

A close-up, profile view of a woman's face, looking towards the right. The background is a bright, out-of-focus sunset or sunrise, with warm orange and yellow light. The woman's hair is dark and pulled back. The overall mood is contemplative and hopeful.

# The Anti Trafficking Monitoring Group

**Real people,  
real lives**

Ten years of advocacy for  
victims of slavery in the UK

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**Real people, real lives**

Ten years of advocacy for victims of trafficking in the UK





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# Forewords

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Monitoring, research and data collection are essential elements of the human rights-based approach to action against trafficking in human beings. The first decade of operation of the ATMG, a unique coalition of civil society organisations in the United Kingdom, is an excellent example of how independent monitoring of the impact of anti-trafficking measures at national level can contribute to ensuring compliance with international legal obligations. Combined with periodic evaluations by the Group of Experts on Action against Trafficking in Human Beings (GRETA), which monitors the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, in force in the UK since 1 April 2009, the work of the ATMG has been crucial for protecting the human rights of trafficked persons through identifying shortcomings and advocating for improvements.

The report *Real People, Real Lives* summarises the important work carried out by the ATMG since 2009. Through building a 'critical friendship' with the UK Government, the ATMG has achieved considerable success, in particular in the areas of legal reform, resource allocation and political attention. The progress made by the UK in implementing the Council of Europe Anti-Trafficking Convention was acknowledged by GRETA in its second report on the UK, published in October 2016, which welcomed the political attention to tackling human trafficking, the adoption of dedicated legislation, as well as the multi-agency approach and engagement with civil society.

At the same time, the ATMG's report highlights many remaining challenges, notably the absence of an effective system supporting survivors of human trafficking to rebuild their lives in a safe environment, as well as the lack of a specialist response to child trafficking and an effective prevention strategy. In a similar vein, GRETA has recommended to the UK Government to provide support to victims of trafficking, according to their individual needs, beyond the 45-day period covered by the National Referral Mechanism, and to improve the identification and protection of child victims of trafficking.

Due to these shortfalls, it is crucial that the monitoring work of the ATMG continues. GRETA's third evaluation of the implementation of the Anti-Trafficking Convention by the UK is forthcoming, and the expertise and critical voice of the ATMG are essential for ensuring that there are real improvements in the protection of trafficked persons' rights.

**Petya Nestorova**  
**Executive Secretary of the Council of Europe Convention on Action against Trafficking in Human Beings**

Over the past ten years, the ATMG has played an essential role scrutinising the UK's legislative and policy response to modern slavery and human trafficking, campaigning for the UK's ratification and adherence to international obligations within domestic legislation and working with government and civil society to implement these in a practical, inclusive and compassionate way.

The strength of the ATMG lies in its multi-agency approach, convening a diverse cohort of NGOs to provide an independent voice advocating on behalf of victims and survivors to put them at the heart of UK's response to modern slavery. Beyond the UK, the ATMG's impact can be seen internationally with similar civil society coalitions abroad replicating its model.

As the UK's Independent Anti-Slavery Commissioner, I will be looking to identify ways to continue to improve the care for victims of modern slavery and I welcome this retrospective and the opportunity to learn from past successes. The UK's response to modern slavery must evolve to address emerging trends and meet new challenges, and I hope the ATMG will continue to advocate for the needs of trafficking victims using its unique brand of critical friendship with government and the wider sector.

**Dame Sara Thornton CBE QPM**  
**Independent Anti-Slavery Commissioner**





# Executive Summary

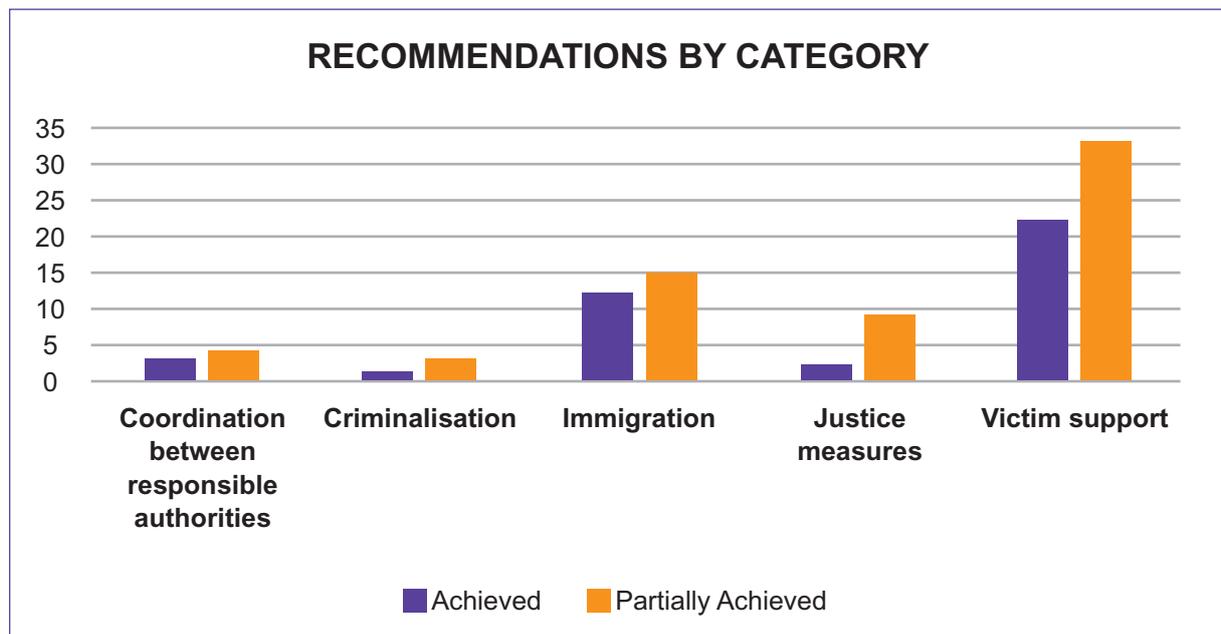
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This report aims to tell the story of how and why the Anti-Trafficking Monitoring Group (the ATMG) was formed in 2009, and the impact it has had over the last decade. It also aims to illustrate the coalition as a model for good practice in holding governments around the world to account through 'critical friendship'. Over a decade, the ATMG's approach has sought to question the UK Government's efforts to combat slavery and trafficking, while at the same time offering a positive critique of their actions in order to improve the protection of victims of slavery and their rights.

