

Written evidence submitted by International Justice Mission (IJM) (VPB43)

Victims and Prisoners Bill

House of Commons Public Bill Committee

Introduction

International Justice Mission (IJM) welcome the government's aim in the Victims and Prisoners Bill to increase the support provided to victims of crime and improve their experience of engaging with the criminal justice system (CJS).

IJM has considerable experience working to protect people from violence in the form of modern slavery, violence against women and children and police abuse of power against people living in poverty. Notably, IJM's learnings remain consistent across jurisdictions and across crimes; when victims are better supported to engage with the criminal justice system not only are their outcomes better, but the accountability for offenders increases- overall ensuring greater access to justice for victims of crime.

IJM has seen the importance of a law enforcement response to violent crime which is victim-centred and trauma-informed. The criminal justice system must recognise the trauma experienced by victims of violent crime; functioning in a way which enables survivors to pursue justice for crimes committed against them, by empowering and supporting them to engage with criminal investigations to see the perpetrators of crime held accountable.

About IJM

Over the last 25 years, International Justice Mission (IJM) has been working in 40 offices across 27 countries to protect people from violent crimes - and collaborating with justice system and community leaders to respond effectively to violence. IJM strengthens justice systems to enforce the law, which deters criminals and protects people from violence.

IJM's casework acts as a diagnostic tool to identify gaps in the criminal justice system response in the countries in which we operate, and provides solutions to ensure an adequately resourced, functioning, trauma-informed criminal justice system.

IJM has worked alongside justice system officials to ensure that criminals are held accountable, stopping the cycle of violence and deterring others from abusing vulnerable people. IJM's model has proven impact; in the countries in which IJM has operated, we have seen the criminal justice system strengthened and the prevalence of violence reduced by up to 86%.

The Victims and Prisoners Bill provides an opportunity to address what IJM has identified as a 'Justice Gap' by increasing support for survivors of violent crime to enable them to engage with the criminal justice system.¹

The justice gap refers to systemic challenges which prevent survivors of violent crime from accessing justice in the form of; criminal accountability, financial accountability, social services and independence. These challenges lead to cultures of impunity and barriers to survivors recovering.

The recommendations outlined below are grounded in IJM's expertise in using casework to identify and fill gaps in the criminal justice system to increase accountability for crimes. As an international anti-slavery organisation, IJM's recommendations stem primarily, but not exclusively, from extensive experience tackling human trafficking and modern slavery around the world. The insights provided

¹ [Victims and Prisoners Bill](#)

however, are both applicable and directly transferable to the criminal justice system more broadly- in this case, within the UK context.

The Justice Gap: Modern Slavery in the UK

For survivors of modern slavery in the UK, the justice gap is highlighted by the disparity between the number of victims identified, the number of police investigations and number of prosecutions and convictions. Low prosecutions and conviction rates for modern slavery mean survivors aren't seeing their traffickers restrained through criminal accountability.

There is a further lack of financial accountability for modern slavery offenders— very few reparation orders are made and it is difficult to secure compensation through civil claims. Furthermore, there are barriers to identification and support through the National Referral Mechanism, a lack of access to legal advice and a lack of continuing support – survivors face multiple challenges in recovering from their exploitation to lead an independent life.

IJM's casework experience, particularly through the European Anti-Trafficking Program (EATP) can help inform how the Victims and Prisoners Bill can address the justice gap and strengthen the functioning of the UK's criminal justice system to see increased support for victims of crime and more criminals held accountable.

Lessons from IJM's European Anti-Trafficking Programme

IJM's teams' partner with UK police to tackle cross-border trafficking into the UK. From our casework we have seen the importance of ensuring survivors receive ongoing specialist care- both to assist in the individual's recovery but also to ensure that traffickers are held to account. Through the European Anti-Trafficking Programme we have supported survivors to give crucial evidence in their trafficker's prosecution.

