by legal practitioners, who note that having all the relevant offences in one place helps improve clarity and coordination.

Despite this legislative clarity, however, the number of successful prosecutions and convictions under the Act remains low.

This disparity raises significant questions about the implementation of the Act and its capacity to hold perpetrators accountable. Practitioners interviewed for this research often expressed frustration at the gap between legislative intent and real-world outcomes. While the Act provides the tools needed on paper, a range of procedural, institutional and evidentiary challenges continue to hinder its full potential in practice.

2. Engagement from survivors is often considered essential to securing prosecutions and convictions but is frequently undermined by poor support to create such engagement, leading to mistrust in the system. Other reasons that deter engagement include fear (of reprisals from traffickers as well as of arrest or deportation), stigma and shame. These issues are commonly compounded by practical and logistical barriers such as practitioners' flawed assumptions of how survivors should present themselves in court, misunderstandings of the impact of trauma, lengthy processes, and language barriers.

"The main issue with a modern slavery investigation is that victims generally don't give an account, especially those who are victims of sexual exploitation. And that's due to a number of issues that we all know about, but it's down to the trauma, lack of confidence in the police and the continuing sort of threats they may be receiving, or their families may be receiving by the offenders."

Police 3

Given the interpersonal nature of exploitation, victim testimony is often central to building a case. However, a major concern lies in the system's failure to earn survivors' trust. This mistrust may stem from past negative experiences with law enforcement, manipulation by traffickers, or the broader context of the UK's immigration framework where survivors may fear that coming forward will lead to detention, deportation, or being treated as an offender.

These issues are often compounded by a fear of retaliation from their traffickers or repercussions for survivors' families. Emotional responses, such as feelings of stigma and shame, can also inhibit disclosure. Some survivors are reluctant to talk about their experiences, while others may not identify their situation as exploitative. This is especially true where survivors have complex or dependent relationships with their traffickers, or where the exploitation was deemed to be a better option than their prior circumstances or available alternatives.

Alongside language barriers, long and complex investigations which lack meaningful engagement with survivors further deter engagement. Survivors may be asked to provide repeated statements, attend court hearings years after their exploitation, and recount traumatic events in detail, all while trying to rebuild their lives. The cumulative burden of this process can be significant, and many survivors may prioritise recovery over a criminal justice process that may feel inaccessible, uncertain, or unsafe.

3. Institutional limitations including a lack of understanding of the nuances of modern slavery cases, insufficient resources, and the complexity and protracted nature of investigations and court cases hinder the effectiveness of legal enforcement.

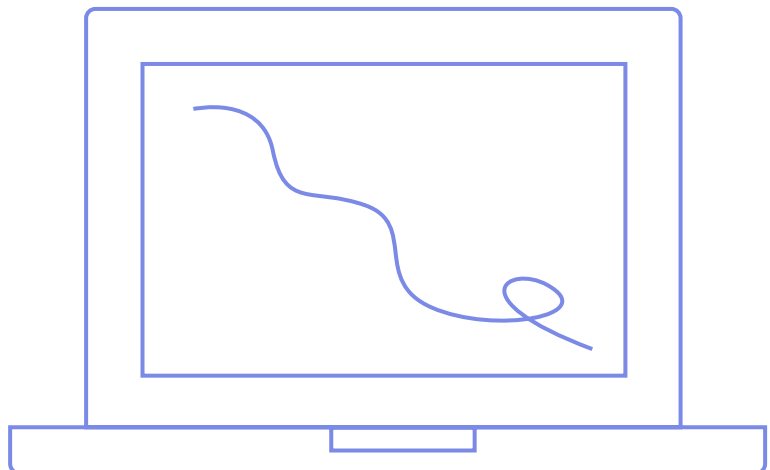
Practitioners consistently identified systemic gaps in knowledge as a major barrier to effective legal enforcement of modern slavery offences. Many professionals in these fields lack specialised training on how to apply the provisions of the Modern Slavery Act effectively, and on the nuances and complexity of modern slavery, including how trauma might impact survivor behaviour.