This report sets out what the UK Government has achieved in its efforts to address modern slavery, the remaining challenges in the years ahead, as well as our commitment to respond to these issues and ensure that victims of trafficking and slavery receive the protection they deserve.

This 10-year study illustrates how interventions, recommendations and research from the ATMG coalition have provided unique, often frontline, intelligence. This intelligence has helped to increase accountability from the Government and improve the systems set up to support victims and prevent slavery. This is demonstrated by the ATMG's 237 key recommendations to date, with 104 implemented partially or fully by the UK Government (See Fig 1).

**Figure 1**



## Key highlights

The ATMG has registered some significant wins in improving victim protection by influencing the Government's response to modern slavery. These wins are not just reflected in policy, but in the services and provisions afforded to some of the most vulnerable people in the UK. This includes the following significant policy and legal improvements:

- Influencing the UK Government's decision to sign the Council of Europe Action against Trafficking in Human Beings in 2009. This led to the provision of a legal basis for policies and the initiation of the National Referral Mechanism (NRM) – the UK's primary support system for identified victims of slavery.
- Since its initiation the coalition has successfully advocated for the provisions within the mechanism to be improved and to be more victim-centred.
- The ATMG was instrumental in identifying the human rights violations and failures in identification of victims, associated with treating victims as immigration problems first and victims second.
- The ATMG was instrumental in the shaping of the Modern Slavery Act, including introduction of Independent Child Trafficking Guardians (ICTG), measures to protect victims from being prosecuted and the introduction of an Independent Anti-Slavery Commissioner.
- A reversal of the Home Office decision to cut the rate of subsistence support provided to over 1,000 victims of trafficking. The cuts to subsistence rates had made it extremely difficult for victims to rebuild their lives, making them more vulnerable to re-trafficking.
- The ATMG provided evidence to the court case that forced the Government to drop the 45 days limit for providing support for survivors and obliged it to design a system providing them long term support fulfilling their individual needs.

## Key challenges

The many and varied challenges faced by victims and vulnerable people remain at the heart of the ATMG's influential work. The ATMG is operating in a UK context that has seen an increasingly hostile immigration environment, a weak stance on worker rights and broad cuts to services that allow survivors safety and rehabilitation, and which prevent re-exploitation.

The UK's lack of an effective, holistic prevention strategy severely hinders the efforts to address modern slavery. It also results in a 'lottery' of victim support, where the quality of support a survivor receives may be dependent on the location in which they live, and whereby immigration decisions can increase their vulnerability to being exploited again.

Broader shifts such as Brexit and austerity measures can weaken the availability of integrated services and the legal protections for vulnerable people.

The UK can better improve support systems for victims if those improvements are informed by direct experience. The ATMG's members' diverse frontline experience aims to legitimately enhance UK Government policies and practice. But this direct experience can be difficult to garner without adequate protections for those affected by experience of modern slavery.

Several years since the introduction of new anti-trafficking laws across the UK, their implementation is inconsistent and there is no mechanism to monitor the outcomes and impact of the UK's legislation. Key challenges include: a lack of resources, as a consequence of budget cuts to the criminal justice and welfare systems, and poor coordination. Such an inconsistent approach to anti-slavery efforts overall, continue to stifle the UK's progress in combatting this issue.

# About the Anti-Trafficking Monitoring Group

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The Anti-Trafficking Monitoring Group (the ATMG) is a coalition of organisations formed in 2009 to monitor the implementation of anti-slavery laws and policies by the UK Government. It places a particular focus on the protection of survivors of modern slavery.

Member organisations include those who directly support vulnerable people affected by slavery, including trafficked children, men and women, across the UK, and those trapped in specific forms of exploitation such as forced labour, sexual exploitation or domestic slavery.

The ATMG has two aims:

- To tackle the various forms of trafficking and work strategically to ensure the voices of individuals affected by slavery are heard and advocated for.
- To monitor the implementation of anti-slavery laws and policies by the UK Government, including the Government's implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, and the subsequent EU Directive on tackling trafficking.

It seeks to achieve these aims by ensuring that:

- All identified cases of trafficking are comprehensively dealt with by the authorities;
- Survivors are provided with adequate care and support to recover from their experiences, including legal representation;
- Perpetrators of modern slavery are effectively prosecuted, and;
- Comprehensive policies are in place to prevent modern slavery practices and to facilitate the prosecution of perpetrators and support of survivors.

The diversity of the ATMG's membership has been a significant strength of the coalition. Thanks to the expertise of the coalition's membership the group has been able to undertake research and advocacy on a large range of slavery-related issues.

To drive impact the ATMG has established a 'critical friendship' relationship with the UK Government. This friendship has not always been an easy one, and despite many successes, the Government has been reluctant to implement the Convention in full, particularly failing to build an effective system supporting survivors to rebuild their lives in a safe environment.



# Introduction

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## Origins of the coalition and first successes

The basis of the coalition's monitoring is informed by the Council of Europe Convention on Action against Trafficking in Human Beings<sup>1</sup> which the UK ratified, under pressure from campaigners, in 2008. More recently, in 2011, the UK Government signed up to the EU Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.<sup>2</sup>

These two instruments provide the basis for anti-slavery policies in the UK and place a positive obligation on the Government to fully implement their principles. These principles include victim protection, criminal justice measures, and the prevention of trafficking and exploitation.

