

# A Review of Modern Slavery in Britain: Understanding the Unique Experience of British Victims and Why it Matters

Journal of Victimology  
and Victim Justice  
5(1) 54–70, 2022

© 2022 Rajiv Gandhi National  
University of Law

Reprints and permissions:  
in.sagepub.com/journals-permissions-india  
DOI: 10.1177/25166069221117190  
journals.sagepub.com/home/vvj



Alicia Heys<sup>1</sup> , Craig Barlow<sup>1</sup>, Carole Murphy<sup>2</sup>  
and Amy McKee<sup>2</sup>

## Abstract

This article offers an original contribution to the field of victimization studies by investigating the current context of, and responses to, British nationals who are victims of modern slavery in the UK (BVs). Through the examination of National Referral Mechanism and Duty to Notify statistics, a current picture of specific experiences of BVs in the UK is illustrated with reference to identification and access to support. An exploration of the reasons for non-engagement of BVs with services and the detrimental impact this may have on their recovery highlights pertinent issues of mistrust, stigma and shame. Compounded by the current criminal justice approach towards modern slavery, the effects on the well-being of victims and survivors document the barriers to accessing services. A lack of engagement with the complexity of modern slavery; a lack of knowledge, training and expertise; and a lack of comprehensive guidance result in poor outcomes for BVs. Overall, the findings of this article are important in recognizing that the needs of BVs are currently not adequately met. A comprehensive investigation is required to examine the specific needs and experiences of BVs so that responses can be improved to effectively and appropriately support them into long-term and meaningful recovery.

## Keywords

Modern slavery, human trafficking, victim identification, victimology, victimization

---

<sup>1</sup> Wilberforce Institute, University of Hull, Hull, United Kingdom.

<sup>2</sup> Bakhita Centre, St. Mary's University, Twickenham, London, United Kingdom.

---

## Corresponding author:

Alicia Heys, Wilberforce Institute, University of Hull, 27 High St, Hull, HU1 1NE, United Kingdom.  
E-mail: a.s.heys@hull.ac.uk

## Introduction

Research on victims<sup>3</sup> of modern slavery has increased substantially in recent years. Much of this research tends to focus on specific forms of trafficking such as labour, sexual or criminal exploitation; the impact of trafficking on mental and physical health; the drivers of trafficking; or specific sites of trafficking, for example, countries of origin of persons trafficked into the UK based on National Referral Mechanism (NRM)<sup>4</sup> statistics. Substantial focus to date has been on challenges for victims who are also seeking asylum in the UK and the lengthy wait for a decision<sup>5</sup>. While these studies are important and highlight some significant flaws in adequately supporting foreign nationals who have been identified as victims of modern slavery in the UK, very few studies have focused on the experiences of British victims of modern slavery (BV) and human trafficking<sup>6</sup>. An analysis of the Modern Slavery Strategy<sup>7</sup>, which preceded the introduction of the Modern Slavery Act (MSA) is enlightening in this regard.

The UK Government's Modern Slavery Strategy<sup>8</sup> twice mentions British nationals as potential victims of modern slavery. The Home Secretary at the time, Theresa May, a strong advocate for the introduction of the MSA, acknowledges in the foreword (p. 5) that British adults and children can be potential victims. In fact, end-of-year statistics at the time of the strategy show that UK nationals were the fifth highest number of referrals into the NRM, which represented a 173% increase on the previous year<sup>9</sup>. Of these, 56 UK nationals were minors referred for sexual exploitation, 50 females and 6 males, representing a 155% increase on the previous year<sup>10</sup>.

<sup>3</sup> While acknowledging the debates around the connotations of using the term 'victim', this term is chosen in this article to reflect the wording of the National Referral Mechanism (NRM).

<sup>4</sup> The NRM is the UK's system for identifying and supporting victims of modern slavery or human trafficking. A specified list of first responders is responsible for referring potential victims into the system.

<sup>5</sup> C. Murphy, *Surviving Trafficking, Seeking Asylum: Waiting, Status and the State*, 41(5/6) INT. J. SOCIOL. SOC. POLICY 627–642 (2021).

<sup>6</sup> Although see Hestia, *Underground Lives: Criminal Exploitation of Adult Victims* (2019). Available online: <https://www.hestia.org/Handlers/Download.ashx?IDMF=8ab229cc-75c6-4574-a47d-a8fafd-7c19ee> (Accessed 24 March 2022); CEOP and The British Embassy, Hanoi *The Trafficking of Women and Children from Vietnam* (CEOP 2011).

<sup>7</sup> Home Office, *Interim Review of the National Referral Mechanism for Victims of Human Trafficking* (2014a). Available online [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/360482/Interim\\_review\\_of\\_the\\_NRM\\_for\\_victims\\_of\\_human\\_trafficking.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/360482/Interim_review_of_the_NRM_for_victims_of_human_trafficking.pdf) (Accessed 14 April 2022).

<sup>8</sup> Home Office, *Modern Slavery Strategy* (2014b). Available online <https://www.gov.uk/government/publications/modern-slavery-strategy> (Accessed 14 April 2022).

<sup>9</sup> National Crime Agency, *National Referral Mechanism Statistics: End of Year Summary 2013* (2014). Available online: [www.antislaverycommissioner.co.uk/media/1130/2013-nrm-end-of-year-summary.pdf](http://www.antislaverycommissioner.co.uk/media/1130/2013-nrm-end-of-year-summary.pdf) (Accessed 22 April 2022); National Crime Agency, *National Referral Mechanism Statistics—End of Year Summary 2014* (2015). Available online: <https://www.antislaverycommissioner.co.uk/media/1131/2014-nrm-end-of-year-summary.pdf> (Accessed 27 April 2022).

<sup>10</sup> National Crime Agency, *National Referral Mechanism Statistics: End of Year Summary 2013* (2014). Available online: [www.antislaverycommissioner.co.uk/media/1130/2013-nrm-end-of-year-summary.pdf](http://www.antislaverycommissioner.co.uk/media/1130/2013-nrm-end-of-year-summary.pdf) (Accessed 22 April 2022).

The strategy document provides a short case study (p. 21) as a brief overview of the circumstances of a British 30-year-old male victim, ‘Brian’, who was eventually ‘rescued’ by police working at the behest of the victim’s family. This is the only case study of a British national included within the document. Without disregarding the importance of recognizing all victims, a failure to include any intelligence on the plight of younger victims at risk of exploitation is telling, in that it foregrounds some of the problems with current identification and support for victims, particularly regarding criminal and sexual exploitation. There is no description or explanation of a comprehensive strategic approach to the prevention or identification of BVs. Recent increases in referrals into the NRM mean that BVs are now the most common nationality for 4 years running, 2018–2021<sup>11</sup>, suggesting that the lack of a comprehensive strategy had resulted in a vast underestimation of how modern slavery could affect British nationals. Without an adequate understanding of the problem, any prevention or support efforts will always be reactive rather than proactive and therefore are likely to be generated in haste rather than emerging from meaningful and comprehensive research. Such responses are not in the best interests of victims but, unfortunately, are commonplace in the field of modern slavery<sup>12</sup>.

