



UN Committee on Economic, Social and Cultural Rights 77th Session (10-28 February 2025)

Introduction

1. This report has been submitted by Hope for Justice with additional contributions from Focus on Labour Exploitation and Kalayaan. **Hope for Justice (Hfj)** is a human rights based Anti-Slavery Organisation that works to bring freedom from human trafficking and modern slavery by identifying victims, supporting survivors, and preventing exploitation. In the UK, we work with adult and young adult victims and survivors directly through our team of Independent Modern Slavery Advocates® and bring about long-term change through our work with governments, law enforcement, the business community, and the public. Hfj launched Slave-Free Alliance in 2018, a membership initiative for businesses seeking to protect their operations and supply chains from exploitation and all forms of modern slavery. **Focus on Labour Exploitation (FLEX)** is a research and policy organisation working towards an end to trafficking for labour exploitation. FLEX seeks to achieve this vision through the prevention of labour abuses, protection of the rights of those affected or at risk of exploitation and by promoting best practice responses to labour exploitation through research and evidence-based advocacy. FLEX is a member of the Seasonal Worker Interest Group working for the interests of workers in the UK on the agricultural Seasonal Worker visa. **Kalayaan** is a worker's rights charity, providing legal advice and services to migrant domestic workers. We use this front-line experience to guide and inform our policy and campaigning work to advocate for prevention strategies that provide workers with options to challenge abuse. Kalayaan is also a UK designated First Responder to the National Referral Mechanism, the framework used to identify and support survivors of human trafficking and modern slavery.

2. We write in advance of the 77th session of the Committee on Economic, Social and Cultural Rights (hereafter “The Committee”) regarding its review of the United Kingdom of Great Britain and Northern Ireland’s (hereafter referred to as the State Party or the UK Government) compliance with the International Covenant on Economic, Social and Cultural Rights (“The Covenant”). This submission includes information specifically in respect of evidence relating to Articles 6 and 7 but also touches on Articles 2, 3, 5 and 9. In summary this report includes the need to strengthen the preventative approach to tackling labour exploitation and all forms of modern slavery including human trafficking (MSHT). In addition, more robust measures are needed to ensure that temporary/short term visa schemes including the Seasonal Workers Visa Scheme prevent exploitation and enable access to safeguarding protection and all forms of justice for those at risk and/or subject to labour exploitation and/or MSHT. The current immigration system, hostile environment policies and temporary/short term visas create an environment of vulnerability to all forms of exploitation rather than preventing exploitation and enabling access to safeguarding, protection, and all forms of justice for those at risk and/or subject to labour exploitation and/or MSHT. In addition, strengthening legislation and policy on business transparency in supply chains plays a critical role in reducing risks of all forms of exploitation and enabling access to remedies for workers including those subject to MSHT. We have made the following observations and recommendations for the UK Government based on our frontline experience of working with survivors of MSHT, policy and wider academic research.

Article 2 (2) Non-Discrimination: Rights of Refugees and Asylum Seekers

The Committee List of Issues (LOI) paragraph 10 and reply of the State Party paragraph 10 sub-paragraphs 61 – 63.

Articles 6 and 7: The Right to Work, and the Right to Just and Favourable Conditions at Work

The Committee LOI paragraph 16 precarious and temporary employment and reply of the State Party Response to LOI at paragraph 16, sub-paragraphs 115 and 116.

The Committee LOI paragraph 20 enforcement of employment rights, working conditions of migrant workers; information on steps to establish a single enforcement body and legal safeguards within the seasonal workers visa and reply of the State Party at paragraph 16 sub-paragraphs 115 and 116; paragraph 20 on enforcement of rights sub-paragraphs 133 (employment rights); sub-paragraphs 134 single enforcement body and sub paragraphs 135 – 136 on seasonal workers visas.

Submission

Employer Rights Bill and Fair Work Agency

3. The Employment Rights Bill (ERB) was introduced into parliament in October 2024.¹ This includes plans to create a Fair Work Agency (FWA) and address existing gaps in employment law including zero hours contracts. We welcome the stated intention of this bill is to make work pay for working people, ban exploitative practices and enhance employment rights in the UK.² We also welcome the creation of a Fair Work Agency which will consolidate existing enforcement agencies. This may lead to a more joined up approach if appropriately resourced. We understand there is no set timeline on the creation of the FWA. However, the FWA is a crucial step forward on improving prevention, identification, protection, and enforcement responses. This must be adequately funded and coordinated, including the collation and analysis of data to ensure it can prevent exploitation and monitor compliance, investigate breaches, and provide remedies to workers, impacted at best by bad practice, and at worse, criminal practice. However, there are significant gaps and failures in the ERB to address the key issues that vulnerable workers such as migrant workers face in respect of temporary and restrictive visas such as the Seasonal Workers' visa; Overseas Domestic Workers visa and the Health and Social Care Worker visas which are shown to increase vulnerabilities to all forms of exploitation. In addition, as detailed below in England and Wales legal aid advice is restricted for employment cases, this restricts legal representation and access to justice for a significant proportion of workers including migrant workers.