IJM has been involved in 33 cases considering sexual and labour exploitation. These range from smaller cases involving just one victim to larger cases involving multiple victims and perpetrators. IJM deployed a multi-disciplinary team to each case, adopting a holistic approach to supporting victims in their safety, legal protection, physical and mental wellbeing, social support, economic empowerment and education. IJM has journeyed with 64 survivors of cross-border trafficking through the criminal justice process and continues to use casework to secure accountability and as a diagnostic tool to identify gaps in prosecution and victim support. **IJM have supported 21 convictions of traffickers in the UK and over 60 survivors over the past 3 years.**

Increased accountability for offenders decreases prevalence of the crime, with support for victims of crime engaging with the criminal justice playing a key part in increasing convictions and perpetrator accountability.

Assessment of Survivor Outcomes (ASO) Tool

IJM has also developed the [Assessment of Survivor Outcomes \(ASO\) tool](#) as a valid and reliable means of assessing the needs of survivors and measuring progress toward recovery and outcomes for survivors who are recovering from various forms of violence and exploitation. This innovative ASO tool measures safety, legal protection, mental wellbeing, economic empowerment, education, social support and physical wellbeing. The recommendations for the Victims and Prisoner's Bill below are drawn from the domains identified as critical for survivor wellbeing and recovery by IJM's ASO tool.

The ASO tool enables support providers to assess an individual's progress across 6 key aspects of their recovery. This serves two main purposes:

1. a case management tool to identify areas of survivor strengths and vulnerabilities, enabling a tailored plan of service provision; and

2. an impact measurement tool to provide data on the effectiveness of service provision by assessing survivor progress.

Several of IJM's NGO partners have adopted the tool in order to inform and evaluate their survivor support services. **The Victim's Bill presents an opportunity to embed mechanisms such as the ASO Tool in the support provided to survivors of violent crime.**

Recommendations:

Whilst the recommendations below are presented through the lens of IJM's experience tackling modern slavery, they highlight essential principles which must be considered within the Victims and Prisoners Bill to ensure victims of all crime are adequately supported throughout their engagement with the CJS.

1. Continuity of support for survivors

An effective response to modern slavery understands how critical continuity of victim support is for securing accountability of offenders. The bill provides an opportunity to guarantee in legislation, the package of support measures identified through IJM's casework as necessary to assist survivors in their recovery journey and to hold criminals to account for their crimes.

In a modern slavery context, it is essential that victims of modern slavery are supported and safeguarded at every step of their journey towards recovery following exploitation. This means ensuring they are protected and supported from the first moment of interaction with a first responder, throughout their engagement with the National Referral Mechanism and following a positive conclusive grounds decision, whereby they have been confirmed by the Home Office as a victim of modern slavery.

The table below outlines various stages of engagement with the criminal justice system for a victim of modern slavery alongside both gaps and challenges which have been identified by IJM's EATP.

The accompanying recommendations for **Part 1 of the Victims and Prisoners Bill** would help strengthen the justice system by providing a package of support measures to victims of modern slavery to the benefit of survivors and to the detriment of criminal offenders. Whilst some of the insights shared below speak to non-legislative recommendations, they form part of the holistic response required to effectively strengthen the criminal justice system and so should be considered in that light.

Stage	Identified Gap/ Challenge	IJM Recommendation
1. Identification of victim	<p>Victims of crime must be identified so they can be supported in their recovery and offenders held accountable.</p> <p>For victims of modern slavery, there is a capacity challenge for first responder organisations dealing with multiple modern slavery referrals. There is also a lack of consistency in training of first responder organisations.</p>	<p>First responders must be properly trained and resourced; the right organisations need to have first responder status – ie. those working directly with victims.</p> <p>IJM through working in countries with a high prevalence of human trafficking, has seen that capacity building of key stakeholders and properly training and resourcing justice systems and law enforcement bodies contributes to a decrease</p>