Attempts to fill these gaps in knowledge include studies undertaken/led by non-governmental organizations—NGOs<sup>13</sup> that have begun to uncover the realities of recovery for BVs, including findings that BVs are failed by the current support system<sup>14</sup>. This report by the Centre for Social Justice (CSJ) also highlighted

<sup>11</sup> National Crime Agency, *National Referral Mechanism Statistics—End of Year Summary 2018* (2019a). Available online: <https://www.nationalcrimeagency.gov.uk/who-we-are/publications/282-national-referral-mechanism-statistics-end-of-year-summary-2018/file#:~:text=6%2C993%20potential%20victims%20were%20submitted,2017%20total%20of%205%2C142%20referrals.&text=Reporting%20showed%20potential%20victims%20of%20trafficking%20from%20130%20different%20nationalities%20in%202018> (Accessed 27 April 2022); Home Office, *Modern Slavery: National Referral Mechanism and Duty to Notify Statistics UK, End of Year Summary 2019* (2020). Available online: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/876646/national-referral-mechanism-statistics-uk-end-of-year-summary-2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876646/national-referral-mechanism-statistics-uk-end-of-year-summary-2019.pdf) (Accessed 22 April 2022); Home Office, *Modern Slavery: National Referral Mechanism and Duty to Notify Statistics UK, End of Year Summary, 2020* (2021). Available online: [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 22); Home Office, *Modern Slavery: National Referral Mechanism and Duty to Notify Statistics UK, End of Year Summary, 2021* (2022a). Available online: <https://www.gov.uk/government/statistics/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2021/modern-slavery-national-referral-mechanism-and-duty-to-notify-statistics-uk-end-of-year-summary-2021> (Accessed 14 April 2022).

<sup>12</sup> R. Broad & N. Turnbull, *From Human Trafficking to Modern Slavery: The Development of Anti-trafficking Policy in the UK*, 25 EUR. J. CRIM. POLICY RES. 119–133 (2019).

<sup>13</sup> Hestia, *supra* note 4; Human Trafficking Foundation, *The Voice of British Survivors of Modern Slavery* (2021). Available online: <https://static1.squarespace.com/static/599abfb4e6f2e19ff048494ft/t/617fb052b75f8164d23fb6f3/1635758164404/HTF+British+Survivors+of+Modern+Slavery+Report+Latest.pdf> (Accessed 27 April 2022).

<sup>14</sup> Centre for Social Justice and Justice and Care, *It Still Happens Here: Fighting UK Slavery in the 2020s* (2020). Available online: <https://justiceandcare.org/wp-content/uploads/2020/07/Justice-and-Care-Centre-for-Social-Justice-It-Still-Happens-Here.pdf> (Accessed 14 April 2022).

the need for an inquiry to understand what is happening to the growing number of Britons being enslaved, re-emphasizing the current lack of knowledge.

Despite the steady rise in the number of BVs identified, no comprehensive study has been conducted on their specific vulnerabilities to internal or external trafficking or exploitation. Nor has there been any wide-ranging attempt to identify their specific recovery needs. Anecdotal evidence suggests that they are also vulnerable to falling through the gaps of support, especially if they have multiple and complex needs<sup>15</sup>. What is clear, however, in the existing literature is that victims of modern slavery have complex, interdependent needs, which benefit from specialized support for recovery<sup>16</sup>; this is just as true for BVs.

## UK's Response to Modern Slavery

While the UK's MSA of 2015 and the Serious Crime Act of 2015 provide definitions of modern slavery and organized crime, the UK's criminal justice system has been criticized for its reductive, linear approach to the problem and its failure to intersect with statutory safeguarding systems<sup>17</sup>. The complexities of cases of modern slavery and human trafficking are not accounted for within this legal and policy framework. The process of modern slavery is multifaceted, driven and shaped by relationships between victim, exploiter and their shared physical, social, economic and political environments<sup>18</sup>. For professionals, to be able to identify, investigate and evaluate slavery, they must be able to understand modern slavery in its complexity.

The lack of understanding of the complexity of modern slavery is also evident in the tools used to identify and refer victims to support. The MSA does not explicitly place a duty on the state to provide support to victims of modern slavery. Instead, the arrangements for identifying and supporting victims are set out in guidance via Section 49 of the Act. The system in the UK for identifying and supporting potential victims of modern slavery—the NRM—predates the MSA. The NRM was established in the UK in 2009 to meet UK's international obligations

<sup>15</sup> *Id.*

<sup>16</sup> Human Trafficking Foundation, *Principles that Underpin Early Support Provision for Survivors of Trafficking* (2018). Available online: <https://drive.google.com/file/d/0B3ufXgp97I93V3Q5Tnlsa2tCb2dvU3ExMWZsNHytNktMSzVn/view?resourcekey=0-SOQOLJbrLRgTi5HO7K4kZg> (Accessed 22 April 2022).

<sup>17</sup> D. Gadd & R. Broad, *Troubling Recognitions in British Responses to Modern Slavery*, 58(6) BR. J. CRIMINOL. 1440–1461 (2018); C. Barlow, *Victims Perpetrating a Crime: A Critique of Responses to Forced Criminality and Modern Slavery in the UK Courts*, in MODERN SLAVERY AND HUMAN TRAFFICKING: THE VICTIM JOURNEY (C. Murphy et al., eds., Policy Press 2022).

<sup>18</sup> A. Di Nicola, *Researching into Human Trafficking: Issues and Problems*, in HUMAN TRAFFICKING (M. Lee, ed. Taylor & Francis 2011); C. Barlow, *The Adapted SIPPS for CSE: Evaluation of a Pilot Project in a South London Borough*, 4(2) EUR. REV. ORGANISED CRIME 101–127 (2017); C. Barlow et al., *Circles of Analysis: A Systemic Model of Child Criminal Exploitation*, J. CHILD. SERV. (2021). Available online: [https://www.craigbarlow.co.uk/\\_webedit/uploaded-files/All%20Files/Shanna%27s%20Folder/Barlow%20et%20al%20Circles%20of%20Analysis%202021.pdf](https://www.craigbarlow.co.uk/_webedit/uploaded-files/All%20Files/Shanna%27s%20Folder/Barlow%20et%20al%20Circles%20of%20Analysis%202021.pdf) (Accessed 14 April 2022); Barlow, *supra* note 15.

as a signatory of the Council of Europe Convention on Action against Human Trafficking to support victims<sup>19</sup>.