The diversity of the ATMG's membership has been a significant strength of the coalition, whether providing frontline support, legal advice or advocacy to those exploited. Thanks to the expertise of the coalition's membership, the Group has been able to advocate and undertake research on a large range of slavery-related issues.

Throughout the 90's and early 00's the understanding of trafficking and slavery across the UK was very limited and the response to it was in its infancy, with progress generally restricted to awareness raising. Domestic legislation was also equally underdeveloped, with the only progress during the period being the introduction of new laws to make trafficking for both sexual exploitation and labour exploitation criminal offences.

In 2007, an informal network of leading non-governmental organisations (NGOs) working on trafficking in the UK formed a coalition.<sup>3</sup> Driven by the desire to improve protections and support and the failure by the UK Government to protect trafficked people, the organisations understood the benefits that could be gained by working collaboratively, as a common voice, across the issues that affected victims.

This network believed it was essential for the UK Government to sign the Council of Europe Convention on Action against Trafficking in Human Beings, as it provided the building blocks to combat trafficking and protect the fundamental human rights of victims.

In 2007, the UK Government published the *UK Action Plan on Tackling Human Trafficking*.<sup>4</sup> While the coalition was influential in supporting action and gained significant Government recognition, the action plan dealt almost exclusively with assistance to people who were trafficked for sexual exploitation.<sup>5</sup> It didn't offer protection for people trafficked for other forms of forced labour, it also failed to recognise the issue of child trafficking and offer distinct provisions for children.

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<sup>1</sup> Council of Europe Convention on Action against Trafficking in Human Beings, Council of Europe Treaty Series No.197, 2005. See also Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings, 2005, here: <https://rm.coe.int/16800d3812>

<sup>2</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims. Hereinafter known as the "Directive": <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>

<sup>3</sup> The founding members: Amnesty International UK, Anti-Slavery International, ECPAT, the Helen Bamber Foundation, Immigration Law Practitioners Association, Kalayaan, the POPPY Project, TARA and Unicef UK.

Under pressure from the ATMG the action plan was published in 2007 with a written commitment that the UK Government would sign the Convention that year. In December 2008 the UK ratified the Convention. This was the foundation of changes which led to increased prosecutions and support for victims.

### **Council of Europe Convention ratified**

The Convention came into effect in the UK on 1 April 2009. The ratification of the Convention brought with it many positives, including new procedures to examine cases of individuals presumed to have been trafficked. The new procedures were given the title of 'National Referral Mechanism' (NRM). For the first time Britain had a system designed to formally identify victims of slavery and refer them to specific support services, contracted out mainly to specialist organisations. It also put in place the so-called 'reflection period' of 45 days for victims to be assured of support and protection to decide what decisions to make after their rescue.

Lack of clarity on the Convention's implementation by the Government was a big cause for concern. Despite the enactment of anti-trafficking legislation, introduction of a national action plan and the establishment of specific bodies (such as the UK Human Trafficking Centre), there remained little real improvement in the protection of trafficked people's rights.

Following the enactment of the Convention in the UK in April 2009 there remained limited protection for victims and it was clear that no concrete steps were in place for individual authorities to improve, and that there were persistent contradictions between migration policies and anti-trafficking policies.

## **Formalising the coalition: The Anti-Trafficking Monitoring Group**

In response to this clear lack of strategy a group of nine UK-based organisations<sup>6</sup> set up a new formal coalition in May 2009 to monitor the implementation and to share the information they were able to gather about the UK's compliance with the Convention.

Known as the Anti-Trafficking Monitoring Group, or the ATMG, this brave new coalition would go on to audit the performance of the UK Government in its anti-trafficking policies and its adherence to international obligations, as well as providing an honest assessment of the ways in which victim protection was being provided both by government bodies and civil society organisations.

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<sup>4</sup>UK Action Plan on Tackling Human Trafficking, 2007: [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/uk\\_action\\_plan\\_on\\_tackling\\_human\\_trafficking\\_en\\_1.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/uk_action_plan_on_tackling_human_trafficking_en_1.pdf)

<sup>5</sup>Ibid, p.5.

<sup>6</sup>Members in 2009: Amnesty International UK, Anti-Slavery International, ECPAT, the Helen Bamber Foundation, Immigration Law Practitioners Association, Kalayaan, the POPPY Project, TARA and Unicef UK.

Our experience has shown that slavery never simply ends with the ratification of a law or convention but that considered implementation of these laws and change in practices are always crucial.

*My case worker was so nice to me, she supported me a great deal. I just wanted to be given a chance. I wanted to be a real lady, to be someone in society. And now I can.*

Anna (name changed), survivor of trafficking supported by the Eaves' Poppy Project



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# The ATMG: A decade of scrutiny and impact

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Following its inception in 2009, the ATMG swiftly established itself as the primary body scrutinising the UK Government's implementation of the Convention. Drawing on diverse expertise from across sectors, the ATMG's membership recognised the importance of evidence-based research to create a robust platform to support the coalition's advocacy.

The diversity of experience and expertise brought by member organisations allowed the Group to look at the issue of slavery in a comprehensive way, examining all elements of the UK's approach, from protection and support for victims, to criminal justice, immigration measures, and prevention.

Below are key examples of the coalition's work to date, demonstrating how 'critical friendship' has improved the UK Governments response in ensuring victim protections; as well as encouraging the development of prosecutorial and preventative measures. However, it must be recognised that the first decade of work also reveals how each achievement has in turn led to a new set of challenges.

## Prioritising victims in slavery responses

Within a year of its inception, the ATMG produced its first publication, the ground-breaking *Wrong Kind of Victim?* report<sup>7</sup> in 2010. This report highlighted the worrying treatment of slavery victims in the UK and revealed that the UK Government was not meeting its obligations under the Convention.

It further revealed that, no matter where they were in the UK, most victims were not getting the support they needed because they did not fit the expected victim profile. The report called on the Government to include overlooked groups such as children and overseas domestic workers in the definition of victims. This first report set out the ATMG as a coalition that would advocate for adults and children equally, while also recognising that the needs of each group required different approaches.