Restrictive Temporary/Short Term Visas Increase rather than Mitigate Risks of Exploitation

4. Several policy research papers address both risks and evidence of exploitation including MSHT and recommendations for improvements in such schemes that will mitigate these risks: -

- Kalayaan in respect of Overseas Domestic Workers;³
- Focus on Labour Exploitation and Reports by Unseen on exploitation on the Seasonal and the Health and Social Care Workers visa schemes.⁴
- Focus on Labour Exploitation reports on addressing loopholes for migrant fishing workers.⁵

¹ [Employment Rights Bill - Parliamentary Bills - UK Parliament](#)

² [What does the Employment Rights Bill mean for you? - GOV.UK](#)

³ [12 years of modern slavery: Kalayaan's new report exposes the smokescreen used to deny rights to migrant domestic workersthat would keep them safe at work](#)

⁴ [FLEX 2024 Making the Seasonal Worker visa scheme safer and fairer: Recruitment, redress and working conditions; FLEX-2024-Not-here-for-the-weather-Full-report.pdf; FLEX_Caring-About-Workers-Rights-Briefing.pdf; Joint-Position-Paper-on-Preventing-Exploitation-in-the-Adult-Social-Care-Sector-Dec-2023.pdf](#) and [Who Cares? Modern slavery in the care sector - Unseen](#)

⁵ [24.10.22 Fishing Loophole Briefing](#)

5. Each type of visa has its unique challenges but broadly the key issues identified for migrant workers on short term visas including the Seasonal Workers Visa, are as follows: -

- Short term visas such as the Overseas Domestic Worker visa and the agricultural Seasonal Worker visa are six months long and cannot be renewed in country. This creates multiple dependencies on their immigration sponsor to access employment rights during such a short period. As workers on these visas are likely to have incurred migration debts and be dependent on earnings to remit to family members workers are unlikely to risk complaining about poor working conditions including exploitation as this is more likely to end up in loss of work and visa cancellation than redress and an improvement of working conditions.

-In respect of visas which are renewable in country such as the Health and Social Care worker visa, visas are not always being renewed on a timely basis due to lack of resourcing leaving workers facing deportation despite having qualifying employment. In addition, when enforcement action has resulted in a sponsor having their license revoked workers have limited time to find a new sponsor to apply to renew their visa. In addition, digitalisation of visas provides additional barriers for some workers in regularising their immigration status.

-lack of access to legal aid inhibits ability to regularise status and access to employment rights. Legal aid is restricted on employment law in England and Wales to cases falling within the scope of discrimination or if a person falls within the definition of a victim of modern slavery or human trafficking. Immigration legal aid is restricted in England and Wales primarily to asylum cases and applications for leave to enter or remain for victims of modern slavery or human trafficking if they have a positive reasonable or conclusive grounds decision under the National Referral Mechanism (NRM). Such issues are further compounded by the significant legal aid deserts even where legal aid is available. The Law Society Heat Map of Legal Aid Deserts in England and Wales 2024 noted that: housing – 44% do not have access to a local provider; immigration and asylum – 63% do not have access to a local provider and welfare benefits – 85% do not have access to a local provider.⁶ This is even more acute for survivors of MSHT as legal advice is a specialism within a specialism and survivors often have multiple intersecting legal needs. In addition, even those who technically can access employment advice, for instance, victims of MSHT, there are often significant barriers to accessing legal advice including lack of understanding of rights, cultural and language barriers, trauma, and lack of trust which means that survivors often require an independent advocate and wider support to access and continue to access legal advice. In addition, legal aid is often routinely refused for survivors of MSHT even if in scope. Such issues are well documented in several key policy research papers.⁷

-the type and length of visas often inhibits the ability of workers to access remedies including legal remedies for instance if a person is on a 6-month visa and filed an employment tribunal claim or civil case this would invariably not be concluded prior to them having to leave the country.