The NRM consists of a two-step process whereby designated first responders have the authority to complete a referral on behalf of a potential victim. There are currently two competent authorities: The 'Single Competent Authority' and the 'Immigration Enforcement Competent Authority', and these competent authorities may receive referrals from designated 'first responders'. Following receipt of the referral, the competent authorities undertake a two-tier decision-making process to ultimately decide whether 'it is more likely than not' that the individual is a victim of modern slavery or human trafficking. This decision should be made within 45 days, but in reality, it takes significantly longer. The Independent Anti-Slavery Commissioner's Annual Report<sup>20</sup> has shown that the average wait for this decision is actually 568 days. In no other crime would victims be expected to wait a year and a half for professionals to believe that they have been victimized. The uncertainty experienced by potential victims of modern slavery during this period of waiting can negatively impact their physical and mental health, exacerbate trauma and generate feelings of alienation<sup>21</sup>. This is not the only problem that has emerged from the current NRM system.

Victims of modern slavery who are British nationals are entitled to the same protections and recovery services as non-British nationals. However, in an analysis of over 200 closed cases involving adult potential victims of modern slavery logged by police forces in the UK, O'Brien et al.<sup>22</sup> found multiple factors impacting upon potential victims' likelihood of receiving a referral into the NRM. One such factor was the presence of domestic trafficking. In the cases considered by O'Brien et al., potential victims were 24% more likely to receive a referral if it was known that their recruitment took place outside the UK than where this data were not known. Similarly, they were almost 19% more likely to be referred in cases of non-domestic trafficking where some or all of their exploitation took place outside the UK. Such statistics present a damning picture of the support and recovery opportunities of British national victims of domestic trafficking.

The NRM includes a Modern Slavery Victim Care Contract (MSVCC), currently held by The Salvation Army, which exists to provide support to adult victims of modern slavery<sup>23</sup>. Non-British nationals are referred to this specialized service, which provides them with support, including safe accommodation, practical and legal help and advice, education and healthcare. If a victim is a British national and is referred to the NRM, responsibility for providing the same services often falls on the local authority within which they reside. However, local authorities have not been provided with additional resources to meet this need,

<sup>19</sup> Home Office, *supra* note 6.

<sup>20</sup> Independent Anti-Slavery Commissioner, 2022.

<sup>21</sup> C. Murphy, *Surviving Trafficking, Seeking Asylum: Waiting, Status and the State*, 41(5/6). INT. J. SOCIOLOG. SOC. POLICY 627–642 (2021).

<sup>22</sup> F. O'Brien et al., *Factors that Predict the Referral of Adult Modern Day Slavery Cases to the UK's National Referral Mechanism*, INT. J. POLICE SCI. MANAG. 1–12 (2022).

<sup>23</sup> The Salvation Army, *New 2021 Victim Care Contract* (2021). Available online: <https://www.salvationarmy.org.uk/modern-slavery/new-victim-care-contract> (Accessed 4 March 2022).

and currently, there is no national safeguarding policy or guidance to outline the support that local authorities should provide to victims of modern slavery, one of the barriers to engaging with victims.

## Barriers to Engagement

There are numerous other reasons why victims might choose not to engage with the NRM or other support services. This section addresses some of these reasons, considering specifically how someone might not recognize themselves as a victim, the impact of stigma or shame, and the importance of developing trust with agencies.

Victims of modern slavery may not immediately identify as such where they have been subject to exploitation through grooming. This is a well-established tactic whereby exploiters appear to address the unmet needs of an individual like emotional bonds or material provision, then using this as a means to isolate and abuse their victims<sup>24</sup>. Whatever may be the purpose of the exploitation, grooming often progresses via a pathway of ensnaring; creating dependency<sup>25</sup>; taking control through isolation and coercion; and total dominance. In this last stage, the victim may be both terrified of the perpetrator but simultaneously dependent upon them, which leads to a paradoxical attachment to the perpetrator<sup>26</sup>. These patterns and ongoing manipulation and control can shift and evolve over time<sup>27</sup>.

Such bonds are often referred to as ‘trauma bonds’ where, through the internal shift, in reality, stemming from powerful emotional attachments to their abusers, victims may adopt the perspective of their abuser, lose their sense of self and accept responsibility for their exploitation or abuse<sup>28</sup>. Wood<sup>29</sup> advocates that these trauma bonds should be applied to understandings of gang settings where county lines exploitation<sup>30</sup> can be present. Young people and vulnerable adults who are

<sup>24</sup> J. Wood, *Confronting Gang Membership and Youth Violence: Intervention Challenges*, 29(2) CRIM. BEHAV. MENT. HEALTH 69–73 (2020).

<sup>25</sup> Barlow, *supra* note 15; C. H. Barlow, *Child Criminal Exploitation: A New Systematic Model to Improve Professional Assessment, Investigation and Intervention* (Thesis for the University of Hull 2019); H. Zahir et al., *Trafficking operations and Modus Operandi*, in HUMAN TRAFFICKING AND MODERN SLAVERY LAW AND PRACTICE (Southwell, P., Brewer, M. & Douglas-Jones, B., eds., 2nd edition, Bloomsbury Professional 2020).

<sup>26</sup> C. Cantor & J. Price, *Traumatic Entrapment, Appeasement and Complex Post-traumatic Stress Disorder: Evolutionary Perspectives of Hostage Reactions, Domestic Abuse and the Stockholm Syndrome*, AUST. N. Z. J. PSYCHIATRY 377–384 (2007); M. van der Watt & A. van der Westhuizen, *(Re)configuring the Criminal Justice Response to Human Trafficking: A Complex Systems Perspective*, 18(3) POLICE PRACT. RES. 218–229 (2017).

<sup>27</sup> Zahir et al., *supra* note 22.

<sup>28</sup> C. Raghavan & K. Doychak, *Trauma-Coerced Bonding and Victims of Sex Trafficking: Where Do We Go from Here?* 17(2) INT. J. EMERG. MENT. HEALTH 583–587 (2015).

<sup>29</sup> Wood, *supra* note 20.

<sup>30</sup> Criminal gangs and organized networks move drugs into one or more supply areas. This distribution is coordinated by dedicated mobile phone lines. These lines are also referred to as ‘deal lines’ and are used to advertise availability of drugs, prices and offers and in order to take orders. The phone number, known as the deal line, will often have a name, which effectively acts as the dealer’s ‘brand’.

groomed into exploitation within county lines may identify with or feel indebted to those higher up the chain of command, preventing their acceptance of a label of victim. This is especially true where the terminology of grooming is used, a term often associated with sexual exploitation, which is rejected by males as a form of identification<sup>31</sup>. Grooming and self-identification are not only significant barriers to identification in child victims of modern slavery, but adults can also be affected. During a criminal trial of perpetrators of modern slavery in England, it emerged that victims, the majority of whom were adult British males, had been required to call their abusers ‘ma’ and ‘pa’, often being called ‘son’ in return<sup>32</sup>. While this was purposefully degrading and infantilizing, it also served to build attachments into this new ‘family’, erasing victims’ previous, independent identity<sup>33</sup>. Where this tactic is successful, victims may be reluctant to reject the enforced narrative of a family in order to accept their new identity as a victim of modern slavery and may be discouraged from wanting to testify against those they have come to know as ‘family’.