The report also helped shine a light on the UK Government's reluctance to engage with victims and the ways in which its hostile environment on immigration extended to the majority of victims, resulting in treatment as immigration offenders first, and as victims of a crime second. The ATMG made additional recommendations, including the establishment of an Independent Anti-Trafficking Commissioner or "watchdog" as an equivalent to a National Rapporteur.

Setting a new agenda for policy engagement on human trafficking, the ATMG's report placed firm emphasis on victim rights and protection, proposing safeguards for child victims of trafficking and highlighting the way in which legislation sometimes discouraged people from seeking help.

*The Home Office is not the right agency to deal with vulnerable victims*

Kevin Hyland, former Anti-Slavery Commissioner.

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<sup>7</sup>The Anti-Trafficking Monitoring Group, *Wrong kind of victim? One year on: an analysis of UK measures to protect trafficked persons* (2010).

***Each survivor should be as lucky as me to have long term support. The effects and obstacles that you are faced with when rescued should never be faced alone.***

Maya (name changed), survivor of trafficking supported by Snowdrop Project, member of the ATMG

The ATMG influenced the Government to implement some key recommendations from the report, including reforms of the NRM in 2013/14 and more recently in 2017. This in turn has led to improved identification of victims and the introduction of an appeal system involving multi-agency reviews of decisions, whereby an individual is not formally identified as a slavery victim.

It is important to recognise that the NRM, despite its many flaws, puts the UK ahead of many European countries in terms of victim response.

### **Case study:**

Grace (name changed) from *Nigeria*

*“When I was 15, I was sent to England to work as a domestic worker. On the first day a man came, raped me and beat me – I was terrified. He forced me to have sex with lots of different men he brought to the house. It was horrible. When I finally managed to run away, I was pregnant.*

*After the police found me, at first I lived in a hostel. But then I was sent to detention because my asylum claim had been rejected. Finally, an organisation supporting trafficked women took me to their safe house where I finally felt safe and had lots of support. I met someone from the Poppy Project and they helped me to appeal my case.”*

The ATMG members have provided support to the most vulnerable survivors. The Poppy Project was one of the original founders of the ATMG.

## **Immigrants first, victims second**

In 2013 the ATMG’s research-driven account of trafficking in the UK showed dramatic differences in the number of positive conclusive decisions granted by the then two Government authorities tasked with reviewing trafficking cases. Data from 2012 revealed that over 80% of EU/EEA nationals referred to the system received positive trafficking identification decisions. In comparison, less than 20% of third country nationals referred received positive identification. The publication of the *Hidden in Plain Sight* report<sup>8</sup> clearly established how a hostile immigration environment negatively influences victims’ chances of being recognised as victims of crime.

The success of these two reports, and others that followed, helped progress the conversation on victim protection and created the basis for the group to build a strong advocacy platform that would go on to reshape UK law.

## **The Modern Slavery Act**

<sup>8</sup> The Anti-Trafficking Monitoring Group, *Hidden in Plain sight: Three years on: an updated analysis of UK measures to protect trafficked persons* (2013).



In June 2013, the ATMG published its influential *In the Dock* report,<sup>9</sup> which set out the need for new legislation to prosecute traffickers and called for a new, comprehensive, law to accommodate the UK's response to modern slavery.

In October of that year, the Government introduced the draft Modern Slavery Bill. While this Bill marked a step in the right direction, it had many shortfalls. It included little attention to issues beyond policing and criminal justice measures and no statutory provisions for victim support or mechanisms to improve the UK's knowledge and understanding of slavery.

The ATMG responded with a huge advocacy effort to tackle the deficiencies in the proposed legislation, and over the following 18 months developed a series of necessary revisions to the Bill. Working with Freshfields Bruckhaus Deringer LLP, in 2014 the ATMG also produced an *Alternative Modern Slavery Bill*,<sup>10</sup> a gold standard law going beyond the limited provisions set out in the Government's draft Bill.

This *Alternative Bill* provided the framework to engage parliamentarians and allowed the ATMG to lobby for small but crucial changes, which triggered a whole series of responses.

The sustained pressure subsequently led the Government to pass a much-revised Act in 2015, a vast improvement on their original draft Bill. A key advance was the inclusion of victim protection in the Act, with clauses covering victim identification and witness protection measures.

*We were delighted to have advised the Anti-Trafficking Monitoring Group on its Alternative Modern Slavery Bill in the period running up to the final adoption of the UK Modern Slavery Act 2015. With the Alternative Bill, ATMG's advocacy helped improve the Modern Slavery Act, and the Alternative Bill continues to be referenced as an example of best practice in legislating against this crime. Through our own (pro bono) work for survivors of modern slavery, along with the ATMG, we see the importance of victim identification and support in tackling the scourge of modern slavery.*

Paul Yates, Head of Pro Bono, Freshfields Bruckhaus Deringer LLP

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<sup>9</sup>The Anti-Trafficking Monitoring Group, *In The Dock, Examining the UK's Criminal Justice Response to Trafficking*, (2013).

<sup>10</sup>The Anti-Trafficking Monitoring Group, *Alternative Modern Slavery Bill*, (2014).

Despite the success, the Bill did not explicitly place a duty on the State to provide support and assistance to victims, nor their entitlements. Rather, the arrangements for identifying and supporting victims may be revised 'from time to time'. Therefore, victims in England and Wales cannot look to the Modern Slavery Act to claim their right to support. This guidance remains unpublished at the time of writing.

In 2015, the Modern Slavery Act entered into law and was widely welcomed by NGOs and legal professionals involved in anti-trafficking work.

For the first time, the UK also introduced an Independent Anti-Slavery Commissioner. The Commissioner's role expanded in the course of the Modern Slavery Bill's passage. The ATMG, along with other NGOs and parliamentarians, helped to mould the role from one focused on improving the law enforcement response in England and Wales, to one that was UK wide and included victim protection.