“The Modern Slavery Act section one and two are fit for the purpose for which it is intended. The fact that people are not informed and educated in applying it properly...is diluting its power and effectiveness.”

Lawyer 2

Concerns were also raised about the cyclical relationship between low conviction rates and insufficient resourcing. Without prioritisation and adequate funding, investigations into modern slavery remain under-supported, which makes convictions less likely, but in-turn, low-conviction rates reinforce the idea that modern slavery does not require prioritisation.

Modern slavery cases can involve large, complex networks, cross-border activities, and multiple forms of exploitation, all of which demand extensive resources, expertise, and coordination. This is particularly relevant in cases with an international dimension, where differing laws, working practices, and systems across countries add layers of complexity. These factors mean that investigations can take years, which can also cause difficulties in maintaining survivor engagement.



4. Low sentencing and charging for lesser offences in order to increase the chances of successful prosecutions compromise the credibility of the criminal justice system and outcomes for survivors.

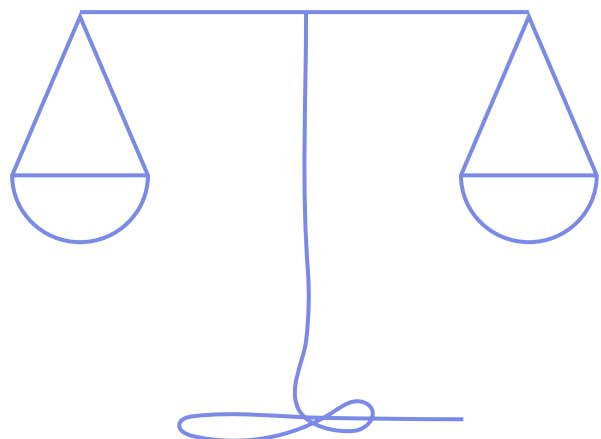
Respondents pointed to the use of lesser offences or the imposition of low sentences as risks that could undermine the credibility of the criminal justice system.

When modern slavery offences are prosecuted under alternative legislation, the penalties may not reflect the severity of the crime, particularly compared to the sentences available under the Modern Slavery Act, which carries a maximum penalty of life imprisonment. There is also a risk that prosecuting modern slavery offences using other legislation could lead to an underrepresentation of the true scale of prosecutions of those who have committed these crimes, potentially impacting future resource allocation and funding for investigations. Further, the use of alternative legislation prevents the application of ancillary orders, such as slavery and trafficking prevention or reparation orders, which are unique to the Modern Slavery Act.

Respondents also expressed frustration that sentences under the Modern Slavery Act fail to reflect the gravity of the crimes or the resources required to investigate and prosecute them, noting that low sentences highlight that the crime type is not a priority.

“Well I don’t think the sentencing in particular is reflective of the harm caused by the offending or of the amount of resources that go into a modern slavery investigation. And I think that view is shared by pretty much everyone who has worked on a modern slavery investigation.”

Police 1



Recommendations

For the Ministry of Justice

1. **Provide dedicated funding for modern slavery investigations, ensuring sufficient resources for specialist units within law enforcement.** Respondents highlighted resource shortages as a critical barrier.
2. **Increase funding for the Victim Navigator⁶ programme to expand its reach across the UK.** Victim Navigators were praised for maintaining engagement with survivors but are not available in all regions.

For the Home Office

3. **Review the impact of immigration laws and policies (both as part of the impact assessment before they are introduced, and after implementation) to ensure that they do not deter survivor engagement or undermine modern slavery prosecutions.** Respondents identified the hostile immigration environment as a significant barrier with legislative provisions risking discouraging survivors from coming forward.
4. **Engage with survivors to develop survivor-centred policies.** While this report was based primarily on practitioner insights, it is crucial to consider survivor perspectives to ensure that policies best meet their needs.
5. **Mandate specialist, ongoing training for police and prosecutors on the nuances of modern slavery, victim trauma, and cultural sensitivity.** Gaps in knowledge were raised as barriers to successful prosecutions both in terms of the complexity of modern slavery cases, and in how to apply the Modern Slavery Act.
6. **Include modules on financial investigations in police and prosecutor training programmes to improve their use as a complementary route to prosecution.** Financial investigations are an effective tool to reduce reliance on victim testimony.