-workers paying high agency fees/visa fees in countries of origin increasing risks of debt bondage. Research by Focus on Labour Exploitation (FLEX) in 2024 in respect of the Seasonal Workers visa noted that most workers took out a loan to cover the cost of coming to the UK (72%), this was higher amongst women (76.8%) compared to men (69.9%) with workers stating they paid between £0 - £5,500 in total.⁸ A recent joint positioning paper coordinated by FLEX on Preventing Exploitation in the Adult Social Care Sector noted that “Many migrant care workers are being required to pay large sums to recruitment agencies in their countries of origin. Such recruitment fees would be illegal in the UK and are in breach of international labour

⁶ [Legal aid deserts | The Law Society](#)

⁷ See in particular Policy and Evidence Centre Report [Modern Slavery PEC | Access to legal advice and representation for...](#) and BICCL and Unseen Report on the Impact of Lack of Access to Legal Aid on Adult Survivors (2023) [Impacts of a lack of legal advice on adults with lived experience of modern slavery; iasc-policy-paper-access-to-compensation-and-reparation-for-survivors-of-trafficking-april-2022-final.pdf](#)

⁸ Focus on Labour Exploitation Research Report “Bearing Fruit: Making recruitment fairer for migrant workers” page 6 April 2024 sourced at [Bearing fruit: Making recruitment fairer for migrant workers – FLEX](#)

standards. It has been reported that these illegal recruitment fees may then be split with the care operator in the UK. These illegal fees can be significant, such as amounts up to £18,000 being reported in the media. The Anti Trafficking & Labour Exploitation Unit (ATLEU) have had one client charged as much as £28,000. In 2023, based on information gathered through Unseen's modern slavery helpline on the debt relating to 109 care workers, the average amount of debt was £11,800.36"⁹ Such situations leave migrant workers in situations of debt bondage before they even arrive in the UK.

-short term visas do not allow recourse to public funds this leaves workers at significant risks of destitution and staying in abusive employment. For instance, a report by the Joint Council of the Welfare of Immigrants in 2024 noted that the 'No Recourse to Public Funds' [NRPF] condition excludes most migrants from accessing state support in times of difficulty, trapping people in exploitative and dangerous conditions, both at work and at home."¹⁰ The report also noted that "NRPF pushes people into poverty, unsustainable debt and unsafe and overcrowded housing. The NRPF condition disproportionately impacts women, low-income families, disabled people, pregnant people and black and brown British children...migrant workers with NRPF are more likely to remain with abusive employers if they cannot access state funds during periods of unemployment."¹¹ These policies impact on the realisation of Covenant Rights under Articles 2, 3 and 9 in addition to Articles 6 and 7.

-restricting the ability of workers to change employers which means they cannot leave or cannot easily leave their work situation if they are being subject to exploitative practices. For instance, a report by Kalayaan in 2024 noted that following changes to the Overseas Domestic Workers (ODW) Visa in 2012 including restrictions on the ability to unconditionally change employers has resulted in a significant increase in exploitation.¹² Although since 2016 workers on the ODW visa can now change employers, the short term, non-renewable visa conditions mean that this right is difficult to access in practice as few decent employers will employ someone in a home based role which inevitably involves personal relationships and building of trust with only a few months remaining on a non-renewable visa. Evidence based recommendations have been made for many years which would mitigate these issues which including returning to the pre 2012 situation which would allow ODW the right to change employer; the right to renew their domestic worker visa annually; the right to be joined by spouses, partners and children under 18 and the right to settle in the UK after five years of continuous work as a domestic worker.¹³ In respect of the Seasonal Workers visas a report by FLEX exploring improvements in access to redress noted that whilst technically workers on the Seasonal Workers Visas can transfer to another farm via the Scheme Operator there was widespread practice of operators of not doing so, noting of the workers interviewed "...many workers we spoke to reported having their transfer requests denied or ignored. In our survey of workers, 55% of those who made a request for a transfer were refused."¹⁴

6. The risks of exploitation on the Seasonal Worker Visa Scheme resulting from the short term, restrictive nature of the visa is compounded by a lack of regulatory oversight, enforcement, and lack of coordination on various issues between government departments, as well as insufficient clarity on core issues and indicators of worker welfare. In addition, there is very low unionisation of workers in this sector, lack of transparency as to the whereabouts of workers employed via the scheme, and the multiple risks of exploitation created by the visa as detailed above. Though there have been some changes made to the scheme to try and address worker welfare issues, these changes have generally been implemented without adequate consultation of workers or worker welfare organisations, without adequate monitoring or enforcement. Consequently, they have not addressed the serious issues affecting workers. In particular: -

⁹ Joint-Position-Paper-on-Preventing-Exploitation-in-the-Adult-Social-Care-Sector-Dec-2023.pdf page 12 - 13

¹⁰ Work It Out: Advancing Migrant Workers' Rights July 2024 page 4

¹¹ Ibid page 18

¹² 12 years of modern slavery: Kalayaan's new report exposes the smokescreen used to deny rights to migrant domestic workers that would keep them safe at work page 10