		<p>in the prevalence of the crime.</p> <p>Applied in this context, increased resourcing of first responders and mandatory training delivered by expert practitioners would lead to an increase in the identification of victims.</p>
<p>2. Reporting of crime</p>	<p>Fear of immigration enforcement for victims of crime with insecure immigration status.</p> <p>IJM's casework has highlighted that modern slavery victims are increasingly being coached by their traffickers on what to say if they are engaging with police and law enforcement. This is particularly true for those victims with insecure immigration status- traffickers are capitalising on their victims' fear that in disclosing their abuse they will come under the spotlight of immigration enforcement.</p> <p>We know that victims of modern slavery can often enter the country illegally as a result of deception and coercion. There are also situations where an individual may initially think they are being smuggled, only to find themselves subsequently being trafficked and trapped in a situation of exploitation.</p> <p>If victims of crime are fearful about coming forward – not only will they continue to experience harm- offenders will continue to go unpunished. Law enforcement will also miss out on valuable evidence held by victims, which is often crucial to an effective prosecution.</p> <p>To increase prosecutions and convictions, victims must be able to come forward and disclose their abuse without fear of immigration authorities.</p> <p>If there is no accountability for criminal offenders there will be no deterrence for future crime.</p> <p>Reliance on the CJS by survivors is crucial for the identification,</p>	<p>IJM recommends the introduction of safe reporting to enable victims of crime with insecure immigration status to report crime without fear of immigration enforcement.</p>

	<p>development and successful conclusion of any cross-border trafficking case. Victims of crime must feel protected when coming forward to disclose a crime.</p>	
<p>3. Navigating the criminal justice system; immediate support</p>	<p>There is a need to ensure victims of crime are given immediate support once they have been identified.</p> <p>For victims of modern slavery, this would mean guaranteeing support and protection for individuals going through the National Referral Mechanism.</p> <p>Article 13 European Convention on Action Against Trafficking (ECAT) states that where there are ‘reasonable grounds to believe that the person concerned is a victim’ they should be provided with a recovery and reflection period of at least 30 days.</p> <p>It is clear from IJM’s casework that victims of modern slavery are also often not aware of their rights or the support available to them once they have exited their situation of exploitation. There is often a lack of understanding of what the National Referral Mechanism is, how it operates and the support that is available for someone who is being accessed as a potential victim of modern slavery.</p> <p>Where there is knowledge of the NRM, it is often overshadowed by what traffickers have told their victims; ie. that authorities will not believe them about their exploitation and they will be deported if they have entered the UK irregularly.</p> <p>For the majority of victims of modern slavery they are at a point of heightened vulnerability in the immediate aftermath of having exited their situation of exploitation. Particularly in cases where the individual is fearful or feels isolated from friends or family in a country where they may not speak the language, there is an urgent need for them to be assisted by an independent advocate who can support them as they walk</p>	<p>IJM recommends steps are taken within the Victims and Prisoner’s Bill to ensure existing modern slavery legislation is interpreted in light of ECAT; where there are reasonable grounds to believe a person is a victim that they receive at least 30 days of recovery and reflection regardless of whether they have entered the UK by irregular means.</p> <p>Without this, victims will be at increased risk of re-exploitation or going missing- with vital evidence being lost. Victims often hold the key to successful prosecutions and so it is in the Government’s best interests to support and safeguard them.</p> <p>IJM welcomes the provisions in the bill to “raise the profile of the roles of Independent Sexual Violence Advocates (ISVAs) and Independent Domestic Violence Advocates (IDVAs)”, but recommends the provision is extended to create independent advocates specifically for victims of modern slavery.²</p>

² [Victims and Prisoners Bill Explanatory Notes](#)

	<p>through the NRM process and begin to navigate the criminal justice system.</p> <p>Knowledge is power for a victim of modern slavery; an independent modern slavery advocate is key in helping impart knowledge of the NRM process, and sharing information on victims rights – all of which serves to contribute to a victim’s wellbeing overall.</p>	
4. Participation in trials	<p>Support for victims of crime must not be conditional on their participation in criminal investigations or giving evidence.</p> <p>IJM has seen that when victims of modern slavery are supported- they are more likely to participate in criminal investigations – leading to more criminals being prosecuted and convicted. Holding criminals to account for their crimes increases both public protection and deterrence of crime.</p>	<p>IJM recommends ensuring survivors of modern slavery are supported regardless of how they have arrived in the UK. Their support must also not be contingent on their participation in investigations.</p> <p>Survivors must also be supported in giving evidence to ensure the process is as victim-friendly as possible.</p> <p>IJM also recommends taking steps to ensure witness statements can be pre-recorded, preparing witnesses ahead of court cases and ensuring the manner in which victims are interviewed by police recognises and takes account of their trauma.</p> <p>The judiciary must also be trained to recognise and understand the trauma of modern slavery.</p>
5. Long term support	<p>For victims of modern slavery in particular, there is a lack of long term support once they have received a positive conclusive grounds decision. This has resulted in victims going missing, with no incentive to engage with the criminal justice system.</p> <p>A minimum of 12 months support is essential to provide survivors with the time they need to begin to process what</p>	<p>IJM recommends this commitment is put on a statutory footing to ensure the provision of 12 months support to victims with a positive conclusive grounds decision. This would provide survivors with certainty and stability as</p>