For victims of sexual exploitation, which NRM data indicate include British victims<sup>34</sup>, self-identification as a ‘victim’ or ‘survivor’, may also be hampered by feelings of stigma and shame<sup>35</sup>. Such feelings can be compounded by the use of negative language used in narratives surrounding their exploitation<sup>36</sup>. Phrases observed among support practitioners like ‘complicit in their abuse’ or ‘sexually promiscuous behaviour’ when used in relation to sexual exploitation fail to convey the inherent power imbalance and vulnerability and directly undermine the person’s experience as a victim. Wording such as ‘paying for sexual services with a child’ ignores that children cannot consent to sex, let alone selling it, and serves to imply a level of agency on the part of the child for activities to which they are legally unable to consent. Further, phrases like ‘opportunity to escape’ inaccurately and unfairly suggest that a victim has a personal responsibility to remove themselves from the exploitative situation<sup>37</sup>.

For some, not recognizing themselves as a victim may be less to do with grooming or negative connotations of language, and more concerned with the environment from which their exploitative situation derived. This is especially true for those who consider their modern slavery experience to be the only

<sup>31</sup> J. Windle et al., *Vulnerable’ Kings Going Country: Children and Young People’s Involvement in County Lines and Drug Dealing*, 20(1–2) YOUTH JUSTICE 64–78 (2020).

<sup>32</sup> E. Cockbain & H. Brayley-Morris, *Human Trafficking and Labour Exploitation in the Casual Construction Industry: An Analysis of Three Major Investigations in the UK Involving Irish Traveller Offending Groups*, 12(2) POLICING: J. POLICY PRACT. 129–149 (2017).

<sup>33</sup> *Id.*

<sup>34</sup> Home Office, *supra* note 9.

<sup>35</sup> C. Miller-Perrin & S. Wurtele, *Sex Trafficking and the Commercial Exploitation of Children*, 40(1–2) WOMEN THER. 123–151 (2017).

<sup>36</sup> A. Appiah et al., *Making Words Matter* (2021). Available online: <https://www.cntw.nhs.uk/content/uploads/2021/07/Making-Words-Matter-A-Practice-Knowledge-Briefing.pdf> (Accessed 14 April 2022).

<sup>37</sup> H. Beckett, *Not a World Away: The Sexual Exploitation of Children and Young People in Northern Ireland* (2011). Available online: [https://www.barnardos.org.uk/sites/default/files/2020-12/13932\\_not\\_a\\_world\\_away\\_full\\_report.pdf](https://www.barnardos.org.uk/sites/default/files/2020-12/13932_not_a_world_away_full_report.pdf) (Accessed 14 April 2022).

option<sup>38</sup>, or better than any alternative<sup>39</sup>. In these scenarios, victims are unlikely to recognize themselves as such if their exploitation is a preferable alternative to a previously poor situation that they have managed to leave.

Even when individuals do recognize that they have been victimized, many are fearful of traffickers, fearful of the authorities (especially if they have been criminally exploited) and have little faith that the authorities have the ability to protect them<sup>40</sup>, all of which can act as barriers to wanting to engage with professional support agencies. According to a police survey conducted by the CSJ<sup>41</sup>, the top three reasons why victims of trafficking and modern slavery do not engage with the police were as follows: not seeing themselves as victims (69% of respondents), fear of their exploiters (62%) and fear of the authorities (50%). A consistent theme in both academic and professional literature is the length of time it takes for victims of trafficking to build confidence and develop trust in professionals.

Additionally, as mentioned, the NRM is the system in the UK for identifying and supporting potential victims of modern slavery. Adults (aged 18 or over) must consent to referral into the NRM. Should an organization come across an adult they believe to be a victim of modern slavery, but who does not consent to referral into the NRM, there is a Duty to Notify (DTN) process, which involves providing basic details on the individual, like nationality and gender. There is a box in this notification system, which requests details as to why the person does not want their case referred to the NRM. Unfortunately, while the basic personal data collected via the DTN process are now published along with the NRM statistics, the information on the reasons for declining an NRM referral is not made available. When it comes to providing the best possible support to victims of modern slavery, understanding the reasons behind refusing consent to an NRM referral could be fundamental in improving practice. This information should be made publicly available in order that policymakers and practitioners can tackle the reasons behind such disengagement. These barriers to engagement impact on victim outcomes in the short and longer term and, considering recent data on British victims as discussed later in the article, demonstrate the need for a strategic and comprehensive response.

<sup>38</sup> C. Haughey et al., *Investigating Trafficking and Exploitation Offences*, in HUMAN TRAFFICKING AND MODERN SLAVERY LAW AND PRACTICE 569–585 (P. Southwell et al., eds., 2nd edition, Bloomsbury Professional 2020); H. Papadaki, *Underground Lives: Criminal Exploitation of Adult Victims* (2020). Available online: [https://www.antislaverycommissioner.co.uk/media/1446/1196\\_criminal\\_exploitation\\_report\\_2020\\_v0\\_13w.pdf](https://www.antislaverycommissioner.co.uk/media/1446/1196_criminal_exploitation_report_2020_v0_13w.pdf) (Accessed 14 April 2022); Centre for Social Justice and Justice and Care, *A Path to Freedom and Justice: A New Vision for Supporting Victims of Modern Slavery* (2022). Available online: <https://www.centreforsocialjustice.org.uk/wp-content/uploads/2022/01/CSJ-JC-A-Path-to-Freedom-and-Justice-a-new-vision-for-supporting-victims-of-modern-slavery-single-pages.pdf> (Accessed 27 April 2022).

<sup>39</sup> A. Kidd, *The Dynamics of Contemporary Slavery and Conflict: Agency, Asylum and Accountability* (Thesis of the University of Hull 2019).

<sup>40</sup> A. SHIPTON ET AL., HEADING BACK TO HARM: A STUDY OF TRAFFICKED AND UNACCOMPANIED CHILDREN GOING MISSING FROM CARE IN THE UK (ECPAT 2016).

<sup>41</sup> CSJ, *supra* note 35.



## **Prevalence of Modern Slavery Among British Nationals in the UK**

The NRM end-of-year report for 2021 shows that 3,190 adults were referred through the DTN process, as compared to 6,411 adult referrals to the NRM, indicating a substantial number of adults who were perceived by professionals as likely to be victims but who chose not to engage with the official support channels<sup>42</sup>. This is a significant increase from the preceding year of DTN reports, of which there were 2,175 in 2020<sup>43</sup>.