¹³ Ibid

¹⁴ FLEX_Bound-to-Work_Seasonal-Worker-Scheme_Report-2_Exec-Summary.pdf page 6

- There are no proactive labour market enforcement inspections of farms employing workers on the scheme.
- There is no central, comprehensive list of farms using the scheme which is publicly accessible.
- There is no oversight of accommodation standards.
- Workers are generally advised to raise grievances or queries directly with their employer or scheme operator yet there is no independent body or arbitrator who can mediate in any dispute, secure access to healthcare or owed wages, or place the workers in alternative work or accommodation for which workers are currently dependent on scheme operators and employers.
- There is no safety net for workers on the scheme if a job is cancelled, or their scheme operator's license is revoked and they are prevented from travelling after paying migration costs, or if they arrive in the UK to find that no work is available. Given the highly restrictive nature of the visa (lack of access to public funds, lack of ability to find alternative lawful work unless permitted by the Scheme Operator) the lack of safety net could lead to a risk of human rights violations if workers are legally prohibited from finding ways to prevent potential destitution. In the second instance they may incur further losses as they pay for living costs in the UK while waiting for work to begin.
- There is no clarity or public guarantees/ scheme guidance around options and support for workers in the event of a scheme operator's licence being suspended or revoked.

7. ATLEU has brought a legal challenge (still in litigation) to the Seasonal Worker Visa Scheme on the grounds that it breaches Article 4 of the European Convention on Human Rights (ECHR) (prohibition of slavery and forced labour). The legal challenge asserts that there are inbuilt risks of exploitation and abuse within the Scheme, including MSHT, without adequate or appropriate safeguards. Further, that despite widespread warnings of the risks inherent within the Scheme design and evidence that such abuse and exploitation is occurring, the numbers of visas issued under the Scheme has increased.¹⁵

8. The Migration Advisory Committee (MAC) commented in their recent review of the Seasonal Workers Visa Scheme that the 32-hour requirement “is yet to be fully implemented in practice.”¹⁶ There is widespread use of productivity targets which can change regularly. Options for redress are not clear if workers believe they are not being paid correctly, are told they are not meeting productivity targets they consider unreasonable or if they are told their work has ended even if they are only a short time into their time in the UK. Work is not guaranteed for the full duration of the visa and workers can be dismissed at any point, not necessarily having paid all their migration costs. Additionally, the possibility of compliance action taking the form of sponsor licence revocation can itself deter employers from reporting due to fear this will result in them being left without work and meaning they are ‘doubly punished’ for their exploitation. The scheme guidance does not permit workers to switch scheme operators, and the UK government have not confirmed that workers whose sponsor licenses are revoked will be placed elsewhere, only that this will be considered on a case-by-case basis.¹⁷

- the need for a tort/civil remedy of Modern Slavery and Human Trafficking (MSHT) – victims of MSHT face multiple barriers to accessing compensation including within the employment tribunal and civil court system. Such issues are well documented in a recent briefing by the Anti-Trafficking and Labour Exploitation Unit.¹⁸ One such barrier is that currently there is no tort/civil remedy of MSHT, and survivors do not always neatly fit criteria through wider employment and civil law e.g. due to irregular status or not meeting clear criteria for a discrimination claim within the employment tribunal regime.

¹⁵ [Challenge to government's Seasonal Worker Scheme — ATLEU](#)

¹⁶ [Review of the Seasonal Worker visa \(accessible\) - GOV.UK](#)

¹⁷ <https://questions-statements.parliament.uk/written-questions/detail/2024-10-29/HL2122/>

¹⁸ [092023 ATLEU briefing - The need for a civil remedy for trafficking and modern slavery.pdf - Google Drive](#)

-criminalisation of irregular work and no safe reporting avenues for irregular workers inhibiting their ability to report abuses including where this falls under criminal behaviour such as MSHT.

The increasingly hostile migration environment in recent years has compounded these issues further creating tension between protecting the rights of vulnerable workers and hostile migration policies and a reluctance of those subject to employment abuses to come forward.

Wider Hostile Migration Policies are Discriminatory (Impacting Article 2) Impact on Access to Work (Article 6) and Just and Favourable Work Conditions (Article 7).

