

Barriers to Prosecutions and Convictions under the Modern Slavery Act

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Prosecutions: The Problem

- Prosecutions and convictions under the Modern Slavery Act remain low
- Sentences do not reflect the severity of the crime
- There is a strong reliance on survivor testimony in the criminal justice system but there are significant barriers to survivor engagement

1. What did we do?

- Reviewed academic and grey literature on modern slavery prosecutions and convictions
- Undertook interviews with 15 practitioners with expertise on modern slavery/human trafficking and the criminal justice system

(Note that this is the first in a two-part report series and future PEC work will also investigate survivor perspectives)

2. What did we find?

- **2,497** modern slavery & trafficking investigations (June 2024, UK wide)
- Modern slavery offences (MoJ stats, England & Wales Jul 2023-Jun 2024:
 - **114** defendants proceeded against
 - **58** convicted
 - **58** sentenced
 - Average sentence length: **5 years, 3 months** (63.5 months)
 - **17,120** potential victims referred into the NRM (across the UK)

Key findings:

1. Convictions under the Modern Slavery Act remain low in comparison to the number of potential victims identified.



2. Survivor engagement is often considered essential but undermined by:

- Poor support to encourage engagement
- Fear (of reprisals, of arrest, of deportation)
- Stigma and shame
- Assumptions of how survivors should present
- 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***

3. Institutional limitations hinder the effectiveness of legal enforcement:

- A lack of understanding of the nuances of modern slavery cases
- Insufficient resources
- Complexity of modern slavery investigations
- Length of time investigations take



Criminal justice outcomes for survivors are further compromised by:

- Low sentences
- Charging for other offences (e.g. drugs or controlling prostitution for gain)
 - Misrepresents the survivors' experiences
 - Means elements of the Modern Slavery Act are unavailable
 - Blurs the figures around modern slavery offences

“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**

3.

What should be done?

1. Invest in specialist resources and training

- Increase dedicated funding for modern slavery investigations, Victim Navigators, and trauma-informed support roles
- Mandate ongoing, specialist training for police, prosecutors, and CPS on modern slavery, financial investigations, cultural awareness, and trauma
- Ensure that all agencies have the skills and capacity to investigate complex cases and support survivors effectively



2. Build trust with survivors

- Ensure practitioners are aware of the impact of trauma on how survivors may present
- Address the impact of hostile immigration policies in preventing survivors from engaging with services
- Research what a 'good' criminal justice outcome looks like to survivors
- Develop survivor-centred approaches to legal processes
- Ensure diversity and cultural competency among police officers



3. Reduce the burden associated with survivor testimony

- Increase use of financial investigations and corroborative evidence like digital and financial records
- Ensure special measures are used in court settings
- Establish multi-disciplinary partnerships to leverage expertise from NGOs, victim liaison officers and financial investigators
- CPS should develop clear guidelines for accepting charges under the Modern Slavery Act to address high evidentiary thresholds



4. What's next?

- Understand the challenges faced by survivors in engaging with the criminal justice system and what a successful criminal justice outcome looks like
- Research how financial investigations can be used to support convictions under the Modern Slavery Act
- Investigate the use and effectiveness of the Modern Slavery Act's ancillary orders
- Explore professional perspectives on the application of the Modern Slavery Act's statutory defence

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