In total, 365 BVs were recorded through the DTN process in 2021, with a further 37 holding dual British nationality<sup>44</sup>. As citizens entitled to access public funds, additional methods of support for British victims outside of the NRM are available, such as access to housing through the Housing Act of 1996. However, such welfare and support systems were not initially designed with victims of modern slavery in mind and many lack the tailored care necessary to support them appropriately<sup>45</sup>. Consent is not required for children to be referred into the NRM, and therefore, once this referral is complete, there is no additional duty to notify<sup>46</sup>, although there are still concerns that British children are similarly under-represented in the NRM. Lack of awareness among practitioners of the existence or role of the NRM is compounded with misidentification and criminalization of children to further exacerbate the problem<sup>47</sup>. Despite this, the NRM provides the most comprehensive, non-estimated set of statistics related to modern slavery and human trafficking in the UK.

The NRM recorded that the most common nationality to be referred as a potential victim of modern slavery in 2021 was British (31% of all referrals)<sup>48</sup>. While, as a percentage, British national referrals dropped from 34% in 2020, when Coronavirus Disease 2019 (COVID-19) restrictions impacted upon international travel, to 31% in 2021, the actual number of British nationals referred as potential victims increased from 3,560 to 3,952<sup>49</sup>. The most common category of exploitation across the NRM was labour (33%; 2,141). However, of the 883 single nationality British adults referred, 516 were referred solely for criminal exploitation. A further 150 were referred for a combination of labour and criminal exploitation. Other forms of exploitation were noted, such as six British adults being referred for domestic servitude only and 42 for sexual exploitation. Again,

<sup>42</sup> Home Office, 2022a, *supra* note 9.

<sup>43</sup> Home Office, 2021, *supra* note 9.

<sup>44</sup> Home Office, 2022a, *supra* note 9.

<sup>45</sup> GRETA, *Report Concerning the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom: Second Evaluation Round* (Council of Europe 2016).

<sup>46</sup> Home Office, *National Referral Mechanism Guidance: Adult (England and Wales)* (2022b). Available online: <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms/guidance-on-the-national-referral-mechanism-for-potential-adult-victims-of-modern-slavery-england-and-wales#Section-2> (Accessed 14 April 2022).

<sup>47</sup> CSJ (2020).

<sup>48</sup> Home Office, *supra* note 9.

<sup>49</sup> Home Office 2021, 2022a, *supra* note 9.

there were additional instances of potential victims of these forms of modern slavery being referred for multiple forms of exploitation, including criminal exploitation (e.g., an additional 14 referrals were made for sexual exploitation alongside criminal exploitation and a further six for these categories combined with labour exploitation)<sup>50</sup>.

A significant proportion (75%; 2,981 individuals) of British nationals referred into the NRM were children. In these instances of child referrals, the criminal exploitation of British nationals was even more pronounced. Of the 2,689 children referred for criminal exploitation, 2,070 were single nationality British, with even more holding dual nationality. Sexual exploitation was also prevalent among British children with 154 referrals, and a further 40 made for a combination of sexual exploitation alongside other forms of modern slavery.

## Criminal Exploitation

As noted earlier, criminal exploitation is the most common form of modern slavery experienced by British nationals in the UK. This has resulted in a deep chasm between the criminal justice system and safeguarding systems where the former prioritizes criminalization, and the latter prioritizes support for victims, but there remains a gap in responding suitably to criminal exploitation in which a person is simultaneously an offender of a crime and a victim of exploitation<sup>51</sup>. The problem is exacerbated because the burden of proof to meet the threshold of being a victim of modern slavery under the NRM is not nearly as stringent as the evidential bar within the criminal justice system, which requires the establishing of facts beyond reasonable doubt. This has led to serious issues for victims of modern slavery who have been forced to commit crimes. Notwithstanding the validity of NRM decisions being called into question through criminal case law, modern slavery continues to be the only crime, which involves a report of victimhood being scrutinized via a two-tier decision-making process to determine whether a person's victimhood is actually to be believed.

Despite a statutory defence concerning certain crimes under s45 of the MSA of 2015, those who have committed a criminal offence as a direct consequence of their modern slavery experience may not be able to rely on an NRM decision to evidence their exploitation. The Crown Prosecution Service (CPS) has stated that 'the evidential bar to be designated as a victim of modern slavery, often made before any evidence is heard or tested, was a low one and can be untested, self-serving, and based on hearsay evidence'<sup>52</sup>. For these reasons, NRM decisions are no longer accepted in court as expert evidence that a person truly is a victim of modern slavery, undoubtedly resulting in more negative outcomes for the high numbers of British nationals who are criminally exploited and reliant on s45 to not be held accountable for crimes they had no choice but to commit. This is particularly concerning with respect to cases involving county lines.

<sup>50</sup> Home Office 2022a, *supra* note 9; National Crime Agency 2019.

<sup>51</sup> Barlow, *supra* note 15.

<sup>52</sup> CPS, *Modern Slavery: News, International and Organised Crime* (9 October 2020). Available online: <https://www.cps.gov.uk/cps/news/modern-slavery> (Accessed 14 April 2022).

## County Lines

'County lines' is one form of criminal exploitation, which involves the transporting of illegal drugs from urban to rural areas, often using children or vulnerable adults as 'runners'. NRM data show that British child victims identified as potential victims of modern slavery are most commonly identified as victims of criminal exploitation, and it is widely acknowledged that county lines accounts for a significant proportion of these experiences. County lines has become increasingly common in professional and public discourse on the exploitation of children, vulnerable adults and drug-related crime. The national crime agency (NCA) reports that the number of drug supply networks using the county lines model has quadrupled between 2016 and 2018<sup>53</sup>, with indications that county lines exploitation thrived during the COVID-19 pandemic<sup>54</sup>.

Gangs utilizing the county lines model are hierarchical and are usually based in major cities, well away from the market area that they seek to penetrate. The gangs will recruit runners to transport drugs to the market areas and carry out the deals. The runner then returns with the money from the deal. Those who are recruited to these operations are at the lowest rung of the criminal enterprise and are generally seen as dispensable. Their value to the gang is their potential to extend their criminal operation; they are easy to recruit, coerce and control and are either very cheap or free labour. Ways in which young people may be used by criminal gangs are diverse: running drugs, money and weapons; holding drugs, money and weapons; other forms of crime (particularly acquisitive crime such as theft, robbery and burglary); recruitment of other children and as bait for 'honey traps' to catch rival gang members and engage in other forms of sexual exploitation. Exploitation is integral to the county lines business model.