9. Wider hostile migration policies including but not limited to the significant restrictions on the rights of those seeking refuge and victims of Modern Slavery and Human Trafficking (MSHT) as a result of the Nationality and Borders Act 2022 (NABA) and Illegal Migration Act 2023 (IMA)¹⁹ and Safety of Rwanda (Asylum and Immigration) Act 2024 have significantly impacted on prevention, the identification of victims and access to protection.²⁰ This includes within the NABA increased threshold levels for victims of MSHT to access safeguarding and support, public order exclusions that restrict some survivor's ability to access safeguarding and support and limiting leave provisions for survivors. For instance, in 2023 only 113 recognised adult victims of trafficking received a grant of temporary permission to stay for victims of human trafficking and slavery ('VTS leave') to assist with their recovery).²¹ This inhibits victims coming forward in the first place, staying in exploitative situations, limits access to safeguarding and support and the ability to regularise status including access to the labour market and fair work impeding Covenant Rights under Article 2 (2), Article 6 and Article 7. In our experience, regularisation of status and access to fair work significantly reduces risks of re-exploitation. The Modern Slavery Victim Care Contract (MSVCC) and annual data from the Salvation Army released for 2023 – 2024 shows a 22% reduction in those entering NRM support provision from the previous year which is believed to be because of fears of immigration consequences.²² In addition, restrictions on the ability of those seeking refuge to access the labour market whilst asylum applications are being considered, or their claim is deemed inadmissible; lack of access to safe housing and adequate financial support places them at risk of being recruited and subject to labour exploitation and MSHT. Even after asylum seekers receive refugee status gaps in the housing and support system create risks of homelessness and destitution and risks of being recruited by exploiters.²³

Recommendations

10. We recommend the State Party takes the following steps to mitigate the risks of labour exploitation, modern slavery and human trafficking and reduce further risks of harm (including risks of re-exploitation) to survivors of MSHT thus driving forward compliance with the CESC, particularly Articles 2(2), Articles 6 and 7 by: -

- **Ending the hostile environment policy and reaffirm the UK's commitment to adhering to its obligations under international law** to uphold the human rights of vulnerable individuals and communities including migrant workers, those subject to migrant smuggling, those seeking refuge and victims of all forms of MSHT.
- **Creating a comprehensive, evidence-based, and overarching strategy on immigration** which is aligned rather than contradicts efforts to prevent labour exploitation and MSHT with a clear monitoring, evaluation, accountability, learning and research framework.

¹⁹ We would note that the IMA has received Royal Assent but currently most of the significant provisions are not yet in force however the IMA effectively is a ban on asylum and removes the rights of a significant proportion of victims of MSHT who have entered the country irregularly. The new government made announcements that they would scrap the Rwanda plan but the legislation remains on the statute book.

²⁰ See Hope for Justice Policy recent Policy Paper 2024

[Hostility for Survivors, Impunity for Traffickers: How the hostile environment enables modern slavery | Hope for Justice](#)

²¹ Without secure immigration status, trafficking survivors cannot recover from trauma. It's time to change that. | Helen Bamber

²² The Salvation Army's Modern Slavery Victim Care Contract July 2023 to June 2024 page 3

²³ Exploitation and the UK asylum system | Research report

- **Update the MSHT Strategy** with a clear monitoring, evaluation, accountability, learning and research framework.
- **Ensuring that there is meaningful engagement of those with lived experience, including at risk workers and survivors of MSHT**, civil society organisations, businesses, and relevant state actors in the development of an effective strategy, legislation, policy, and practice.
- **Repealing the Nationality and Borders Act 2022, Illegal Migration Act 2023, and Safety of Rwanda (Asylum and Immigration) Act 2024 and replacing it with legislation that complies with the international rights** of survivors and those seeking refuge including making amendments to relevant statutory guidance.
- **The development of the Fair Work Agency** which is adequately resourced to prevent labour exploitation and MSHT as well as respond and enforce worker rights. This should include secure reporting pathways (as detailed below) and the options to recommend bridging visas similar to Australia's Workplace Justice visa²⁴ to ensure that workers who report exploitation do not sacrifice their immigration status and job chances in doing so and are permitted to work and support themselves while seeking redress.
- **Restoration of rights of those seeking Refuge and Victims of MSHT** – this includes directly incorporating the Council of Europe Convention on Action Against Trafficking in Human Beings (2005) (ECAT) into domestic law ending a piecemeal approach and ensuring that the strategy is focused on prevention as well as upholding the rights of victims and prosecuting those responsible for MSHT.
- **Create safe and legal routes for those seeking refuge in the UK and strengthen the safety of routes for economic migrants.** This includes a joined-up approach with countries of origin and improving access to culturally competent and accessible information to rights and entitlements prior to applications for visas.
- **Creating safe reporting mechanisms** including for irregular workers and a clear firewall/separation between immigration and labour enforcement powers.
- **Providing the right to work** - allowing those seeking refuge in the UK and survivors of modern slavery to access legitimate employment, including while in the NRM, waiting for a final stage decision, would significantly reduce vulnerability and risks of exploitation/re-exploitation.
- **Piloting a Survivor Visa:** providing recognised survivors with regularised status and a pathway to permanent residence in the UK based on their holistic individual circumstances and best interests including access to the labour market and recourse to public funds. This would significantly reduce vulnerability to further exploitation and access to fair work.
- **Increasing access to understanding of rights and legal aid** - including pre-application for visas; accessible grievance mechanisms and increase legally aided advice for immigration and employment matters across the UK.
- **Increasing the length of visas for migrant workers and ability to change/easily change employers and apply to renew visas where there is ongoing employment** including leave provisions which can lead to settlement.
- **End the no recourse to public funds policies** ensuring that those on visas do have recourse to public funds and therefore a welfare safety net which will prevent people staying in exploitative situations or being re-exploited.
- **Decriminalise irregular work and focus efforts on criminalisation of those who perpetrate irregular work.**
- **Create a tort/civil remedy of MSHT.**
- **Improve access to longer term legally aided representation, independent advocacy, and support for survivors** of MSHT including the development of an accreditation model of