	<p>has happened to them and to begin to engage with police investigations. It can take time for survivors to trust police and law enforcement and to be able to begin to talk about their exploitation.</p> <p>During consideration of the Nationality and Borders Act the Government committed to providing 12 months support to confirmed victims of modern slavery in England and Wales, with further details to be set out in guidance.³</p>	<p>they take steps to recover.</p> <p>IJM also recommends the provision of leave to remain for confirmed victims who need it in order to access this support.</p>
<p>6. Compensation</p>	<p>Access to compensation is an essential aspect of securing justice for survivors and accountability for traffickers. Many survivors face considerable financial hardship as they seek to establish an independent life, with financial difficulties often being a factor which may have contributed to their vulnerability to exploitation in the first place.</p> <p>Article 15 of ECAT states that parties are to adopt measures which guarantee compensation for human trafficking in accordance with national law.⁴ The 2014 Protocol to the 1930 Forced Labour Convention, Article 4, further states that ‘Each Member shall ensure that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, have access to appropriate and effective remedies such as compensation.’⁵</p> <p>IJM’s European Anti-Trafficking program has identified the practical difficulties in accessing compensation for survivors which are expanded on in Appendix 1.</p>	<p>Victims of crime should have the ability to seek redress for what they have suffered through the following means:</p> <ul style="list-style-type: none"> - Creation of a civil remedy for human trafficking. - Removal of barriers for accessing Civil Remedies Compensation Scheme. - More effective and consistent use of the reparation orders within the Modern Slavery Act. <p>Whilst compensation cannot undo the harm caused to survivors, it can provide them with the resources they need as they begin their recovery journey whilst also reducing their vulnerability to re-trafficking.</p> <p>Access to compensation would simultaneously tackle the financial</p>

³ [Nationality and Borders Bill Second Reading \(House of Commons\) 8th December 2021.](#)

⁴ [Council of Europe Convention on Action against Trafficking in Human Beings \(ECAT\)](#)

⁵ [Protocol of 2014 to the Forced Labour Convention, 1930](#)

		<p>incentive and proceeds of trafficking- holding traffickers to account financially for the harm caused.</p> <p>Compensation must also be accompanied by increased access to legal aid advice.</p>
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Disrupted support for victims of modern slavery (as a result of removal by immigration authorities and/or a lack of long term support) will not disrupt criminal networks but will frustrate court investigations. Victim testimonies which are often crucial to securing a conviction will be lost, and victims, with a lack of stability and support network, risk falling back into the hands of traffickers who will exploit their vulnerability and precarious circumstances.

Survivors often hold evidence and witness testimony which is critical to a successful prosecution of perpetrators of violent crimes such as modern slavery. **As highlighted at second reading, “victims must be treated not as mere spectators of the criminal justice system, but as core participants in it.”**⁶ In order to effectively participate in it, victims must be provided with the package of support outlined in the table above.

The bill provides an opportune moment to strengthen the UK’s justice system by strengthening support provisions for victims of modern slavery.

2. Accountability for offenders; reducing overall prevalence of the crime.

As highlighted above, support for survivors of crime and accountability for offenders go together. When survivors are properly supported, they are better equipped to engage with the justice system, assist with investigations and in modern slavery cases, even provide vital evidence against their traffickers. This in turn, would see an increased number of convictions, helping establish the UK as a hostile context for traffickers to operate and creating a deterrent for future offenders.

Whilst the UK has made strides towards increasing prosecutions and convictions, the numbers remain low when viewed in light of the estimation that there are at least 100,000 victims of modern slavery in the UK today – and an estimated 6000-8000 offenders.⁷ In 2021, there were 93 prosecutions and 33 convictions for modern slavery as the principal offence.⁸ On an all offence basis, 2021 saw a total of 342 defendants prosecuted and 114 convicted under the MSA 2015.⁹

Through the EATP, IJM have through the provision of a ‘Criminal Justice and Social Services Liaison Officer,’ walked alongside victims to ensure they are supported, equipped and empowered to engage with the criminal justice system. The value of an independent advocate cannot be understated - the advocate helps uphold safeguarding principles and provides trauma informed support as the individual navigates the justice system. It is essential that all victims of modern slavery have access to this important independent support provision.