6. Victim Navigators offer a bridge between survivors of modern slavery and the police, providing a non-police point of contact to support engagement with the criminal justice system.

For law enforcement

7. **Prioritise the use of financial investigations in modern slavery cases.** Such investigations can provide objective evidence that reduces the need to rely on victim testimony.
8. **Establish multidisciplinary partnerships to leverage expertise from NGOs, victim liaison officers, and financial investigators.** Collaboration across organisations was emphasised as key for improving investigations and enhancing trust and communication with survivors.
9. **Implement the training highlighted in recommendations 5 and 6.**
10. **Recruit more officers from diverse backgrounds reflective of communities most affected by modern slavery to foster trust and improve engagement with survivors.** Diversity in police forces is a necessary step to increase trust and communication with the communities they serve. Cultural awareness is a critical factor in improving survivor engagement.
11. **Ensure officers are trained on trauma-informed ways of working specific to modern slavery.** This would help in treating survivors appropriately and recognising that their demeanour and engagement with services may be influenced by their modern slavery experiences.

For the Crown Prosecution Service

12. **Increase the use of corroborative evidence, such as financial records and digital data, to build cases that do not depend solely on victim accounts.** Such approaches would help overcome some of the challenges of relying on victim testimony.
13. **Develop a framework to assess the sufficiency of non-testimonial evidence in modern slavery cases.** By creating a framework that values alternative forms of evidence, the CPS can reduce reliance on survivors while maintaining robust prosecutions.
14. **Provide for improved access to special measures, such as video-recorded testimonies.** The use of these special measures helps to minimise the stress of participating in court processes.
15. **Create clear guidelines for accepting charges under the Modern Slavery Act to address high evidentiary thresholds and reduce reliance on lesser offences.** Pursuing modern slavery for lesser offences risks failing to reflect the severity of such crimes, and risks skewing the figures of modern slavery offences which can impact future resource allocation.
16. **Implement the training highlighted in recommendations 5 and 6.**

For NGOs and victim support services

17. **Expand the availability of trauma-informed victim liaison officers to provide consistent support throughout investigations and prosecutions.** These roles can be vital in building trust and maintaining survivor engagement.
18. **Collaborate with survivors to identify barriers to engagement and develop survivor-centred approaches to legal processes and support services.** While this report was based primarily on practitioner insights, survivor perspectives are crucial to understanding barriers to engagement and developing processes that will improve cooperation with the criminal justice system.

Areas for further research

Future research should evaluate the role and effectiveness of financial investigations in modern slavery cases. As highlighted in this report, financial investigations have the potential to reduce reliance on survivor testimony and provide alternative routes to securing convictions. Further research should assess the practical application, challenges, and impact of these approaches.

There is also a need to centre on survivors' perspectives to understand their needs and preferences in criminal justice outcomes. Understanding survivors' expectations, whether related to sentencing, recognition, safety, or non-judicial remedies, can help inform prosecutorial strategies and ensure that justice mechanisms are both accessible and meaningful.

The PEC has plans to build on this research by engaging directly with people with lived experience to better understand their perspectives on barriers to prosecutions and convictions, and to explore in depth what justice looks like from their point of view.



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The Modern Slavery and Human Rights Policy and Evidence Centre (PEC) at the University of Oxford exists to enhance understanding of modern slavery and transform the effectiveness of laws and policies designed to address it. The Centre funds and co-produces high quality research with a focus on policy impact, and brings together academics, policymakers, businesses, civil society and survivors to collaborate on solving this global challenge.

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