²⁴ Workplace Justice Visa and Strengthening Reporting Protections Pilot

Independent Advocacy to enable survivors to understand their rights and access all forms of remedies (including criminal, employment and civil) and reduce risks of re-exploitation.²⁵

(Please note that the role of Business will be explored further in the list of issues in paragraph 19).

The Committee LOI's Article 7 paragraph 16, 19 and 20 and Reply of the State Party, paragraph 19 sub-paragraphs 127-130 Steps Taken to Build Capacity of Businesses to Monitor, Identify, Prevent and be Accountable for Forced Labour in their Operations or Supply Chains Under the Modern Slavery Act 2015

Submission

Approaches to Business

11. We note that there currently have been some positive steps made by the new UK government in respect of strengthening approaches to forced labour including business responses for instance, the formation of a Forced Labour Group by the Home Office and commitments to update the Section 54 Transparency in Supply Chains Guidance with Business and civil society which is now significantly out of date. In addition, we welcome commitments to research commissioned by the Foreign, Commonwealth and Development Office (FCDO) to produce a National Baseline Assessment on the Implementation of the UN Guiding Principles on Business and Human Rights as this will also help inform of future evidence based legislative, policy and practice responses. However, we remain concerned at immigration policies which create an environment of vulnerability as detailed above.

12. Section 54 of the Modern Slavery Act 2015 was a positive first step and has encouraged some businesses to improve responses. However, section 54 of the MSA “lacks teeth” as there is no requirement to do anything to reduce risks of MSHT in supply chains and report on actions. In addition, there have been, as far as we are aware no steps to use the enforcement measures in the Act. A recent Report 'The Modern Slavery Act 2015: becoming world-leading again' following an enquiry by the UK House of Lords Select Committee on the Modern Slavery Act 2015 in October 2024 noted the need to strengthen the section 54 provisions with a series of recommendations. These includes but are not limited to:

- ensuring publication of statements on its modern slavery registry is mandatory and set out requirement topics for each statement to cover and how the organisation has assessed the effectiveness of its actions.
- publish standardised and accessible guidance for compliance with section 54.
- proportionate sanctions for organisations who do not comply with requirements, cross departmental working to approach enforcement.
- ensure that government are meeting the same standards required of private companies in its public procurement and extend section 54 to all public sector bodies.
- legislation drafted by the previous government on supply chains reporting must require reporting and meaningful steps taken to identify risks and tackle modern slavery.
- make UK due diligence law compatible with the standards of international law to make compliance easier for companies.
- the UK Government should consider import laws which ban goods being brought into the UK if they are produced by companies known to use forced labour.

²⁵ Please note that Hope for Justice in partnership with St Mary's University; British Red Cross; Snowdrop Project; SOHTIS and working with survivor consultants wider state and non-state actors to develop an accreditation model of Independent Modern Slavery Advocates (IMSA) following review of Hope for Justice's IMSA model see [Independent, Review, of, the, Hope, for, Justice, IMSA, Model, \(University, of, Liverpool,, June, 2021\), \(1\).pdf](#) and [Progressing the IMSA model project | Hope for Justice](#)

- the UK Government should include the issue of modern slavery and forced labour in its trade negotiations.²⁶

13. In addition, the current legislation focused on modern slavery only addresses the worst forms of exploitation, and our experience is that survivors often drift between labour exploitation and MSHT in their narrative of exploitation. The Modern Slavery Act whilst groundbreaking at the time is now behind other jurisdictions including the EU Corporate Sustainability Due Diligence Directive (CSDDD)²⁷ and the EU Forced Labour Products Regulation prohibiting products on the Union market made using forced labour.²⁸ The UK needs to align itself with these global standards. Adapting to these standards will contribute to the UK reinforcing its international obligations under the International Covenant on Economic, Social and Cultural Rights. Notably this addresses intersectionality between different human rights issues that impact workers and the continuum of exploitation not just the worse forms. In addition, our experience is that many UK businesses want a level playing field and given many do export to the EU they already have to comply with the EU legislation. Consistent standards are less confusing and make it easier for business to comply.