The term 'county lines' itself has come to be used as a means of describing the criminal exploitation of children and other vulnerable groups. However, this may be somewhat misleading. Children and vulnerable people are being exploited to facilitate criminal activities and extend the reach of criminal gangs in a variety of ways and contexts and through different means. To be clear, 'county lines' is essentially a business model for drug distribution and does not always account for the multitude of ways in which children are exploited by criminals, which may, for example, include sexual exploitation, domestic servitude and forced begging.

## **The Complexity of Modern Slavery: Exploitation and Gaps in Safeguarding**

It is insufficient to merely describe modern slavery. To identify, investigate and evaluate slavery require the ability to understand it, which requires theory by which patterns of exploitation can be thought about and analysed<sup>55</sup>. Theory must

<sup>53</sup> National Crime Agency, *supra* note 9.

<sup>54</sup> Papadaki, *supra* note 35.

<sup>55</sup> Barlow, *supra* note 22.

inform policy and practice<sup>56</sup>, which can be developed and nurtured through training and education. Ecological theories of crime and public safety such as routine activities theory<sup>57</sup>, social learning theory<sup>58</sup> and general systems theory<sup>59</sup> have made important contributions to new and innovative approaches to understanding modern slavery. The newest innovation in the field—the circles of analysis—has used complexity theory to knit together a range of criminological, sociological, economic and ecological theories to describe and explain patterns of modern slavery in different contexts<sup>60</sup>.

The Independent Anti-Slavery Commissioner's recent call for evidence of what works in responding to child trafficking and exploitation found that systemic and ecological principles that inform multidisciplinary public health approaches to violence, child abuse and drug-related crime are gaining traction in developing approaches to the trafficking and exploitation of children<sup>61</sup>. The benefit of theory-informed practice has been demonstrated in the context of both child safeguarding<sup>62</sup> and public health approaches to the problem of child exploitation and modern slavery<sup>63</sup>, and gang violence<sup>64</sup>.

Contextual safeguarding has enabled both policy and practice to recognize the vulnerabilities and threats to health, welfare and development that are faced and experienced by older children and adolescents to include extra-familial relationships and social networks within different domains. This has been a major contribution to improving safeguarding strategies and interventions<sup>65</sup>. Safeguarding of vulnerable adults has not kept pace. Young adults who have been found to be victims of trafficking and exploitation in the UK have often been victimized from a younger age<sup>66</sup> and over a number of years. This may go some way to explaining a reluctance on the part of British nationals wanting to engage with professional services when

<sup>56</sup> Fairfax, *Psychometrics in Clinical Settings*, in *PSYCHOMETRIC TESTING: CRITICAL PERSPECTIVES* (B. Cripps, ed. Wiley 2017); J. Pearce, *Bringing Theory Home: Thinking about Child Sexual Exploitation*, in *CHILD SEXUAL EXPLOITATION: WHY THEORY MATTERS* (J. Pearce, ed. Policy Press 2019).

<sup>57</sup> M. Felson & L. E. Cohen, *Human Ecology and Crime: A Routine Activity Approach*, 8(4) *HUM. ECOL.* 389–406 (1980).

<sup>58</sup> P. Bourdieu, *The Form of Capital* 241–258, in *HANDBOOK OF THEORY AND RESEARCH FOR THE SOCIOLOGY OF EDUCATION* (J. Richardson, ed., Greenwood 1986).

<sup>59</sup> L. BERTALANFFY, *GENERAL SYSTEM THEORY FOUNDATIONS, DEVELOPMENT, APPLICATIONS* (G. Braziller 1969).

<sup>60</sup> Barlow 2017, *supra* note 16; Barlow et al., 2021, *supra* note 16.

<sup>61</sup> Independent Anti-Slavery Commissioner, 2021; A. Saker, *Practitioner Responses to Child Trafficking: Emerging Good Practice* (2022). Available online: [https://www.cumberlandodge.ac.uk/sites/default/files/practitioner\\_responses\\_to\\_child\\_trafficking\\_-\\_emerging\\_good\\_practice\\_screen.pdf](https://www.cumberlandodge.ac.uk/sites/default/files/practitioner_responses_to_child_trafficking_-_emerging_good_practice_screen.pdf) (Accessed 14 April 2022).

<sup>62</sup> C. FIRMIN, *CONTEXTUAL SAFEGUARDING* (University of Bedfordshire/Contextual Safeguarding Network 2017).

<sup>63</sup> Barlow 2017, *supra* note 16; *ibid* 2019; Barlow et al. 2021, *supra* note 16.

<sup>64</sup> S. HARDING, *THE STREET CASINO: SURVIVAL IN VIOLENT STREET GANGS* (Policy Press 2014).

<sup>65</sup> Barlow, *supra* note 16; A. LONGFIELD, *KEEPING KIDS SAFE: IMPROVING SAFEGUARDING RESPONSES TO GANG VIOLENCE* (Office of the Children's Commissioner for England 2019); Barlow et al. *supra* note 16.

<sup>66</sup> P. SOUTHWELL ET AL., *HUMAN TRAFFICKING AND MODERN SLAVERY LAW AND PRACTICE* (2nd edition, Bloomsbury Professional 2020).

their previous engagements with practitioners have been unfulfilling at best and detrimental at worst, contributing to dismally low numbers of prosecutions and convictions of traffickers and exploiters<sup>67</sup>.

Indeed, policy development to respond to modern slavery in the UK began with a focus on sexual exploitation, with responses developed before robust research had been conducted<sup>68</sup>. Burland<sup>69</sup> argues that the dominant focus in the UK on sexual exploitation as an aspect of modern slavery undermines the identification of victims of other forms of human trafficking and highlights how victims of forced criminality fall outside of popular understandings of human trafficking. This is particularly pertinent, given that such high proportions of British victims are being referred into the NRM for criminal exploitation<sup>70</sup> and is evidenced in NRM statistics over time that show a gradual decrease in the percentage of victims being identified for sexual exploitation and an increase in the identification of other forms of modern slavery.

Within typologies of exploitation, pre-existing stereotypes and categories, like human trafficking victims being female<sup>71</sup>, continue to impact identification and, as such, also impact the criminalization and support of victims. In contrast, the gender bias within county lines is acknowledged in research in which women are less likely to be viewed as victims despite the known links between sexual exploitation and county lines<sup>72</sup> and almost 500 girls under 18 being reported as suspected victims of child sexual exploitation in 2017<sup>73</sup>. It is not only gendered stereotypes that impact upon victims' identification, but further stereotyped ideas of what constitutes a victim can act as an additional barrier.

The concept of the ideal victim<sup>74</sup>, whereby an individual who is considered weak, passive and blameless is most likely to be recognized as a victim has become well established in criminal justice parlance<sup>75</sup>, is spreading into discourse on modern slavery<sup>76</sup>. In discussing modern slavery, the then Prime Minister

<sup>67</sup> CSJ, *supra* note 35.