### **Case study: Successful prosecution under Modern Slavery Act**

Two women and a man were sentenced for modern slavery offences in January 2018 after they trafficked four teenage girls from Vietnam and forced them to work in nail bars across England.

Two teenagers were initially found on a multi-agency welfare visit to a nail bar in Bath city centre, where they were forced to work without wages and slept in a loft space above the nail bar. But soon after they went missing from care.

This case is believed to be the first successful prosecution under the Modern Slavery Act.

## **Strengthening the modern slavery response since the Act**

The ATMG has used the Act to build its advocacy to ensure the rights of trafficked people are accessible in practice. Sustained pressure by the ATMG contributed to several positive developments:

- Concessionary changes to the Overseas Domestic Workers (ODW) visa: these limited concessions now allow for overseas domestic worker visa-holders who have been trafficked to apply to remain on this visa for further a two years. It remains clear that ODW visa holders need additional rights in practice to enable them to challenge exploitation;
- Repeated commitments to publish clear and comprehensive statutory guidance for professionals on supporting victims;
- The ATMG contributed evidence to a National Audit Office report in 2017 which highlighted many of the concerns with the Government's victim care approach response, that a number of civil society organisations had been calling for, including improvements to victim support and safety.

The ATMG continues to probe and monitor the implementation of the Act and its impact on survivors.



## Protection for trafficked children

The ATMG members also achieved a breakthrough in relation to the protection of children within the Modern Slavery Act 2015 including the creation of Child Trafficking Guardians (ICTGs). The creation of this scheme for children identified as potential trafficking victims was the culmination of years of campaigning to meet the requirements under the EU Directive. The scheme aims to provide trafficked children with an independent, specialist advocate to represent their best interests and advocate for their rights.

The scheme has been a vital step forward, but it is another element of the Act that falls short and is not being fulfilled in practice. In particular, the Government has been slow to roll out the scheme, which is still only operating in a third of all local authority areas. Moreover, the provision of support to children has been reduced since the scheme was originally established, rather than being expanded to all unaccompanied children, as the ATMG members and others have long called for based on international standards. The ATMG and its members continue to push for this provision to be properly implemented to better identify and protect child victims of trafficking.

### Case study: protecting trafficked children

Agnes (name changed) was trafficked from West Africa aged 14 and trapped in domestic servitude for two years. When she finally escaped, she was placed in care in semi-independent accommodation with little support.

There she met a man who was older than her and who became controlling and increasingly violent towards her. Whilst she was still a child, she became pregnant. Anna's baby was put on the child protection register. She felt her social workers judged her for being in a relationship with a violent man. She was given very little support and felt she had few options.

Finally, she was referred to ATMG member ECPAT UK, which linked Anna to her local Children's Centre to support her with parenting and attended the ECPAT workshops that built up her confidence, life skills and knowledge about healthy relationships. As an independent advocate, ECPAT's worker helped Anna understand what was happening, her rights as a young mother and, perhaps most importantly, that she felt someone was on her side.

Using experiences across its members, the ATMG continues to advocate for the implementation of the ICTG scheme to ensure trafficked children get specialised support tailored to their needs.

## Ensuring consistent approaches to victim care in the UK

### Scotland and Northern Ireland go further

Building on the momentum of the Modern Slavery Act in Westminster in 2015, the Scotland-based ATMG member TARA led efforts with the support of MSP Jenny Marra, to engage key stakeholders and, with the coalition, successfully lobbied the Scottish Parliament for better, longer, support for victims than provided for in England.

This advocacy effort resulted in the Scottish Parliament passing the Human Trafficking and Exploitation Act (Scotland). The same year, legislators in Northern Ireland followed suit and passed The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland).

The enactment of these more victim-focused bills helped to put further pressure on Westminster, highlighting areas where the Modern Slavery Act could go further, particularly in relation to victim protection.

## Improving consistency

The ATMG continued to monitor the UK-wide efforts against slavery. The report *Class Acts*, published in 2016<sup>11</sup>, provided the only comprehensive analysis of new legislation in all UK administrations to date. The report highlighted differences and inconsistencies, particularly around victim protection and non-criminalisation between the administrations, and pointed to the Modern Slavery Act in England and Wales as the one that fell short of its counterparts in Scotland and Northern Ireland.

The report highlighted that the three Acts were not equally significant for children. In particular, the Northern Irish model of independent guardianship is the strongest and most detailed in the relevant provisions and provides for both unaccompanied and trafficked children. In regard to the non-punishment principle for victims of trafficking, the Scotland Act goes furthest in establishing a stronger provision for adults who have been forced to commit an offence as a result of their exploitation.

The ATMG also co-chairs a group to help with the effective implementation of the UK Government Modern Slavery Strategy.<sup>12</sup> The focus of this group is to improve consistency, quality and transparency Government-funded specialist support for victims of trafficking. This includes developing guidance for the inspections of support services.

## Strategic litigation – improving victim support provisions

Due to the diversity of services provided by members, and the priority areas of members, the ATMG gathers data and experiences that allow a constructive scrutiny of the UK Government responses to modern slavery. In recent years the number and importance of strategic litigation cases, as well as the ATMG's role in them, has increased considerably. The ATMG recognises the importance of litigation, particularly in strengthening the policies and laws on victim protection in the UK.

### The ATMG helps overturn subsistence cuts for survivors

In 2018 the ATMG was crucial in overturning the UK Government's decision to cut the rate of subsistence provided to over 1,000 victims of trafficking.

In March 2018, despite promises of improvement in the support for the victims, the ATMG's monitoring mechanisms uncovered that the Home Office had quietly cut subsistence rates for over 1,000 asylum seeking potential victims of trafficking by 42%, from £65 per week, to £37.75 per week.

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<sup>11</sup> The Anti-Trafficking Monitoring Group, *Class Acts? Examining Modern Slavery legislation across the UK*, (2016).