Central Repository for Statements

14. The creation of the central repository for modern slavery statement responses is also a positive step forward. We would recommend increased analysis is made available to them through the registry as this research and insights assists businesses with their own Modern Slavery statement and responses in addition to the recommendations made by the Committee as detailed above.

15. As detailed in responses to list of issues in paragraph 10, 16 and 20 the ongoing hostile migration policies coupled with the significant narrowing of the rights of those seeking refuge and victims of MSHT, restrictive visas and a lack of options to seek meaningful redress has in our experience inhibited victims of labour exploitation and MSHT from coming forward in the first place; increased risks of labour exploitation and MSHT of those seeking refuge, migrant workers and increased risks of re-trafficking of identified victims of MSHT.

Recommendations

16. Some recommendations for the State Party are included in the response to the list of issues in paragraph 10, 16, 19 and 20. We further, recommend the State Party: -

- **Publishes any subsequent National Baseline Assessment on the Implementation of the UN Guiding Principles on Business and Human Rights** with clear recommendations for future legislation and policy.
- **Strengthen existing transparency in supply chains legislation and guidance** including consideration of the development of Mandatory Environmental and Human Rights Due Diligence Legislation to ensure that the UK is not left behind in its approach to business compliance (see also above the recommendations of the House of Lords Select Committee on the Modern Slavery Act 2015).
- **Engage with Businesses and Civil Society actors including those with lived experience** in the development of future responses and in improving data analysis and insights from the central repository which can support efforts of businesses to improve their own responses.

Identification of Victims in the National Referral Mechanism

²⁶ House of Lords Select Committee on the Modern Slavery Act 2015 Report, October 2024 paragraphs 53 – 74 sourced at [House of Lords - The Modern Slavery Act 2015: becoming world-leading again - Modern Slavery Act 2015 Committee](#)

²⁷ [Corporate sustainability due diligence - European Commission](#)

²⁸ [Regulation - EU - 2024/3015 - EN - EUR-Lex](#)

Committee LOI's Article 7 Paragraph 19 and Response of the State Party at Paragraph 19 subparagraphs 131 – 132 Identification of Victims of Modern Slavery.

Submission

17. Overall, the change in government has brought some positive steps forward and announcements in policy on modern slavery. Whilst it is too early to see results there are ongoing commitments to reform the National Referral Mechanism, improve the speed of decision making and put victims first in responses. The movement of the remit of Modern Slavery back under the Minister for Safeguarding and improved engagement of the Home Office with Civil Society Organisations are all welcome steps forward.

18. However, we remain concerned that wider hostile immigration policies including ongoing conflation of Modern Slavery with migrant smuggling and existing provisions within the Nationality and Borders Act 2022 (NABA) and Illegal Migration Act 2023 (IMA)²⁹ will continue to negatively impact on the delivery of a human rights-based approach to prevention, the identification and protection of victims in addition to perpetrator accountability if not repealed. Without a strong human rights-based approach with a strong focus on prevention there will be missed opportunities to address the issue of labour exploitation and MSHT before the harm is done and prevent re-exploitation of those subject to labour exploitation and/or MSHT impacting on Covenant Rights with Articles 6 and 7 as well as more widely within Articles 2, 3, 5 and 9.

19. Collective and detailed submissions by the Anti-Trafficking Monitoring Group in respect of GRETA's Fourth Round Evaluation of the UK provides a comprehensive overview of the current situation in the UK and can be located at: [Joint Submission to the Group of Experts on Action against Trafficking in Human Beings - Anti-Slavery International](#).

20. Recent announcements of the increase in the number of decision makers for the National Referral Mechanism is welcome given the significant backlog in decision making.³⁰ However, we have concerns that there will be a further bottleneck in respect of decisions in respect of leave for non-UK survivors further down the process. As detailed above The Nationality and Borders Act 2022 (NABA) is still significantly impacting on the ability of victims to be identified safeguarded and protected. The 2022 Act raised the reasonable ground threshold despite potential victims being ineligible for government funded specialist support before this stage, impacting on their ability to be able to disclose exploitation. This has led to more negative decisions and a real risk that people identified by a First Responder and referred into the NRM are exited from the system due to an unrealistic early threshold, public order provisions denying access and/or a lack of support to challenge a negative decision. This is compounded by other barriers to identification and support, including the lack of independent first responders with capacity to apply a trauma informed approach to disclosure and referral, ongoing lack of training and resourcing of both state and non-state first responders, and inability of NGOs to apply for first responder status (due to guidance on the application process not being released). In addition, to the legislative provisions within the NABA and IMA. IOM results mid-term January to June 2024 noted the following themes: -

- 1050 Vietnamese referred into the NRM in the first half of 2024 more than the total number of referrals in 2023 (commonly these are routes through China or Russia before travelling overland into Europe).
- 66% of those who were able to challenge their negative decision had these overturned raising concerns of the quality of decision making.
- Only 21% of CG decisions awarded by the Immigration Enforcement Competent Authority (IECA) were positive v 75% by the SCA) revealing what appear to be worrying differences in decision making.³¹

²⁹ Currently the IMA whilst passed by parliament most of the significant provisions are not yet in force.