<sup>68</sup> Broad & Turnbull, *supra* note 10.

<sup>69</sup> P. Burland, *Smoke But No Fire: How Not to Read UK Government Trafficking Statistics. Beyond Slavery and Trafficking*, *OpenDemocracy* (28 April 2017). Available online: <https://www.opendemocracy.net/beyondslavery/patrick-burland/smoke-but-no-fire-how-not-to-read-uk-government-trafficking-statistics> (Accessed 14 April 2022).

<sup>70</sup> Home Office, *supra* note 9.

<sup>71</sup> I. A. Ras, *Child Victims of Human Trafficking and Modern Slavery in British Newspapers* 191–214, in *CONTEMPORARY MEDIA STYLISTICS* (H. Ringrow & S. Pihlaja, eds. Bloomsbury 2020).

<sup>72</sup> J. Brown & N. Mutebi, *Gang Associated Girls* (2020). Available online: <https://hansard.parliament.uk/commons/2020-10-06/debates/14BD6C0D-FE44-4A11-9F3D-5676A4BAEF46/Gang-AssociatedGirls> (Accessed 29 April 2022).

<sup>73</sup> National Crime Agency, *NRM End of Year Summary* (2018). Available at: <https://www.national-crimeagency.gov.uk/who-we-are/publications/282-national-referral-mechanism-statistics-end-of-year-summary-2018/file> (Accessed 22 April 2022).

<sup>74</sup> N. Christie, *The Ideal Victim*, in *FROM CRIME POLICY TO VICTIM POLICY* (E. A. Fattah, ed. Palgrave Macmillan 1986).

<sup>75</sup> M. Wilson & E. O'Brien, *Constructing the Ideal Victim in the United States of America's Annual Trafficking in Persons Reports*, 65(1) *CRIME, LAW SOC. CHANG.* 29–45 (2016); A. Pemberton, *Dangerous Victimology: My Lessons Learned from Nils Christie*, 19(2) *TEMIDA* 257–276 (2016).

<sup>76</sup> Burland, *supra* note 66.

Theresa May spoke of ‘innocent lives’ being subjected to exploitation and abuse at the hand of ‘slave drivers’<sup>77</sup>. The portrayal of innocence, alongside stereotypes of what innocent means, results in a narrow understanding of the complexities and nature of human trafficking and its victims<sup>78</sup>.

Research shows that many victims of criminal exploitation are recruited or further exploited through normalized drug consumption or addiction<sup>79</sup>. Others may appear to lack objection to criminal activities following grooming into abusive relationships through ‘the boyfriend model,’ a recognized tactic of child sexual exploitation<sup>80</sup>. Such individuals can lack the status of ‘ideal victim’<sup>81</sup>, which is particularly pertinent in relation to British nationals, considering the prevalence of criminal exploitation among this group. There have been multiple calls for greater training and awareness in the identification of victims of modern slavery<sup>82</sup>. Despite these calls, and despite the increase of resources to support with this<sup>83</sup>, British victims continue to be criminalized<sup>84</sup>, and services are failing to recognize them as victims of modern slavery because they do not fit neatly within this stereotyped image of the ideal victim.

Additionally, victims of modern slavery can be repeatedly victimized over time by the same perpetrators or re-victimized at some stage by the same or different perpetrators<sup>85</sup>. The exploitation involves a pattern of coercive and controlling relationships that are governed by contextual factors over time, following complex, non-linear pathways of development<sup>86</sup>. The process of modern

<sup>77</sup> T. May, *My Government will Lead the Way in Defeating Modern Slavery*. THE TELEGRAPH (2016). <https://www.telegraph.co.uk/news/2016/07/30/we-will-lead-the-way-in-defeating-modern-slavery/>

<sup>78</sup> *Id.*

<sup>79</sup> G. Robinson et al., *Working County Lines: Child Criminal Exploitation and Illicit Drug Dealing in Glasgow and Merseyside*, 63(5) INT. J. OFFENDER THER. COMP. CRIMINOL. 694–711 (2018).

<sup>80</sup> C. McNaughton Nicholls et al., *Research on the Sexual Exploitation of Boys and Young Men: A UK Scoping Study Summary of Findings* (2014); L. Moyle Barnardos, *Situating Vulnerability and Exploitation in Street Level Drug Markets: Cuckooing, Community and the ‘County Lines’ Drug Supply Model*, 49(4) J. DRUG ISSUES 739–755.

<sup>81</sup> Christie, *supra* note 71; Windle et al., *supra* note 28.

<sup>82</sup> C. Haughey, *The Modern Slavery Act Review* (2016). Available online: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/542047/2016\\_07\\_31\\_Haughey\\_Review\\_of\\_Modern\\_Slavery\\_Act\\_-\\_final\\_1.0.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/542047/2016_07_31_Haughey_Review_of_Modern_Slavery_Act_-_final_1.0.pdf) (Accessed 14 April 2022); F. Field et al., *Independent Review of the Modern Slavery Act 2015: Final Report* (2019). Available online: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/803406/Independent\\_review\\_of\\_the\\_Modern\\_Slavery\\_Act\\_-\\_final\\_report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/803406/Independent_review_of_the_Modern_Slavery_Act_-_final_report.pdf) (Accessed 14 April 2022); CSJ (2020).

<sup>83</sup> Home Office, *supra* note 9; Skills for Care, *Training Framework: Identification, Care and Support of Victims and Survivors of Modern Slavery and Human Trafficking* (2022). Available online: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1059234/Modern\\_Slavery\\_Statutory\\_Guidance\\_E\\_W\\_Non-Statutory\\_Guidance\\_\\_SNI\\_\\_v2.8.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1059234/Modern_Slavery_Statutory_Guidance_E_W_Non-Statutory_Guidance__SNI__v2.8.pdf) (Accessed 1 April 2022); Human Trafficking Foundation, *supra* note 14.

<sup>84</sup> Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) (2021) *Report on Hestia’s Super-Complaint on the Police Response to Victims of Modern Slavery*. Available online: <https://www.justiceinspectorates.gov.uk/hmicfrs/publications/report-on-hestias-super-complaint-on-the-police-response-to-victims-of-modern-slavery/> (Accessed 14 April 2022).

<sup>85</sup> D. FINKELHOR, *CHILDHOOD VICTIMISATION: VIOLENCE, CRIME AND ABUSE IN THE LIVES OF YOUNG PEOPLE* (Oxford University Press 2008).

<sup>86</sup> Barlow, *supra* note 22.

slavery is multifaceted, driven and shaped by relationships between victim, exploiter and their shared physical, social, economic and political environments<sup>87</sup>. Understanding the relevance of the social histories and contexts of people who have been targeted, recruited and exploited by traffickers, the impact of adverse environmental conditions on vulnerability, resilience and recovery is central to developing effective social policy, services, law enforcement and justice. This was the promise of the MSA of 2015 (May 2016); yet, prosecutions of traffickers are woefully low<sup>88</sup>, and the number of British citizens who have been identified as victims of trafficking continues to rise rapidly. A number of possible reasons for this have been cited since the Act received royal assent.