<sup>12</sup> Modern Slavery Strategy Implementation Group, (MSSIG), Victim Support Task and Finish Group, since 2018.

The coalition immediately responded and highlighted the impact these cuts had on victims claiming asylum. Working closely with Simpson Millar and Wilsons solicitors the ATMG gave considerable evidence to a successful legal challenge taken by two victims affected by the cut, which led to the reversal of the policy. As a result, those survivors affected by the cuts were entitled to receive a total repayment of over £1 million. This case highlighted not just the legal right to subsistence, but also the systemic links between poverty, vulnerability and re-trafficking, as the reduction in subsistence money left some survivors vulnerable to accepting exploitative job offers simply to support themselves.

### Case study

“When they stopped giving that money I stopped going out. My accommodation is in zone 6, and travel is so expensive in London. I have a young daughter and it really affected her. I couldn't buy nappies, food, everything a child needs. My daughter stopped talking because she wasn't socialising anymore.

“When they reinstated the money it really went a long way. My child could start eating what she was supposed to eat. Now I can take her to groups again, and she's playing and happy. Without the money I had to look for a man to be able to eat. Now I don't need any man to give me money.

“I don't know why they took it away in the first place. Without it we will be forced back to our traffickers because they know we need the money and we will be forced to go back to them.”

Survivor of trafficking supported by Praxis

This case also marked an important shift in the ATMG's advocacy, as it sought to provide evidence to defend the rights of victims through strategic litigation, that affected large-scale change for victims of slavery in England and Wales.

The impact of the case went far beyond cuts to subsistence for survivors, as the judgment obliged the Home Office to publish the statutory guidance on protecting victims, outlining the minimum standards of support each victim would be entitled to in the UK. Although the guidance remains unpublished at the time of writing, the ATMG hopes to see it published in the coming months.

*Trying to meet physical and mental health needs on a reduced budget came as a huge, unexpected additional challenge for the affected trafficking victims. Now that the additional amount so essential to meet their needs has been reinstated, we have seen a positive difference on people's health, confidence, wellbeing and ability to cope with the day to day challenges.*

Emma Gardiner, Group Coordinator, PRAXIS

**Without the ATMG, the Government would not be held to account, lawyers would not have someone to work with and more importantly, clients would be left without a guardian to safeguard their rights.**

Silvia Nicolaou Garcia, Associate Solicitor, Simpson Millar

## The ATMG helps extend support to victims

Building on the success of the legal challenge to subsistence for survivors, the coalition gave evidence to two legal cases taken by legal firm Duncan Lewis. This case challenged the Home Office policy which limited victims of trafficking to receive support for only 45 days following their being conclusively identified as a victim of exploitation. The case was settled with the 45 day limit being found to be unlawful. Instead victims have a legal entitlement to support based on their individual need.

### Case study

LP (names of the victims concealed to protect identity) was trafficked for sexual exploitation from Albania to the UK. She now has a young daughter to care for and is trying to rebuild her life. NN was trafficked from Vietnam to the UK and locked in cannabis cultivation. Abused by his captors, he struggles to overcome the trauma he experienced. Both were recognised as victims of human trafficking by the Home Office. However, this decision was accompanied by fear for their future as they would lose their specialist support only 45 days later.

Duncan Lewis argued that the withdrawal of LP and NN's trafficking support was in clear breach of the Council of Europe Trafficking Convention and EU Anti-Trafficking Directive.

The ATMG provided expert evidence in support of this legal action, and it was the bravery of LP and NN, along with the expertise of members, including Ashiana and the Snowdrop Project, in supporting vulnerable clients once they had left the NRM, that was crucial in securing the settlement. Ashiana has also been supporting both LP and NN in their recovery.

This case highlights the effectiveness of the dual approach of litigation and advocacy to bring about positive change.

## Breaking new ground

### Broaching the continuum of exploitation

In 2010 Joseph Rowntree Foundation published the report *Between decent work and forced labour: examining the continuum of exploitation*<sup>13</sup>, which introduced a continuum of exploitation illustrating the spectrum from decent work to exploitation, including slavery. Its author was Klara

<sup>13</sup> Klara Skirankova, *Between decent work and forced labour: examining the continuum of exploitation*, <https://www.jrf.org.uk/report/between-decent-work-and-forced-labour-examining-continuum-exploitation>, (2010).



# Looking forward: improving UK policy and practice to tackle slavery

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*Human trafficking and exploitation are not going away; it's becoming increasingly complex. The structures we work with are also becoming more complicated to navigate.*

Rachel Witkin, Head of Counter Trafficking & Publications, Helen Bamber Foundation & the ATMG member

Despite the numerous successes of the ATMG and the many provisions made for victims by the UK Government, a decade of monitoring and scrutiny has also made clear that there are a number of challenges to overcome. The coalition has continually called for a holistic, victim centred approach in the UK's response to trafficking and exploitation. For this to succeed, wider considerations must be given to the impact of other domestic policy and legislation, as outlined below.

## Improving a flawed system for victims

Victims must navigate an increasingly hostile and bureaucratic system that is meant to support their recovery but is in fact frequently described as contributing to further trauma.

Bureaucratic obstacles, put in place by the Home Office, frequently prevent or limit access to basic services such as healthcare, counselling or legal representation, while at the same time putting an onus on victims to gather evidence of their own trafficking.

For many victims, a fraught and poorly funded legal process is their only route to obtain compensation, a measure that has been shown to play an important role in assisting victims to hold those responsible to account, provide for their families and rebuild their lives. Even where compensation claims are successful, there is no legal aid for enforcement, meaning in practice the individuals receive little or nothing.

## Austerity

Austerity and the on-going cuts to public services continue to undermine the UK's ability to deter the crime of trafficking through an effective criminal justice system or prevention work, as does inconsistent training around slavery and lack of coordination around referral pathways.

The limited financial support provided to victims while in the NRM is not enough for victims to cover their expenses, travel to medical appointments and pay for leisure activities. This poverty makes them again vulnerable to re-trafficking and accepting exploitative employment.