³⁰ [Modern slavery victims to be supported in fresh measures - GOV.UK](#)

³¹ [UK National Referral Mechanism Data Analysis Briefing Mid-Year | IOM United Kingdom](#)

NRM Published Data July - September 2024 showed: -

- the most common nationalities referred this quarter were UK (23%; 1,092), Albanian (11%; 523) and Vietnamese (11%; 514)
- 50% of reasonable grounds (2,500) and 52% of conclusive grounds decisions (2,705) were positive contrast this with the year prior to the introduction of the NABA provisions i.e. 2022 data showed 88% of reasonable grounds and 89% of conclusive grounds decisions were positive.
- Ongoing issue of people not wishing to enter official system - the Home Office received 1,501 reports of adult potential victims via the duty to notify process, the highest in a quarter since this began in 2015 and a 6% increase from the previous record in the period from January to March 2023 (1,420).³²

Gap in Survivor Centred Holistic Long-Term Approach to Survivor Care that Facilitates Identification, Safeguarding, Access to Support, Reintegration and Reduces Risks of Re-Exploitation Including Regularisation of Immigration Status for Non-UK Nationals and Access to Legal Aid

21.As detailed in above the rights of victims/survivors within ECAT have been significantly restricted within the NABA and subsequent guidance which in our view is incompatible with international human rights law. In addition, as the rights of victims in ECAT have not been directly incorporated into UK law, survivors face multiple barriers from the identification process, through the National Referral Mechanism (NRM) system and on leaving the NRM system in accessing multiple forms of justice including regularisation of immigration status for non-UK nationals; access to housing; welfare; community care; employment, civil and criminal justice. Impacting on their economic, social, and cultural rights. There remains a significant gap in the long-term approach to prevent exploitation and ensure survivors can come forward and be identified without fear; regularise their status long term; receive the holistic support they need to recovery, reintegrate and reduce risks of re-trafficking in the UK or if they chose to return to their country of origin. This has been comprehensively examined in a recent report by Hope for Justice Beyond Survival detailing an overview of the current challenges and recommendations for change (see '[Beyond Survival](#)' report | [Hope for Justice.](#))

Recommendations

22.In addition to the recommendations raised in respect of the list of issues 10, 16, 19 and 20, to improve identification, safeguarding and support enabling survivors to realise their rights under the Covenant we would recommend the State Party: -

- **Develop Accredited First Responders:** the position of First Responder should be resourced and accredited to help ensure that First Responders are aware of their duties and survivors' rights and are trained to complete a National Referral Mechanism (NRM) referral in a trauma-informed manner. This includes issuing guidance and a process to allow civil society and wider organisations to apply for First Responder status.
- **Localised Identification:** by shifting decision-making to localised multi agency mechanisms, it is possible to make decisions more quickly and to ensure relevant service providers are involved from the outset.
- **Improve Data Sharing and Intelligence** - technological solutions should be explored and adopted to facilitate data sharing, informing the intelligence picture, and improving prevention, identification, and survivor support as well as perpetrator accountability and business compliance.
- **Adopt the 'social path' to identification and assistance:** the Organisation for Security and Cooperation in Europe (OSCE) notes that a social path presents advantages over identification and support mechanisms which are linked to, or which require survivors to cooperate with, criminal justice systems.³³

³² Modern Slavery: NRM and DtN statistics, July to September 2024 - GOV.UK

³³ Putting victims first: The 'social path' to identification and assistance | OSCE

- **Implement a governance structure which facilitates trauma informed identification, safeguarding and support:** we would advocate for a cross-governmental approach to addressing labour exploitation and MSHT at national and local levels.
- **Formalise role of Independent Modern Slavery Advocates®:** This role should be formally recognised, for example within statutory guidance produced under Section 16 of the Victims and Prisoners Act 2024 as part of a long-term approach to enable access to all forms of justice, support, facilitate reintegration and reducing risks of re-exploitation.
- **Facilitate access to financial remedies:** Criminal Injuries Compensation Authority: steps should be taken to ensure the CICA scheme recognises all forms of modern slavery as violent crimes, flexibility in respect of limitation dates and access to legally aided representation. In addition, creating a civil remedy (tort or, in Scotland, delict) would not only ensure improved access to justice, contributing to recovery for survivors, but is also a crucial aspect of holding perpetrators to account.