In her review of the MSA of 2015, Haughey<sup>89</sup> heard from police investigators who were struggling to properly evidence 'exploitation'. Similarly, there has been very little assistance available within existing legislation such as The Children Act of 1989, The Sexual Offences Act of 2003, The Children Act of 2004, the Care Act of 2014, the Serious Organised Crime Act of 2015 and any related statutory guidance. This may be because exploitation is not explicitly defined in the MSA (2015), nor does it set out a 'stand-alone' offence of exploitation. Positively, local multi-agency protocols for safeguarding children and vulnerable adults at risk of trafficking and exploitation have been developed within Local Safeguarding Children Partnerships and Safeguarding Vulnerable Adults Boards. This is important, given that responsibility for providing the protections and entitlements for British nationals who have been identified as victims of modern slavery through the NRM falls on the local authority in whose area the victim is located.

However, the lack of additional resources or national safeguarding policy regarding the support that local authorities should provide to victims of modern slavery means that there is still a lack of coordinated response or understanding. This means that unlike the regulated support provided under the MSVCC, where BVs are supported instead by local authorities, their treatment is likely to vary significantly depending on the geographical region in which they are being supported.

## Conclusion

This article has offered new perspectives into the current response to modern slavery in the UK, and it has presented the need for comprehensive investigation into the needs and experiences of BVs. It has demonstrated that there are numerous reasons that victims might choose not to engage with official sources of support and has highlighted the current failures in adequate support being provided to BVs.

The DTN process collects data on the reasons adult potential victims of modern slavery in the UK decline a referral into the NRM. This information is vital in

<sup>87</sup> Di Nicola, *supra* note 16; Barlow, *supra* note 22; Barlow, *supra* note 15.

<sup>88</sup> CSJ, *supra* note 35.

<sup>89</sup> Haughey, *supra* note 79.

understanding the barriers to engagement, and yet is not accessible and as such has not been properly investigated. Scrutiny of these data is fundamental in order to inform practice as to how such barriers could be overcome and to ensure that appropriate support is provided that meets the needs and requirements of victims of modern slavery. Without these data, extant literature provides the key source of understanding why adults may choose not to engage with the NRM or other support services. The key reasons presented are due to individuals not identifying themselves as victims, the impact of stigma or shame relating to their experiences, a fear of their exploiters and a fear or distrust in authorities.

This fear and distrust in authorities is compounded by the fact that in order to be officially considered as a victim of modern slavery, people who have already faced extreme exploitation must go through a two-tier decision-making process in which professionals—who the criminal justice system deems not to be experts—take on average a year and a half to decide whether or not the referred person fits the definition of being a victim of modern slavery, and whether the victim's account is to be believed. Not only does the long wait exacerbate trauma, but for no other crime would a victim be expected to endure such a significant wait, or to have their account assessed through two stages by someone who is not an expert, in order to be believed as a victim.

A further reason for distrust and fear of engagement with authorities is the failure of alignment between the criminal justice system and safeguarding systems. While the legislation and use of terminology of 'modern slavery' and 'human trafficking' differ across devolved nations within the UK, the overall approach remains a criminal justice one. Where the criminal justice system prioritizes the criminalization of perpetrators and safeguarding approaches prioritize the support of victims, the two must find a common ground in order to respond appropriately to situations of criminal exploitation in which a person will present simultaneously as a perpetrator of a crime and a victim of modern slavery. This is particularly pertinent with regard to responding to and supporting BVs, given the prevalence of criminal exploitation among this cohort. This criminal justice approach to modern slavery also has a knock-on effect on the identification of victims and their access to services, as recognition by the NRM does not necessarily lead to wider recognition within the courts.

BVs are most commonly identified as having suffered criminal exploitation. However, due to the crimes they were compelled to commit, victims of criminal exploitation do not fit the 'ideal victim' narrative, which further reduces their likelihood of being identified as victims rather than perpetrators and responded to accordingly. This tendency of treating victims primarily as criminals persists, despite the constant and repeated calls for adequate training for practitioners. Further, those experiencing sexual exploitation may potentially be overlooked, given the current focus on criminal exploitation.

Official recognition of an experience of modern slavery is not only often a lengthy process but also an inequitable one across nationalities. This article has debated the negative connotations of such a distinction among victims, with British nationals typically being referred to local authorities, who lack resources and training for support. Consequently, it has been demonstrated that BVs face a



postcode lottery for support, which is not something faced by non-British national victims who receive support through the MSVCC, which offers equitable services and support to non-British nationals, regardless of where in the country they are located.

This article has evidenced that current support systems do not accommodate the needs of BVs. There is still a lack of awareness and understanding among frontline professionals who fail to recognize British nationals as victims of modern slavery, while simultaneously the prosecution rates of perpetrators of modern slavery are woefully low. Despite this, the UK government is yet to formulate an effective and nationally coordinated response to modern slavery, and British victims in particular, be that in terms of prevention and safeguarding of children and vulnerable adults at risk of exploitation, supporting those who have been exploited towards safety and recovery or pursuing and prosecuting the exploiters.

### Declaration of Conflicting Interests

The author declared no potential conflicts of interest with respect to the research, authorship and/or publication of this article.

### Funding

The author received the following financial support for the research, authorship and/or publication of this article: The research was funded by the Arts and Humanities Research Council through the Modern Slavery and Human Rights Policy and Evidence Centre (Modern Slavery PEC).

### ORCID iD

Alicia Heys Heys  <https://orcid.org/0000-0003-0617-8582>

### References

- Centre for Social Justice and Justice and Care. (2020). It still happens here: Fighting UK slavery in the 2020s. <https://justiceandcare.org/wp-content/uploads/2020/07/Justice-and-Care-Centre-for-Social-Justice-It-Still-Happens-Here.pdf> (Accessed 14 April 2022).
- Independent Anti-Slavery Commissioner, *Call for Evidence—Practitioner Responses to Child Trafficking: Emerging Good Practice* (2021). Available online: <http://www.antislaverycommissioner.co.uk/news-insights/closed-call-for-evidence-practitioner-responses-to-child-trafficking-emerging-good-practice/> (Accessed 27 April 2022).
- Independent Anti-Slavery Commissioner, *Independent Anti-Slavery Commissioner Annual Report 2021-2022* (2022). Available online: <https://www.antislaverycommissioner.co.uk/media/1796/iasc-annual-report-2021-2022.pdf> (Accessed 27 April 2022).
- National Crime Agency, *Intelligence Assessment: County Lines, Drug Supply, Ability Harm 2018* (NCA 2019).