Austerity has an impact on children due to cuts to children's services, which is the primary service provider for child victims of trafficking.

## A changing immigration context

The UK's hostile immigration environment remains in conflict with its stated determination to tackle slavery. Evidence from the ATMG's members, many of whom are frontline support providers, has repeatedly demonstrated that victims of labour exploitation are still opting out of entering the National Referral Mechanism, as they cannot see how to do so would be in their best interest. This is due to the delays, uncertainty around what support is available, relocation away from any existing support networks and the lack of outcomes from the NRM in terms of immigration status. This often means victims are choosing not to seek justice for the crimes committed against them and are often forced back into dangerous situations that increase the risks of exploitation. For children, this can be a barrier as they transition into adulthood and can make them more vulnerable.

## Emerging forms of trafficking

The UK is currently ill-prepared to address the emerging forms of trafficking that are being identified by the ATMG members, highlighting the lack of an effective holistic prevention strategy. This was also recognised by the National Audit Office in their 2017 report *Reducing Modern Slavery*<sup>15</sup> where they criticised a lack of strategy or planning to fight slavery. This is particularly troubling for many reasons, including the fact that children are heavily affected by child criminal exploitation practices, for example British children trafficked across county borders to deal drugs, in a practice known as county lines trafficking.

The Government must broaden its approach beyond criminal justice measures to implement a cohesive trafficking prevention strategy, which works across government departments and in partnership with different sectors. **It must also have the protection of vulnerable adults and children at its heart well before they become trapped in slavery.**

## Consistency throughout the UK

There must be a renewed focus and engagement with Scotland and Northern Ireland with a commitment to improve the coordination between each of the UK's countries. The suite of legislation stretching across England, Wales, Northern Ireland and Scotland represents a hugely positive development in the UK's fight against modern slavery; however, to date, little has been done to highlight the remaining gaps in policy and practice as the laws begin to take effect. Improving coordination between each nation is key to achieving an increase in the number of prosecutions and preventing further trafficking and exploitation.

## Children are a higher priority

There are well established failings by local authorities in protecting and safeguarding children and more must be done to prevent children from further harm. This includes children going missing and being re-trafficked, as well as preventing child trafficking. There is currently no central funding available for the specialist care of trafficked children nationwide and a disproportionate focus on trafficking as a criminal justice and immigration issue.

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<sup>15</sup>The National Audit Office, *Reducing Modern Slavery*. <https://www.nao.org.uk/wp-content/uploads/2017/12/Reducing-Modern-Slavery.pdf> (2017).

There is still a long way to go to ensure that the response to child trafficking is centred around children's rights and needs. Long term, the UK must implement a system similar to that outlined in the EU Anti-Trafficking Directive, which requires sustainable living arrangements to be provided for each trafficked child long term. This means establishing a formal best interests determination process to find a long-term solution that enables each child to recover fully and live with security and stability. For children at-risk to be properly identified and protected, all unaccompanied children must benefit from an independent guardianship service, in addition to those children formally identified as trafficked.

## Right to work for victims

The majority of survivors in the NRM are banned from working, meaning that some are extremely vulnerable to being further exploited as they are forced to look for alternative ways to make enough money to survive. The current system, which provides for limited financial assistance for victims, in the form of weekly subsistence payments, is reported to be a disincentive to entering the NRM over staying in situations of exploitative work. Poverty or debt has often been a significant factor in initial exploitation and many victims have increased their debts to migrate with the promise of lucrative employment and may not have been paid for years. These factors, combined with pressure to support family members, leave people extremely vulnerable to further exploitation. In some cases, victims prefer working in insecure and even exploitative jobs that ensure them a higher weekly income than the NRM provides them in subsistence, in order to continue supporting themselves and their families. A right to work would ensure that survivors benefit from worker rights.

## Overseas domestic workers

Minor changes in UK law effecting Overseas Domestic Worker (ODW) visa holders still do not go far enough in preventing exploitation or protecting workers on this visa following their escape from abuse and exploitation. The current ODW visa ensures a sixth-month visa restriction for workers, meaning victims face virtually no prospect of re-employment once they escape. ODW visa holders who have been confirmed as trafficked through the NRM are eligible for a two-year visa, however this does not recognise the importance of prevention and expects workers to take a 'leap of faith'- escaping exploitation without any guarantee of support or a visa. Before being identified many workers are stuck in the NRM for years during which they cannot work or support their families. Once identified they are expected to find full time work, without a reference, in the sector in which they were trafficked. Domestic workers remain an overlooked group and the Government's promise of information sessions for domestic workers coming to the UK with their employers are yet to materialise.

*I count it an honour to use my experiences and my voice to speak out on behalf of those who don't have a voice to help make the necessary changes to survivor care and the movement to eradicate Modern Slavery.*

Maya (name changed), survivor of trafficking supported by Snowdrop



## Victim voices

Listening to, and learning from, the voices of victims and survivors is crucial if the UK is to build on its track record of addressing slavery to date. Preventing slavery and supporting its survivors to rebuild their lives requires systems which work in practice for those who are directly affected by this crime. These need to include finding alternative livelihoods and pathways for recovery. In addition, youth participation and youth voices must be incorporated. ECPAT's youth participation model seeks to bring the voices of young people into important discussions about their care and support. The UK must still improve its understanding on the wider integration needs of the victims. Their voices are needed and must be central to tackling this issue.

*Civil society organisations have a key role in ensuring that policies are informed by experience of those trafficked and that governments are held to account. These were the founding principles of the ATMG and I am proud that the coalition has successfully been fulfilling that role in the UK for a decade now.*

Klara Skrivankova, former UK & Europe Programme Manager at Anti-Slavery International and founder of the ATMG.