⁶ [Victims and Prisoners Bill, Second Reading \(House of Commons\) 15/05/23](#)

⁷ National Strategic Assessment of Serious and Organised Crime, NCA 2021

⁸ [Independent Anti-Slavery Commissioner's Annual Report 2021-2022](#)

⁹ Criminal Justice System statistics quarterly: December 2021, All Offence Prosecutions and Convictions by Home Office Offence Code data tool

3. Survivor and trauma-informed justice systems

It is essential that practical steps are taken to ensure the justice system recognises and is shaped by the reality of the trauma experienced by victims of modern slavery. Survivor inclusion must be an integral part of developing policy to strengthen the criminal justice system and not an optional add-on.

IJM strongly encourages policy makers not only to invite contributions from survivors of crime to the consideration of the Victims Bill but also to seek out the invaluable wisdom and insight that comes from first-hand experience both of violent crime and of engaging with the justice system.

It is essential, therefore, that a new Victims' Bill is shaped by those with lived experience of crime. Survivors of violence must have opportunities to share their experience and insight into the causes of violent crime and the assistance they need as they recover.

IJM is proud to work alongside the [Global Survivor Network \(GSN\)](#), an international group of survivor leaders who desire and pursue safe communities through justice systems that protect the most vulnerable. Through the GSN, survivors are empowered and equipped; sharing their experiences and offering their expertise to inform humanitarian programming and global policies that will protect people from violence and promote sustainable peace and development.

The GSN's Leadership Council has identified [six principles](#) to guide policy-makers in making survivor-centred solutions:

1. **Listen to lived experiences:** When survivors tell their stories they help break through powerful cultural stigmas, stereotypes and re-traumatisation which helps others speak out. The GSN calls upon 'governments, corporations, religious institutions, cultural institutions, local and international organizations – to listen to us, to collectively act with us'.
2. **Embrace unity in diversity:** There is a great deal to learn from listening to the diverse and unique perspectives of individual survivors as equals. Each survivor is an individual who has experienced and been impacted by crime in their own way. Some may bravely choose to speak out, whilst that may not be appropriate for others. 'We invite all survivors to unite together for change'.
3. **Promote survivor voices in the community:** Breaking the silence around violent crimes is the first step towards finding solutions. 'Our communities must be safe places for victims to recover and for survivors to become advocates. Local officials and leaders on the ground must promote resilience and include us in community-building efforts'.
4. **Weave survivor voices into global interventions:** Survivors not only have first-hand insights into the true nature and harm caused by crime, they also have expertise in devising solutions. The GSN urges policy-makers 'to invite our contributions in the design, methodologies, implementation and assessment of humanitarian programs'.
5. **Demand justice:** It is vital that perpetrators of violent crimes are held to account, so that those who seek to abuse and exploit others cannot act with impunity. 'Our institutions have a moral and statutory obligation to protect everyone, particularly people living in the most vulnerable conditions'.
6. **Pay attention to those on the edges in the global pandemic:** The COVID-19 pandemic has made many at-risk communities even more vulnerable to violent crime. 'As we respond to COVID-19, programs and plans must adapt based on these complex ground realities and must include measures to protect people from opportunistic violence'.

In recognising the importance of best practices being considered in the development of legislation and policy impacting victims of crime, **IJM recommends the Victims and Prisoners Bill includes a requirement for a Victims Commissioner to be appointed within 6 months of a vacant post.**

This would help ensure best practice is adhered to and would also provide an opportunity for the Victims Commissioner to work with survivors of crime, such as the Global Survivor Network, to ensure the justice system is survivor and trauma informed. The Victims' Commissioner position is and has been vacant since September 2022.

Conclusion

The principles outlined above, whilst presented through a modern slavery lens, can be applied more broadly to improve the criminal justice system as a whole. Victims of crime must be supported in the aftermath of their disclosure and throughout their recovery journey – with this support not being contingent on participation in investigations and trials.