## Mental health and trauma

The ATMG has promoted the need for mental health and trauma-informed services since its inception. However, many victims remain unable to access appropriate trauma informed services that meet their complex needs. Additionally, although many survivors will need psychological therapy to address their mental health problems, there are multiple reasons why they do not seek it, or receive it. The fact that a person is not 'in therapy' should never be held against them or used to assume that they do not have mental health problems and are not in need of psychological treatment.

The ATMG member, Helen Bamber Foundation, provides a long-term model of integrated care for victims of trafficking which is delivered by their multi-disciplinary and clinical team. They have long advocated for care that is long-term, flexible and works in accordance with survivor's needs so that they can work towards sustained recovery.

Survivors should be offered access to appropriate healthcare services and specialist therapeutic care ranging through stages of stabilisation, trauma-focused therapy and re-integration. Trauma-informed methods of working with survivors are also effective for professionals in any field of work who come into contact with victims of trafficking. The ATMG believes that the Trauma-Informed Code of Conduct (TiCC)<sup>16</sup>, which has guidance for professionals working with survivors on working safely, minimising distress and the risk of re-traumatisation for survivors, should be implemented across all adult anti-trafficking and slavery services across the UK.

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<sup>16</sup> The Trauma-Informed Code of Conduct for All Professionals Working With Survivors of Trafficking and Slavery (TiCC) Rachel Witkin and Dr. Katy Robjant, Helen Bamber Foundation (2018).

## Leading the debate on the risks of Brexit

The ATMG was among the first to analyse the ‘existential threat’ Brexit poses to the UK’s co-operation with European countries that are essential to tackle modern slavery. A *Brexit & the UK’s fight against modern slavery* report<sup>17</sup>, published in 2017, argued that with many of the UK’s anti-slavery efforts stemming from EU legislation, cutting ties with the EU risks undoing the good work done by the UK Government up to date. Emblematic of the ATMG’s leadership, the report helped delineate the potential threats and provided precise recommendations to address them.

ATMG research has pointed to three main risk areas that must be addressed in the wake of Brexit. The first of these is a lack of access to EU wide mechanisms such as Europol or Eurojust, preventing relevant authorities working effectively with other countries to investigate international trafficking cases. The second is that many people will also be made more vulnerable by potential changes in their immigration status, potentially leading to an increase in exploitation. Proposed tied visas carry a particular risk of exploitation. The third challenge is in the safeguarding of victims – with many protections currently stemming from the EU law, Brexit greatly risks diluting them.

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<sup>17</sup> *Brexit & the UK’s fight against modern slavery* (2017).



# The ATMG's renewed commitment to end slavery in the UK

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The ATMG acknowledges the many steps made by the UK Government to tackle modern slavery. This coalition has made huge strides in assuring the rights of victims are upheld by holding the UK Government to account in meeting its obligations under UK and international law.

However, as set out above, the ATMG faces some of its toughest challenges in the years ahead. The Group is committed to standing with people affected by slavery in the face of these challenges. For over a decade, the coalition has fought for the rights of those vulnerable to, and in recovery from, exploitation. We have not stopped when the judgements have been passed, or when the laws have been changed. We have not walked away or turned our backs when we have achieved change for victims and survivors. Instead, we have looked forwards; ready to face the next and ongoing challenges in solidarity and support against slavery.

As the ATMG enters its second decade in operation our commitment remains stronger than ever to put the voices of those that are all too often unheard at the forefront, to ensure their rights and protections are assured regardless of immigration status, gender, or type of exploitation.

While the coalition remains committed to being led by its members, and their on-the-ground experience working with the most vulnerable in society, the ATMG also pledges to be led by the needs and experiences of survivors of exploitation in the years ahead, by incorporating survivor voices into our membership. We need to ensure the work undertaken to strengthen cooperation with key legislative bodies and partners is robust enough to tackle the challenges outlined in this report.

We strongly believe that together, we can stamp out modern slavery in the UK once and for all.



## Current ATMG members

AFRUCA  
Amnesty International UK  
Anti-Slavery International  
Ashiana Sheffield  
Bawso  
ECPAT UK  
Focus on Labour Exploitation (FLEX)  
Helen Bamber Foundation  
JustRight Scotland  
Kalayaan  
Law Centre (NI)  
The Snowdrop Project  
The TARA Service  
UNICEF UK

Past member of the ATMG:  
Immigration Law Practitioners Association, (ILPA)  
The Poppy Project



Trafficking Monitoring Group, C/o Anti-Slavery International,  
Thomas Clarkson House, Broomgrove Road, London, SW9 9TL.  
Registered Charity in England and Wales, number: 1049160.

## Acknowledgements

This retrospective was made possible by the information and advice provided by members of The Anti-Trafficking Monitoring Group (the ATMG) who have shared their experience of working with trafficked persons and advocating for their rights over the last ten years. The ATMG would like to thank all of its members, past and present for their overwhelming contribution and commitment to ensuring the rights of trafficked persons have remained central to the work of the coalition. It has led to significant progress for the rights of victims across the UK.

The ATMG's advocacy and research since 2009 would not have been possible without the funding it has received. The ATMG would like to thank all current and past donors, including Comic Relief, The Esmée Fairbairn Foundation, The Bromley Trust, Trust for London and Henry Scutt for funding the coalition. This retrospective is not intended to reflect the opinions of the funders.

*"The deficiencies in the treatment accorded by our society to the victims of human trafficking represent a collective failure to live up to the values that we profess. I am proud to support the ATMG in its work in calling out this injustice, and truly believe that by speaking with one voice we can bring about the change that is so urgently required."*

Henry Scutt



*"At Esmée Fairbairn Foundation we are keen to support work which builds momentum for change on difficult or hidden issues. We first funded the Anti Trafficking Monitoring Group in 2010 and have been impressed by members' commitment to working together, and with a range of statutory and voluntary sector agencies, to improve the lives of people who have been trafficked over the past ten years. This is an excellent example of what can be achieved when an expert group of charities work in partnership and we are delighted to have been able to support them in their efforts"*

Sharon Shea, Director of Funding,  
Esmée Fairbairn Foundation