IJM has seen that when supported, victims of crime are more likely to engage with investigations which can lead to increased prosecutions and convictions. In these scenarios, victims must be guided through the criminal justice process, informed of their rights and supported in their journey towards both recovery and seeing justice served.

Survivors being protected is essential for law enforcement – they need to be supported to ensure they stay in the system. An important element of IJM's EATP is to ensure continuum of care for survivors from the point they exit their situation of exploitation, throughout the justice process and to their position of recovery and rehabilitation. IJM's recommendations for the Victims and Prisoners Bill work to strengthen the justice system by empowering survivors to engage in it.

July 2023

Appendix: Access to Compensation for victims of modern slavery

Recommendation: Access to a mechanism by which survivors can claim compensation to provide the financial ability to establish their independence and reduce risk of further harm; whilst also tackling the financial proceeds of trafficking.

Access to compensation is an essential aspect of securing justice for survivors and accountability for traffickers. Many survivors face considerable financial hardship as they seek to establish an independent life, with financial difficulties often being a factor which may have contributed to their vulnerability to exploitation in the first place.

Article 15 of ECAT states that parties are to adopt measures which guarantee compensation for human trafficking in accordance with national law.¹⁰ The 2014 Protocol to the 1930 Forced Labour Convention, Article 4, further states that 'Each Member shall ensure that all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory, have access to appropriate and effective remedies such as compensation.'¹¹

In practice, a recurring challenge for IJM's European Anti-Trafficking program which focuses on cross border trafficking between Romania and the UK, has been the difficulties in accessing compensation for survivors.

One of IJM's clients, Antonia has been the exception to this, having successfully been awarded significant compensation through the Criminal Injuries Compensation Act. Antonia is a young Romanian woman who was trafficked to London for sexual exploitation and suffered brutal abuse. Accessing compensation is a significant win, because although it's vitally important, it is not very common for survivors of trafficking to receive compensation. Antonia now lives with family who rely on her for support. She recently lost her job, so this award will help her take the steps she needs to find new employment and begin to rebuild her life.*

Survivors like Antonia, often face multiple challenges in accessing compensation, which include but are not limited to:

- Lack of legal clarity: Current means of accessing compensation requires lawyers to adopt a patchwork approach of pursuing claims for several wrongs committed against the survivor- for example harassment or breach of contract. There is a lack of legal clarity – there is no single law to which survivors can point in order to claim compensation.
- Lack of access to Legal Aid advice. Compensation claims attract a significantly lower remuneration rate compared with other areas of law. This makes it difficult for legal aid providers to undertake trafficking compensation claims. As a result legal advice can be hard to access, and a 'postcode lottery' has emerged with some regions with very little legal expertise in trafficking. Legal Aid also isn't available for claims made to the Criminal Injuries Compensation Authority (CICA).
- Barriers in accessing CICA: survivors of modern slavery face a number of difficulties in accessing compensation via CICA, including: the unspent conviction rule, modern slavery not being considered a crime of violence, cooperation with criminal investigations, and difficulties in proving loss of earnings.
- Time Limits: An application to CICA must be made within two years of the criminal injury suffered. This can be challenging for survivors as they may not be aware of this avenue for claiming compensation, or they may not be in a position to submit an application owing to trauma and lack assistance to do so due to the lack of legal aid.

¹⁰ [Council of Europe Convention on Action against Trafficking in Human Beings](#) (ECAT)

¹¹ [Protocol of 2014 to the Forced Labour Convention, 1930](#)

- Perception: survivors of trafficking are known to have been advised by criminal prosecutors not to claim compensation in order to avoid accusations that they are simply pursuing the case for financial gain.
- Challenges upon return home: there are additional challenges regarding awareness and the ability to navigate the process of claiming compensation when survivors have returned to their home country.

It is essential that these issues are addressed in order that survivors can effectively claim compensation, and that orders of compensation are enforced. It is only by doing so that it is possible to address the low-risk and profitability of modern slavery in the UK.

To address these issues, IJM recommends the creation of a civil remedy for human trafficking to ensure a streamlined mechanism for survivors to claim compensation which would complement existing remedies.